

Sustainable Development by Land Consolidation in Bavaria from the Point of View of Good Governance

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Key words: civil society, good governance, interactive planning, sustainable development.

ABSTRACT

Political trends are often described by catchwords. Good Governance is a catchword, which becomes more and more important. It first appeared on stage in the late 80ies and has continuously enlarged its meaning to a key concept in sustainable development.

Based on the idea of democracy the UN Development Program enumerates following characteristics on Good Governance for sustainable development:

- Subsidiarity
- Strategical Vision
- Transparency
- Acting accordingly to principles of law
- Open mindedness
- Justice
- Participation
- Acceptance
- Responsibility and credibility
- Efficiency and economy
- Security of tenure.

In Germany respectively Bavaria some of these characteristics are elements of the federal constitution, the book of German Civil Law, the land consolidation act and procedures pursuant to the act. But good governance is not only a task of the governments or the parliaments and not all of its principals can be enacted by a law. All responsible institutions and persons have to contribute on this matter.

The paper describes, how Good Governance already is or can be transformed accordingly to land consolidation processes. Detailed information is given to the body of participants, which comes into being, when the land consolidation decision takes effect. It is a local authority only for the time of the land consolidation process. The role of the official surveyor is explained, who is acting as a chairman of the board, which is elected by the body of participants.

Important is the starting point of all strategical considerations in Bavaria. It is the principle to involve the regional citizens in the planning and developing process from the beginning. To

stimulate the self-initiative of the citizens and to enable them to be good co-workers, three schools were founded in Bavaria, which are offering special seminars only on that matter. They take also care for communication with participants of already consolidated areas; this allows to gain different practical experiences for finding the optimum in the meaning of best practise.

The decision for a land consolidation processes carried out by the authority can only be achieved after an intensive period of conceptualisation and preparatory activities. These abilities and knowledge are the prerequisite for the interactive planning, which is obligatory in all land consolidation processes in Bavaria and which is a very important contribution of the land consolidation authority to the civil society and to the Agenda 21 process. The paper describes, how the interactive planning changes the traditional enrolment of citizens, planers and the authorities.

Finally it is mentioned, that good governance is a complex abstraction, that it is a sophisticated management task. Good Governance transformed into a land consolidation process forces the transformation of surveyors to land managers. Surveyors should accept this new scope of activities, they should shape the change.

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Political trends are often described by catchwords. Good Governance is such a catchword, which becomes more and more important. It first appeared on stage in the late 80ies and has continuously enlarged its meaning to a key concept in sustainable development.

It shall be explained, how Good Governance already is or can be transformed accordingly to land consolidation processes. Finally some notes are given to the consequences for surveyors, who are working in this field.

1. CHARACTERISTICS OF GOOD GOVERNANCE

Based on the idea of democracy the UN Development Program enumerates following characteristics on Good Governance for sustainable Development:

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In Germany respectively Bavaria some of these characteristics are elements of the federal constitution, the book of German Civil Law, the Land Consolidation Act and procedures pursuant to the act. But good governance is not only a task of the governments or the parliaments and not all of its principals can be enacted by a law. All responsible institutions and persons have to contribute on this matter.

1.1 Legal Basis

1.1.1 Subsidiarity and Responsibility

In Bavaria, a special implementation law to the Land Consolidation Act determines, that the body of participants is responsible for the consolidation of their area. This cooperative shall come into being when the land consolidation decision takes effect. It shall be a corporate body, existing only for the duration of the land consolidation process.

The body of participants elects a board consisting of several members for a period of 6 years. The board has to draw up the Land Consolidation Plan and shall conduct the affairs of the Body of Participants. This ensures to fulfil the requirements on local land by a local authority.

1.1.2 Acting Accordingly to Principle of Law

The chairman/chairwoman of the board is a surveyor and civil servant who is a member of the land consolidation authority. This ensures that information, planning, acceptance, financing, as well as technical implementation of the plans regarding the reorganization of landholdings take place within the legal framework.

The chairman/chairwoman has only one vote as well as the other members of the board. If there would happen a majority decision beside the legal framework, he/ she is supposed not to carry it out. The chairman/chairwoman has to inform the land consolidation authority, which is supporting and supervising the board.

1.1.3 Justice

Before the Land Consolidation Plan is drawn up, the participants shall be heard as to their wishes concerning the compensation. In compensation for his hold parcels each participant shall be entitled to receive land of equal value. The Land Consolidation Plan shall be subject to the approval of the higher land consolidation authority. The participants may object against the Plan and other administrative decisions and they can make appeals to the supreme administrative court. There is a special land consolidation senate established.

1.1.4 Acceptance

The body of participants has to draw up a plan covering the common and public facilities, especially about the removal, alteration and construction of public roads and the improvement of ecological facilities. This plan shall be discussed at a hearing with the public agencies concerned, the Farmers Association and other associations of interest. Beside of this, the board is seeking for acceptance during a official meeting with non-governmental organisations, especially with the association of nature conversation.

1.1.5 Security of Tenure

The right of ownership is guaranteed by the federal constitution of Germany. There is a cadastral register, which guarantees the location and the boundaries of parcels and there is an official land registry that provides definite information about the owner of the parcels and who has certain rights to them (such as mortgages etc.).

1.2 Cooperate Basis

1.2.1 Strategical Vision

Our vision is the conversion of the “ideas of the world” named Agenda 21 and the results of a sustainable development which generally means the balanced improvement of the social, economical and ecological situation. We want to strengthen the rural regions as a counterbalance to the urban areas not to get the same but to get equivalent life conditions there.

Our new guidelines are orientated to the aforementioned points of development as well as by the social conditions as there are the increasing globalisation and the trend to a new culture of civil society.

1.2.2 Credibility

Two years ago Bavaria has elaborated the “Plan of promoting the development of the rural area” which contains a chapter on land consolidation and village renewal and which was presented to the European Commission. The Plan draws up our goals until 2006 and was the prerequisite for taking part of the EU-Agenda 2000 program concerned. In 2006 the EU will evaluate, if the targets have been reached. Therefore the EU has published five questions of evaluation together with a catalogue of criteria and indicators.

These questions can be seen as indicators for good governance, and – before starting a land consolidation or village renewal process – we have to consider, which answers are expected to be given in 2006 to these following questions:

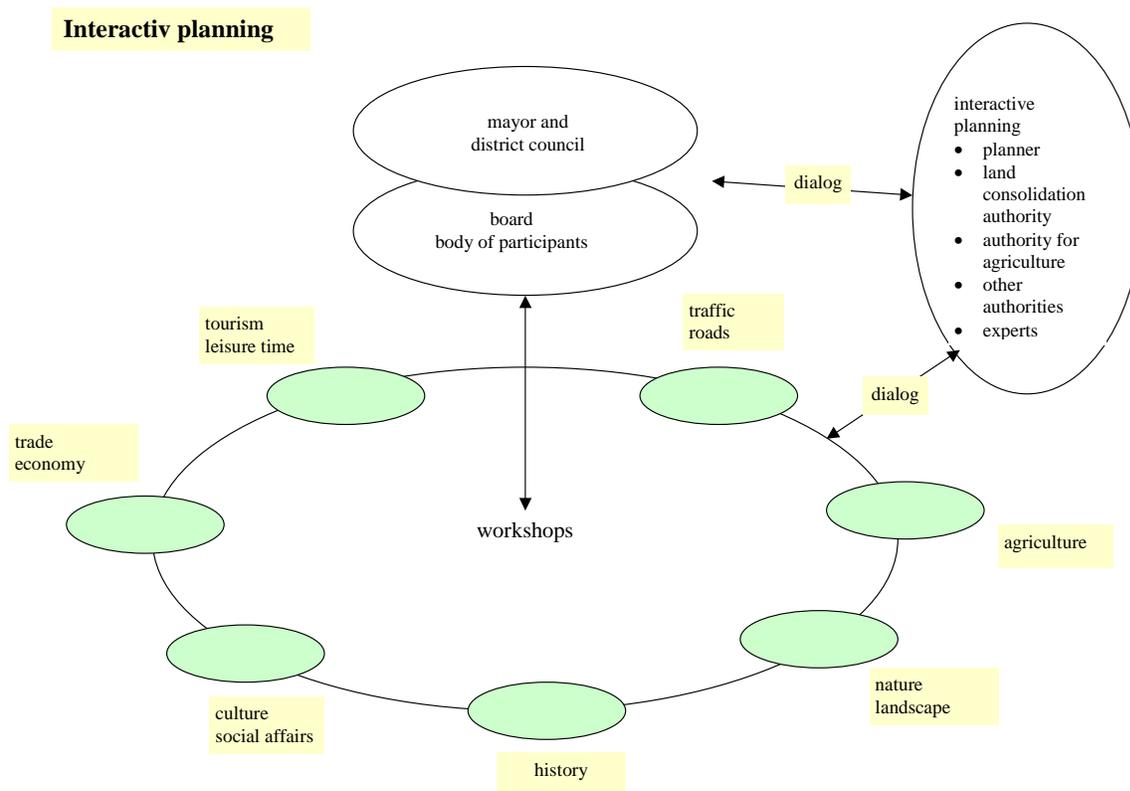
- How far has the income of the rural people been kept or increased?
- How far have the life conditions and the wellness of the rural people been kept as a result of social and cultural activities or through better leisure facilities or possibilities?
- How far have the working places been kept in the rural area?
- How far are the structure indicators for the rural economy kept or improved?
- How far is the environment kept or improved in the rural area?

1.2.3 Transparency, Open Mindedness and Participation

The starting point of all strategical considerations is the principle to involve the regional citizens into the planning and developing process from the beginning. To stimulate the self-initiative of the citizens and to enable them to be good co-workers, three schools in Bavaria were founded, which are offering special seminars only for this purpose. They take also care for communication with participants of already consolidated areas; by this way different practical experiences can be learned and it is easier to find the right way in the meaning of best practise.

The schools are promoting the abilities of the participants in working groups. Visions are born, strengths and weaknesses of their village or region are discussed, thinking in causal connection is trained, common goals are defined and action plans are arranged. Often, these seminars are organised together with planners, architects and/or civil servants as participants.

These abilities and knowledge are the prerequisite for the interactive way of planning, which is obligatory in all land consolidation processes in Bavaria. The strengthening of local citizens is our – I think important – contribution to civil society and to the Agenda 21 process. Interactive planning means open planning with active involvement of citizens by using their experiences and ideas. The interactive planning changes the traditional enrolment of citizens, planners and the authorities. The objective is, to make the decision-making process intelligible and to achieve a high level of acceptance.



(Draft: Magel/Jahnke 2001)

We have established a preparation phase in advance of the land consolidation decision. Rural workshops of the citizens and discussions on models for development goals are needed. An active co-operation and participation by the citizens is the prerequisite for the consolidation authority to support the development process.

1.2.4 Efficiency and Economy

The decision for a land consolidation process by the authority is last but not least a decision for spending a lot of public money. That is why this decision can only be achieved after a long period of conceptualisation and preparatory activities.

Then the economical capability of the farmers and/or the village is proved. According to this capability and relevant procedures, the financial amount will be decided by the consolidation authority according to the principles of subsidiarity.

A research institute has found out that each public investment of one € in village renewal initiates a sevenfold private investment. This causes an improvement of the regional handcraft and business enterprise. Another research of the Technische Universität München has proved that in regions, which have been re-structured by a land consolidation process, the development advantage is about 10 % to 15 % compared to villages without such a process. That was concluded by comparison of indicators like tax income and the number of recently founded enterprises.

Beside that it is evident that with land consolidation and with enabling access to the lots by roads farmers will save a lot of time, energy and material. The Bavarian Authority for Economics and Agriculture found out, that in case of very small structured lots the income level can be increased up to 46 % in connection with saving work time up to 40 %.

2. SURVEYORS AS LANDMANAGERS

In the first chapter it has been shown, how the schools for village renewals and land consolidation enable the citizens to become good co-workers in the interactive planning. It was said, that this kind of planning changes also the traditional enrolment of planners and authorities. As shown, interactive planning is one important module of Good Governance. Good governance is a very complex task, it is management task. Good Governance transformed into a land consolidation process forces the transformation of surveyors to land managers. The land manager must manage the concerns of all stakeholders and facilitates a planning result, which can achieve consensus.

In Bavaria we have an own managerial academy especially for our civil servants. This academy offers a lot of seminars on that matter for our junior surveyors and their colleagues in our authority, such as architects, engineers for agriculture and jurisprudents; attending special courses is obligatory. We must learn to strengthen interdisciplinary aspects in our work.

The surveyor must not be only a data provider. Unfortunately the qualifying process of young staff members after joining our authority takes a lot of time. The universities should bring their contribution to the new scope of activities to shorten this process.

3. CONCLUSION

Rural development ideally meets the principles of Good Governance. The implementation of these principles in land consolidation projects has shown that interactive planning leads to realistic project proposals. Compared with traditionally managed consolidation processes, the renewal process comes not to an end when the land consolidation authority concludes the procedure. There citizens have experienced that they can move something. They can be easier motivated by the mayor or by themselves for new projects. Good Governance meets sustainable development and civil society.

The initialising of sustainable development processes is a very sophisticated task for a land manager. Surveyors shall take care of that task and shall shape the change.

The presentation of our approach may be a contribution in the sense of best practise to the theme of sustainable rural development by land consolidation.

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BIOGRAPHICAL NOTES

Andreas Hennemann

- 1951 Born in Bamberg, Germany
- 1977 Graduation at Fachhochschule München as Ing.grad. (qualified land surveyor)
- 1982 Graduation at Technische Universität Berlin as Dipl.-Ing. for Surveying
- 1986 Head of a section for data processing at the Land Consolidation Authority Munich
- 1991 Head of a section for Rural Development at the Land Consolidation Authority Munich and chairman of the board of several bodies of participants in land consolidation processes
- 2001 Member of the group Rural Development at the Bavarian State Ministry of Agriculture and Forestry in Munich

- since 1999 Chairman of the board of the DVW-Bayern e.V. – Association for Geodesy, Geoinformation and Landmanagement.