

## THE CHANGE OF PARADIGMS IN EUROPEAN RURAL DEVELOPMENT AND LAND CONSOLIDATION

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### ABSTRACT

The World Congress Rural 21 in Potsdam made it crystal clear: the rural areas of this world, whether in Western, Central or Eastern Europe, in South America, Africa or Asia, require answers to urgent structural and economic questions and problems of location. They look for suitable strategies and appropriate instruments to strengthen their rural areas. After decades of comparatively little movement and of only the typical, more endogenous and evolutionary further development classical land consolidation has over about the last 5 to 8 years become a subject of discussion across Europe. In some Western European countries many reforms were implemented, but without confidence that this will be the end of the reform process. And even where only ten years ago entirely new land consolidation authorities were created from scratch, as was the case in the new German Federal Länder, there has been no rest of relaxation. Necessary further development has instead continued unabated. In contrast to the East German Länder, which in the reunited Germany were after all not left dependent only on themselves, the land consolidation and cadastral authorities in the one time communist countries of Central and Eastern Europe had to seek and go their own ways. In general it can be said that the reform States are confronted with different rates of progress and being „simultaneously non-simultaneous“. Experts like *M. Heywood* name fundamental misunderstandings in the context of the theme restitution and land reform, land management and land consolidation in these countries. They will be described in the paper. All experts agree that to accomplish the change it will be necessary, in addition to land consolidation, to have Integrated Land Development Programmes, as have been introduced in the new German Federal Länder. Successful implementation in the reform States of Central Europe requires in the first instance a change in the thinking of the decision makers and of those directly affected.

Against this background clear statements and consequences for aims and tasks as well as land development and land consolidation experts and institutions are required: In many places specific policies for strengthening and developing rural areas are more important than ever. Land consolidation is an integral element of this policy for rural areas. Modern land consolidation develops in the direction of comprehensive land management, which also underlies the approach of the UN-FIG-Bathurst declaration on land administration for sustainable development. In order to make this welcome and entirely promising development even clearer to present and future customers in the political, social, communal, administrative and economic fields, there must be a greater awareness and implementation of the „change of paradigms“ across a wide front. This will require insight and some changes of direction, as they are described in the paper.

## MAJOR CHALLENGES FOR LAND CONSOLIDATION AND RURAL DEVELOPMENT

The World Congress Rural 21 in Potsdam made it crystal clear: the rural areas of this world, whether in Western, Central or Eastern Europe, in South America, Africa or Asia, require answers to urgent structural and economic questions and problems of location. They look for suitable strategies and appropriate instruments to strengthen their rural areas as living areas which are as self contained as possible and which constitute an attractive counterpoise to urbanisation.

After decades of comparatively little movement and of only the typical, more endogenous and evolutionary further development (e.g. with greater emphasis on more ecology, non-agricultural infrastructure improvements - under the heading village renewal - or on more participation by the people), classical land consolidation has over about the last 5 to 8 years become a subject of discussion across Europe. What are called the PEST factors (**p**olitical, **e**conomical, **s**ocial and **t**echnological factors) have themselves changed and in so doing have dramatically altered the background and acceptability of land consolidation. Land consolidation was thus already subjected to politically directed scrutiny against the background of continuing structural change in agriculture ("Are land consolidation and land consolidation authorities still required where there are so few farmers?") and of a progressive and intensifying competition between urban and rural regions on the one hand (key words: globalisation, GATT, Common Agricultural Policy (CAP) and now AGENDA 2000, European city networks) and a new distribution now underway of the tasks of the State and society (heading: reduction of State quotas, deregulation, privatisation). This has happened for example in almost all the Länder or States of the Federal Republic of Germany (e.g. the Bavarian State Ministry of Food, Agriculture and Forestry). In parallel to this, legislative provisions have been adjusted to the new requirements (see e.g. the new version of paragraph 86 of the German Land Consolidation Law). Where has this not (yet) happened, there is dissatisfaction and uncertainty about the threatened danger of missing the connexion to the "main streams" and to the necessary new orientation in the catalogue of tasks. Thus *W. Pelikan (1999)*, for example, University Reader for Land Consolidation in the University for Land Cultivation, Vienna, criticises the narrow formalistic thinking in the lawyer dominated statutory material on land consolidation which obstructs all progress - although all Austrian land consolidation engineers desire a more modern name and framework for their functions and authorities, as has happened in Germany, albeit in part in confusing variety.

In Switzerland the self assurance and self confidence of the land consolidation engineers has also been shaky since the value placed on the almost limitless help for domestic agriculture ceased to be entirely uncontroversial. Almost symbolic of this is the still uncertain future of **the** Swiss chair for land consolidation in the ETH (Confederate Technical University) Zurich which has been left unfilled for over a year since the untimely death of our worthy colleague *Ulrich Flury*

And even where only ten years ago, with massive help from western colleagues and with a high degree of political and social acceptability, entirely new land consolidation authorities were created from scratch, as was the case in the new German Federal Länder, there has been no rest or relaxation. Necessary further development has instead continued unabated (*Thöne, 2000*). Even where in the course of establishing new structures many western "models" were rightly or wrongly adopted, an "East German way" in agricultural policy and agriculture structural improvements developed right from the beginning not only in the re-organisation of

land ownership and land use relations but also in the restructuring of the agricultural sector. There were frequently grounds for controversial discussions, particularly with the South German Länder with their traditional smallholding farming structure. In this conflict the model of the “large scale farm” was set against the traditional family run farm. It would however require for further study to determine whether in the implementation of land consolidation different agro-structural emphases did in fact result, as was surmised by Thöne (*op. cit.*). He strongly emphasises the need in Eastern Germany for structural improvements related to individual agricultural undertakings in (supposed?) contrast to land consolidation practice in West Germany, where in general more attention is paid to the overall structural effects on agricultural undertakings; he includes here help for agricultural undertakings.

In contrast to the East German Länder, which in the reunited Germany were after all not left dependent only on themselves, the land consolidation and cadastral authorities in the one time communist countries of Central and Eastern Europe had to seek and go their own ways. In this process they were confronted with particularly difficult problems, which differed from country to country, depending for example how strongly the solid cadastral foundations laid under the former Austrian Empire still survived (Slovenia, Croatia, Hungary) or how strongly land collectivisation had been carried out in the communist period. The very name and technique of land consolidation were frequently heavily encumbered by the less “gentle” ways of dealing with people and nature in the communist period (*Magel/Wein, 1997/98*). In general it can be said that the reform States are confronted with different rates of progress and being “simultaneously non-simultaneous”:

- **On the one hand**, as a result of the restitution and privatisation which was a political necessity, it has become necessary to remedy the present unsatisfactory state of affairs with its unsettled property rights, inadequate cadastral registers, no working land markets, no private sector, no experience of private farming etc. and the problems of necessary land registration, regulation of ownership and restitution of property, consequential land use regulations, evidence of property rights etc. The Working Party on Land Administration of the UN Economic Commission for Europe (*UNECE, 1999*) has inter alia put forward the following **key issues** to resolve the problems:
  - Secure tenure for the benefit of investment and peaceful living.  
That is why the UNCHS (*Töpfer, 1999*) is pressing with its own “global campaign” for this theme which is fundamental for the principles of good governance.
  - Early completion of land reform,
  - Establishment of fewer and larger farms,
  - Meeting legal requirements,
  - Organisational change,
  - Institutional cooperation,
  - Extended cooperation with the private sector.

*M. Heywood (2000)*, in the light of extensive personal advisory experience, points out that in Central Europe there are frequent transgressions against these issues. This happens to some extent with the support of western colleagues who are not able to lay aside their “western spectacles and outlook” when abroad. He names **three fundamental misunderstandings** in the context of the theme restitution and land reform, land management and land consolidation:

1. There is a dislike among politicians and the populace of large scale farms - an exaggerated belief in the virtue of small private farms. Eastern Germany and probably

also Poland (so at least *Hopfer and others 1998*) differ fundamentally in this respect from many earlier communist brother States. In Eastern Germany there were large scale farms well before communism! In Poland the necessary formation of larger units (for example by purchase and above all by lease) can also be seen, albeit mainly on a family run basis and less on a cooperative basis (*Hopfer, op. cit.*). In the Czech Republic there are for example complaints that “individual privately owned Land parcels are still incorporated into large user units. This situation does not enable the **private landowners** to use their own Land for farming” (*Czech Ministries for Regional Development and of Agriculture 2000*). Whether in the light of this official attitude the somewhat radical proposals made by *Sonnenberg (2000)* on the content and organisation of land consolidation in the Czech Republic will be accepted remains to be seen. In any event many experienced experts, as for example those of the FAO (*Riddell, J. and F. Rembold, 2000*) are concerned that the land fragmentation which resulted from the fair land reform will lead to serious economic failures. This will also inhibit sustained development.

2. Rural areas are equated with agriculture, policies for rural areas with policies for agriculture and farmers. This is doubtless a consequence of the degeneration of rural areas into monotone agricultural landscapes in communist periods.
  3. The belief, that what has been once structured and newly organised must hold good for all time. *Riddell and Rembold op. cit.*: “Land consolidation cannot be a “one-shot” undertaking, but a continuing part of rural development, to be effective”.
- Key word “simultaneously non-simultaneous”: parallel to building up a new agrarian structure the States are **on the other hand** forced to transform the hitherto mono-functionality of rural areas into a multi-functionality with as much non agricultural infrastructure and as many non-agricultural jobs as possible. This is necessary in order to offer persons leaving agriculture (in Eastern Germany this was almost 80% in a very short period) a future in rural areas and not only in towns. What still awaits us here is shown by the difference in the numbers of persons employed in agriculture: in the Central and Eastern European States it is over 20% in contrast to 5% in the EU! (*Thomas, 2000*). All experts agree that to accomplish the change it will be necessary, in addition to land consolidation, to have. **Integrated Land Development Programmes**, as have been introduced in the new German Federal Länder under the initials **ILE** (initials of German title **I**ntegrierte **L**ändliche **E**ntwicklungsprogramme) (in this connexion see also the similar proposals by *Gazdicki, 1998* for the Slovak Republic). It is however vital to be able to build on a solidly developed planning, administrative and participation culture. Important pre-conditions are also a clear political will and the ability to establish appropriate administrative structures. In consequence of unstable political circumstances and in part of continual changes of government or at least of ministerial posts this unfortunately is still too rarely the case (*Magel, 1987*). EU money (PHARE Programme) by itself does not help.

In all this it must of course be remembered that the need and the challenge to create multi-functional rural areas developed gradually in the West. There was time to adapt, and there are still serious problems. Successful implementation in the reform States of Central Europe requires in the first instance a change in the thinking of the decision makers and of those directly affected. This requires much more time, capacity building and concrete illustration on the basis of examples of best practice.

## NEW PARADIGMS IN EUROPEAN RURAL DEVELOPMENT AND LAND CONSOLIDATION

Against this background, only briefly sketched in here, clear statements and consequences for aims and tasks as well as land development and land consolidation experts and institutions are required:

In many places specific policies for strengthening and developing rural areas are more important than ever. It is not sufficient to cover them “incidentally” in the context of general regional planning and land development programmes. It is gratifying that the EU did it differently.

Land consolidation is an integral element of this policy for rural areas. Depending on the country it either covers existing overall strategies and measures for developing rural areas and areas peripheral to townships, whether populated or unpopulated. It has thus, in the form of land development or rural development, long developed beyond the classical concept of land consolidation. Or it remains firmly embedded in the agrarian sector. The more this changes and must change in the context of the new European agrarian policy in the direction of the sought after multi-functionality, so too will land consolidation also (have to) change. Thus the SAPARD Plan of the Czech Republic speaks expressly of comprehensive land consolidation (*Czech Ministries for Regional Development etc., op. cit.*).

One way or another it is clear that land consolidation is more necessary, more topical and makes more sense than ever before. It stands not only for secure tenure, but in addition to land administration and land registration it promotes active land management, that is it changes, shapes, brings about movement and initiates action. And this is true in both West and East. *Schlosser (1998)* has shown that the communities where land development in the sense of land consolidation and village renewal measures has taken place have a clear development lead over comparable communities. Modern land consolidation thus develops in the direction of comprehensive land management, which also underlies the approach of the UN-FIG-Bathurst declaration on land administration for sustainable development. The undeniable dominance of the FIG Commission 7 Cadastre and Land Management marks the direction. In this connexion it is in my view pointless to argue whether land administration or land management is the generic term. The differences here between Anglo-Saxons and Central Europeans would seem to be of a semantic nature.

In order to make this welcome and entirely promising development even clearer to present and future customers in the political, social, communal, administrative and economic fields, there must be a greater awareness and implementation of the “**change of paradigms**” across a wide front.

This will require **insight and some changes of direction**, as for example:

1. Land consolidation will be global, on the mainland of Europe at least it will be an integral part of a general rural structural and development policy, as has been finally instituted by the EU in the context of AGENDA 2000 (second pillar in the AGENDA 2000 Resolution in Berlin 1999, see on this the relevant legal instruments (EC) No. 1257/1999, (EC) No. 1750/1999 as well as Leader+). Land consolidation must not be allowed to remain part of land administration (*Riddel and Rembold op. cit.*) It will develop into land or rural development with a variety of possibilities and instruments, as has happened in Germany or the Netherlands in the main on a clear legal basis. A distinction must be made here between the programmes initiated by the EU and concepts of rural development which do not have any legal connexion with land

consolidation. This is so also of some village renewal programmes even where they are carried out by land consolidation authorities.

National and even regional Länder programmes take increasing account of this new development. These programmes were in some instances, as for example in the case of the Bavarian, Hessen, or Baden-Württemberg village development programmes, far in advance of the EU.

In Germany there is a saying: “the 21<sup>st</sup> century will be the century of the local communities”. The local communities, as all-embracing local social units and representatives of all life’s needs and requirements and the entrepreneurial farmers (large scale farms) as well as farmers with another occupation, who are already in the majority in many Länder, will become the most important customers of this policy and the target consumers of the possibilities offered by the programmes. Because of their greater radius of action which crosses local community boundaries, land consolidation in the form of regional land development will become a valued partner of regional and Land planning - entirely new forms of cooperation and division of work will arise (*Magel, 2000*).

2. Rural land development including land consolidation must, in a transparent and understandable manner, measure itself against the criteria which have in the meantime established themselves for administrative and aid programmes. These are: overall concept and sustainability with regard to substance, integrating starting point and close involvement in planning and discussion, greater emphasis on the persons directly affected, evidence of efficiency, flexibility and tailor-made approach, dismantling of hierarchies and cooperation with increasingly important non-governmental organisations, inter-communal contexts and regional cooperation, budgeting and project management, use of the most modern technologies (as for example Geographic Information Systems), privatisation as well as formal and informal planning and action, synchronised planning and implementation procedures, etc. (see *Magel, 1998, 1999*).
3. Rural development including land consolidation are becoming a model for a new division of functions between the State, administrative authorities and citizens in an Active Civil Society. The new paradigms in the participatory planning and decision making process are therefore called dialogue planning, value orientated joint identification of guiding aims and decision making by way of structured workshops, intensified adoption of citizen responsibility in rural development projects (the German Land Consolidation Law offers here outstanding opportunities because of its cooperative society principles), improving the quality of citizen involvement by capacity building programmes for example in village renewal and land development schools. An open approach to and partnership with NGOs, as is increasingly practised by the UN authorities as a result of RIO 92, also have their place in this context.

One problem must be mentioned here: rural development eo ipso cuts across functional boundaries and will therefore always remain a disturbing factor in a classical sector orientated administrative structure. Here lies the cause of many a failure, particularly in Central European countries. Only clear legal provisions can help here!

4. Rural development and land consolidation must concern themselves more with resolving conflicts of use as well as on setting up and implementing land use models and systems, preferably on the basis of a forward looking and intelligently handled management of land and buildings in populated and unpopulated areas. It is a matter for example of action in the field of nature protection (e.g. FHH Guide Lines) or in the transport or building land sector or of forward looking concepts for agricultural land which in future will no longer be required or cultivated (*Magel, 1999 b, Seher, 2000*). The very strong classification in the Netherlands of land into “three distinctive areas” (*Van Lier, 2000*) is neither in Germany nor elsewhere a general theme in politics or society at large. Fields of concern in the future must also be the themes “Closer cooperation between town and country” as well as the “Readjustment of the so-called periurban (“rurban”) areas. Particularly from the perspectives of the UNCHS and the HABITAT Campaigns as well of agencies engaged in development cooperation there is a need for action world wide. This has been (all too) neglected in (Central) Europe. Cooperation with town planing agencies is indicated!
5. Rural development and land consolidation require related research as well as young highly qualified personnel and correspondingly open-minded partners in various disciplines. Current research needs exist for example in the fields ‘Sustainability Criterion in Rural Development’, ‘Regional or Inter-communal Rural Development on the Basis of the Land Consolidation Law’, ‘Content and Instruments of Land Management where Geographic Information Systems are Utilised’, ‘From Prior Evaluation in Connexion with a priori Determined Focus Points or Key Projects’, ‘Closed Technology Chain in the Course of Land Readjustment in Connexion with Reduction of Personnel’ etc.

University education and further education in rural development, land consolidation and urban and rural management is a need not only of today but, above all, of the future. This is particularly true in Central and Eastern European countries. We need a new type of land development engineer who conforms to the ideal of the “well-trained specialised generalist” (*Magel, 1999 a*) Efforts are being made to this end in Germany in the scope of geodesy studies with the establishment of the third pillar land management (see on this DGK Paper Geodäsie 2000+, *Bähr, 1998*).

The creation of partnerships between universities in West and East is an urgent necessity. In conformity with this is the intention of the Munich Chair of Land Readjustment and Land Development to establish as from the Winter Semester 2001 a 3 to 4 semester Master’s course in “Land Management and Land Tenure Development”, which will enable experts from all over the world with a bachelor’s degree or similar academic qualification to qualify themselves further.

## THE PERPETUAL TASK OF LAND READJUSTMENT AND LAND DEVELOPMENT

Finally, appropriating a remark made by an ETH colleague Martin Lendi at the celebration of the 25<sup>th</sup> jubilee of my Chair, I should like to quote: Land readjustment and Land Development were and always will be to a greater or lesser extent shaken up again and again. This would seem unavoidable. At the same time they do not lose their importance. On the contrary, they will remain necessary into the future as their essential responsibility cannot be denied. The crucial question, which land readjustment and land development as well as public administration or e.g. agricultural and economic policy must among other matters answer, is namely how people as well as the State and the economy in the context of their responsibility to creation and to successive generations, should or may treat their habitat. Persons in their habitat, persons who live on the land, live from it, make demands on it and change it. Because that is so, land development and land consolidation are a continuing and necessary function for every State and every society.

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