

SWISS LAND
MANAGEMENT



Transparent Land Governance: Temporary Development Zones to meet the Requirements of Urban Expansion

Dr. Alexander Kohli, Vice-President
SWISS LAND MANAGEMENT FOUNDATION

XXV FIG Congress, Kuala Lumpur, June 2014

Dr. Alexander Kohli - Temporary Development Zones to meet the Requirements of Urban Expansion - FIG Congress KL (6947)

Agenda

1. Scope 'Urban Expansion Requirements'
↔ 'Sustainable Property System'
2. Approach of 'Temporary Development Zones'
3. Success factors
4. Conclusions



1. Scope 'Urban Expansion Requirements' ↔ 'Sustainable Property System'

Issues:

Informal
– Housing / Land Use
– Construction

**Minority Rights –
Indigenous Heritage**

**Abandoned
Property**

Etc.

Public Services

**Hazard / Disaster
Risks –
Management**

Sprawl



Issues: Property and Land Rights Problems

**Informal Land Use
and Evictions**
(Oath, Soroti, Uganda, 2012)

**Informal / illegal
Construction**
(Bestrer's Camp, Durban, SA,
2011)

Abandoned Property
(Monrovia Beach, Liberia, 2009)



Issues: ... by Risk Based Land Use Planning



(Brienzen, Switzerland, 2005)



(Minamata, Japan, 2009)



Issues: ... Informal Housing and Sprawl

(Sprawl and squatter evictions Cambodia, 2012)



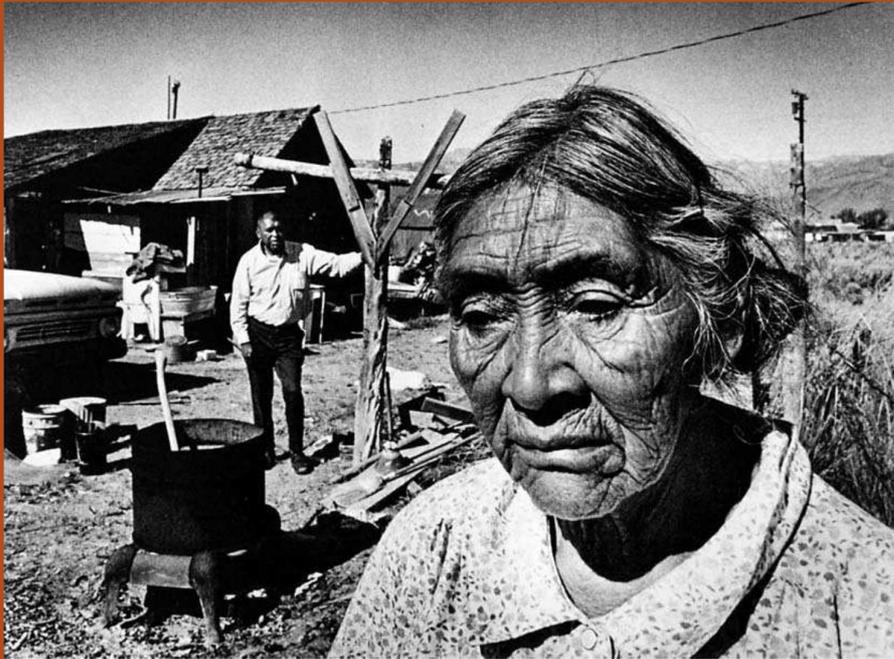
(IDP settlement Gihembe in Rwanda, 2010)



(Informal Sprawl in Kabul Afghanistan, 2012)



Issues: ... Minority Rights - Indigenous Heritage



Paiute Aborigines Land Dispute
(Bridge City, Paiute Australia, Colony, 1973)

PHOTO BY: JOHM MALMIN / LOS ANGELES TIMES

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2. Approach 'Adjusting Laws – Installing Temporary Development Zones (TDZ)'



Key Features:

- **Legal Framework** dedicated to the development / regularization task
- **Development Zone** = Perimeter A (+ Perimeter B)
- **Defined Project Duration**
- **Funds / Land for compensation**

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2. Approach 'Adjusting Laws – Set of Rules for TDZ'

Civil Code, Real Estate Registration Law, Cadastre Law:	Changes to land parcels as well as to rights (encumbrances) are applicable and are registered free of charge to the new owners. Compensation by the TDZ project.
Land Use Law:	Land use can be changed as technically accountable.
Expropriation Law:	Land expropriation against appropriate compensation is applicable.
Land Reform Law, Privatization Law:	Land allocations may be freely changed within TDZ (consolidation).
Law on Constructions / Building Codes:	New constructions are permitted and registered free of charge to the new owners. Compensation by the TDZ project.
Public Services Law:	Public utilities are forced to provide services and metering to TDZ under appropriate conditions .

- **Set of Rules must override** the existing laws in specific aspects.

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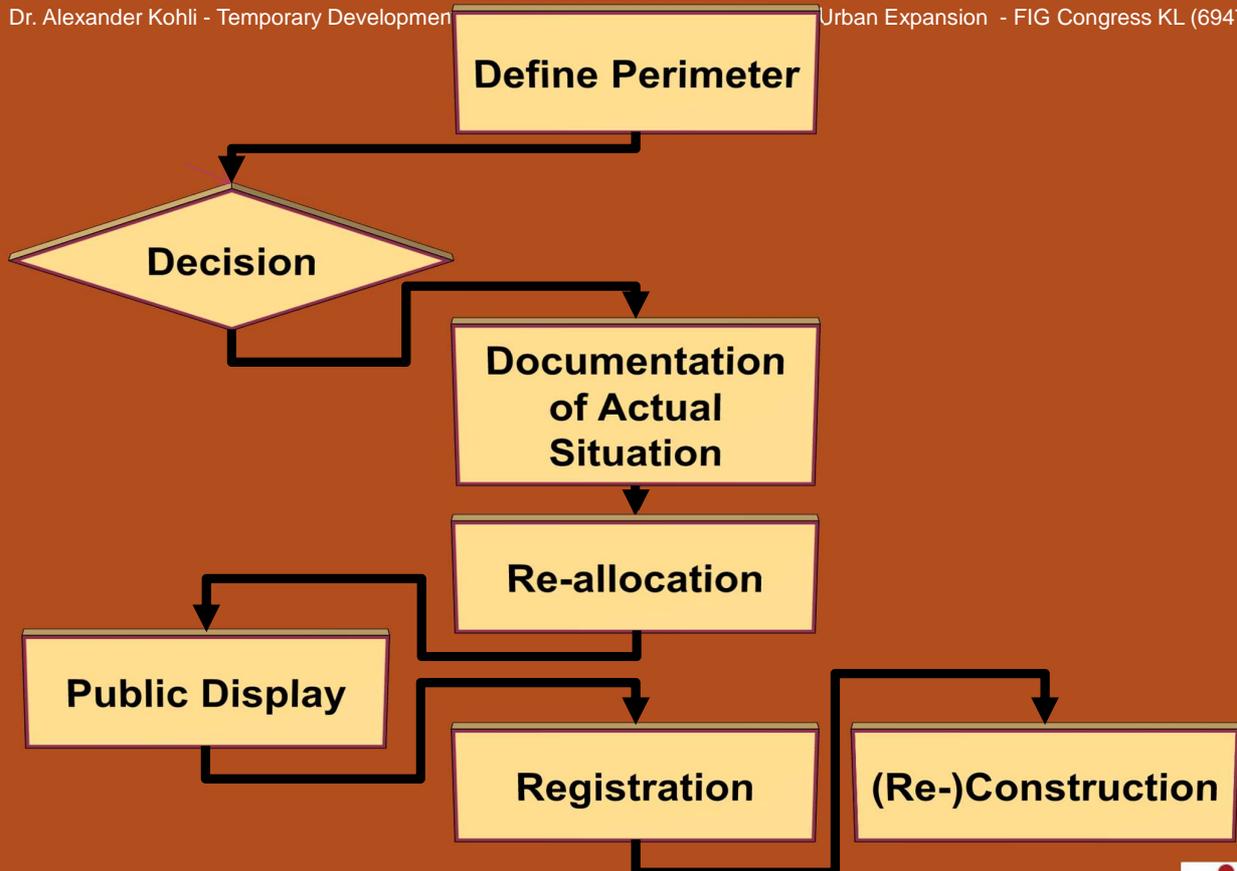


2. Approach 'Adjusting Laws – TDZ Implementation Process'

1. Definition of the perimeter of action - the 'Temporary Development Zone'
2. **Common agreement and decision** for a **defined time** period on TDZ (**assembly of stakeholders**) based on a Governmental Decree
3. Project Analysis Phase: Fast approach **Documentation** of land rights and demands (Fit-for-Purpose)
4. Land Management Phase: **Re-distribution** and **allocation** according to **agreed rules** of real-substitution and compensation
5. **Public display** of the allocation plan – right for appeal for stakeholders
6. **Registration** of new ownership – payments of compensation
7. **(Re)construction** of settlements and utilities

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3. Critical Success Factors for the TDZ Approach (I)

- **Governmental Decree on TDZ (Adjustment of legal framework)** must be **in place before** any project can be started
- **Documentation of informal occupation/construction** before regularization (again: Fit-for-Purpose!)
- **Regularization** under formal and appropriate **compensation**
- **Management** of land / resources according to a **sustainability concept**



3. Critical Success Factors for the TDZ Approach (II)

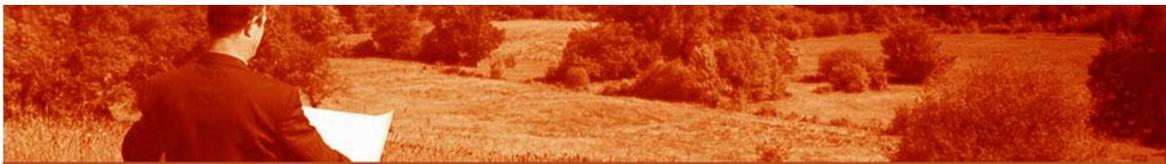
- **Compulsory land acquisition** by the public (e.g. services, right-of-way) - since 2009 possibly financed by the World Bank!
- **Active role of the Government** to take action an within a **short time** – enforced because TDZ shall expire after a limited period
- **Easy / free of charge registration** (compensation of fees by the TDZ project)



4. Conclusion

- ✓ Sprawl and informal tenure problems ask for
 - **joint approach** of land consolidation, land rights documentation and urban planning
 - **special rights overruling** existing land related laws
- ✓ Temporary Development Zones **combine** regularization, services improvements, and legal protection of housing
- ✓ Fast approach and actual **documentation** is a **pre-condition** (independent layer technology/Cadastre 2014 principles – Fit-for-Purpose)
- ✓ **Governmental Decree** on TDZ must be put into force **before** as well as **funds for compensation** must be **available**





WHAT IS SWISS LAND MANAGEMENT?

Swiss Land Management...

... is a private foundation aiming at transferring experiences of methodologies and technologies to reach the UN millennium development goals.

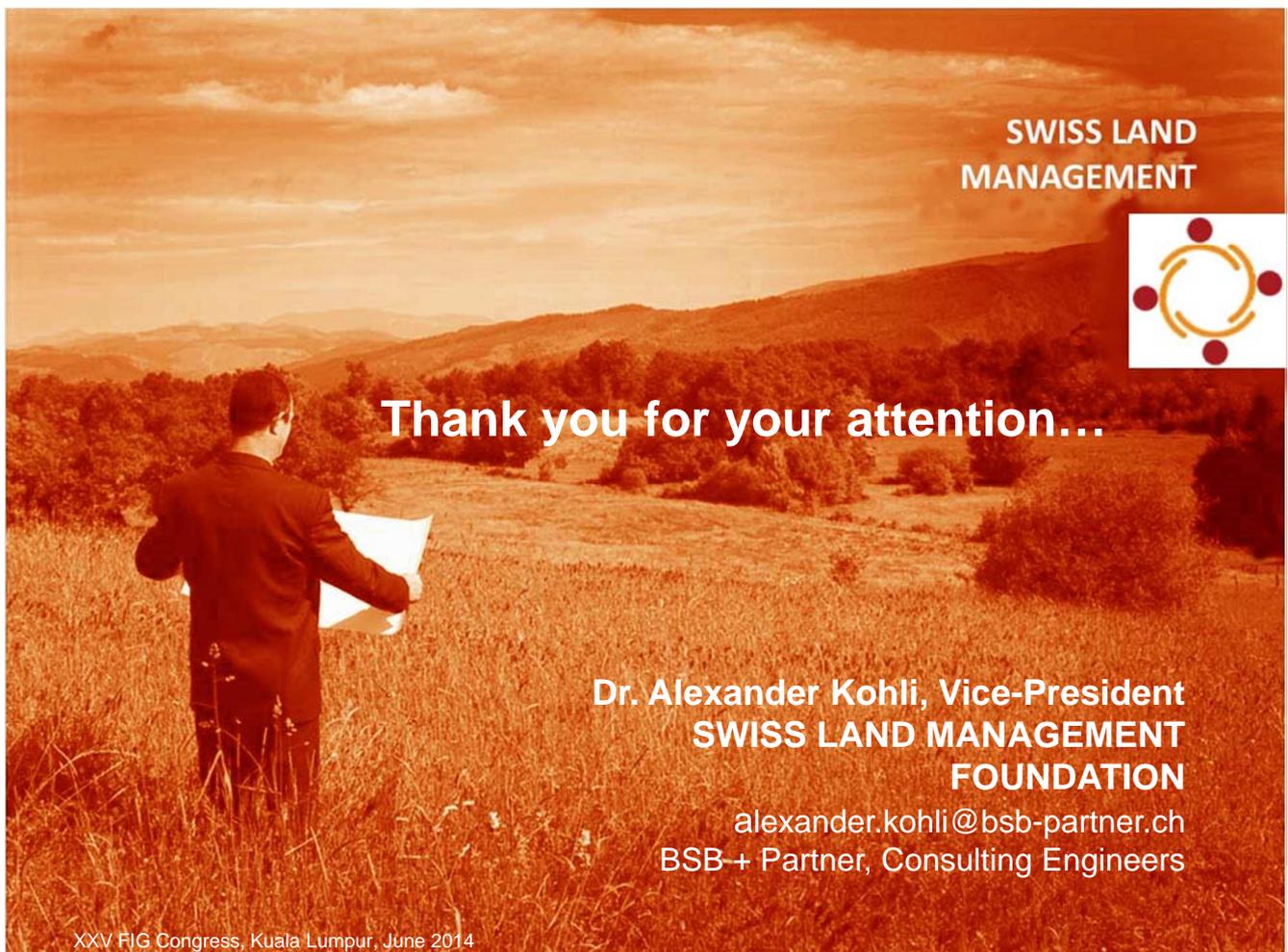
Our Mission – Our Goals:

Sustainable land management as an essential contribution to **GOOD GOVERNANCE** and **CONFLICT PREVENTION**.

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Thank you for your attention...

**Dr. Alexander Kohli, Vice-President
SWISS LAND MANAGEMENT
FOUNDATION**

alexander.kohli@bsb-partner.ch
BSB+ Partner, Consulting Engineers