IMPLEMENTING DISASTER RESILIENCE THROUGH LAND CONSOLIDATION

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DISASTER PREVENTION
- disaster prone areas
- not having disaster sensitive objects or activities
- in those area, or only seasonal (flood plains 'uiterwaarden')

PROPERTY RIGHTS PROTECTED
- Article 1 First Protocol (European) Convention for the Protection of Human Rights and Fundamental Freedoms
  - 'Every natural or legal person is entitled to the peaceful enjoyment of his possession. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by general principles of international law;
  - The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties'

PROPERTY RIGHTS PROTECTED
- ECHR Strasbourg gives
  - wide margin of appreciation by nat. gov.
  - but needs to be proportional
  - Waiting decades to know which land will be yours after a land consolidation is seen as a 'de facto' expropriation (Austrian case ECHR)
  - Restricting via planning system is allowed, but how far can it go ?

RISK MAPS → USE CHANGE ?
- Technological tools to make better risk maps
- Show areas to be stopped using or reduce using
- Rightholders
  - Move voluntarily ?
  - can afford ?
  - have alternative ?
  - should be forced ?

(no risk maps for German / Belgian areas flooded Summer 2021 ?)
RELOCATE LAND RIGHTS?

- without taking land rights we can ‘just’ relocate them
  - within a not too large area?
  - with overall value per owner the same?
- Land Consolidation
  - enough space to create such a ‘win-win’ approach?
- How determine the (exchange) value here?

EXCHANGE VALUE

- Traditional agriculture land consolidation
  - agricultural production value (soil quality, shape, access, ..)
- ‘near’ cities, non-agricultural surplus (may turn residential)
  - ‘near’ nature, already a minus?

EXCHANGE VALUE

- How is esp. a flood risks taking into account?
  - Not yet?
  - Based on experience of past x years?
    - Japan tsunami people fled to highest of past 100 yrs
  - On a risk model?
    - Which one, how good, how local?
  - Including climate change of x degree Celsius?
- Who would decide?

LAND CONSOLIDATION A SOLUTION?

- Yes
  - Re-arrange land rights in an area (landscape) without taking rights away and moving people (far)
  - Experience of processes; participatory
- No
  - Not enough safe space?
  - No clear exchange value to use
  - Too slow (and high transaction costs)