

ATHENS WORKSHOP



Workshop Joint FIG Commissions 3 and 8
Athens – 13th and 14th December 2022



Rethinking land management tools in spatial planning from a policy transfer perspective: the case of Land Readjustment in Greece

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HELLENIC REPUBLIC
MINISTRY OF DIGITAL GOVERNANCE



HELLENIC CADASTRE

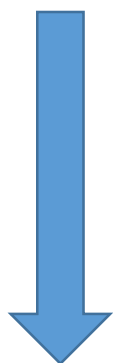
Introduction I

- ❑ Greece ➔ Institutions' building by *emulating standards* from Western Europe (catch-up strategy)
- ❑ planning/land policy institutions mainly drawn from western European doctrines (*staedtebauforderung, transfer of development rights, Droit de preemption, etc.*)
- ❑ A few of them resulted *inactively*, or their implementation is considered *problematic and not successful*
- ❑ **Theoretical problem:** *Is the applicability or effectiveness of a policy institution in land policy and spatial planning related to how it has been instituted?*
- ❑ Need for empirical studies **in the interdisciplinary field of spatial planning and land policy** - on policy transfer
- ❑ “The introduction of LR in many developing Asian countries is one of the most important international contributions to the urban planning of the 20th century” (Sorensen, 2000)
- ❑ Greece : Spatial Planning Reform in mid-'70s ➔ after the reestablishment of democracy
- ❑ Law 947/1979 ➔ Introduced three types of urban (re)development ➔ Land Readjustment
- ❑ **Case study:** Land Readjustment in Greece
- ❑ “how was LR introduced, how it functions, and how was it implemented (or not) in Greece”?



Introduction II

Spatial Planning



Aims to provide “the right amount of land for each use in the right place”
(Keeble, 1964:88)

Land fragmentation impedes spatial planning

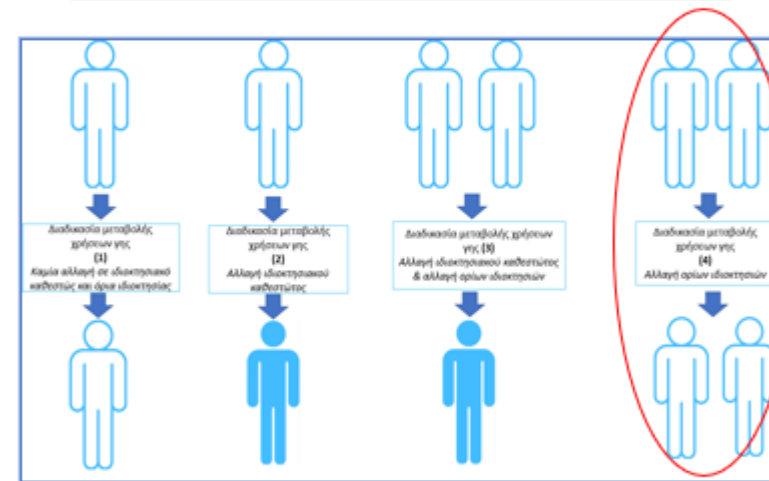


BERN

Aldo Rossi, 1966

TYPOLGY OF LAND MANAGEMENT INSTITUTIONS (TOOLS) IN SPATIAL PLANNING

Urban (re)development process, alters land uses through change of land ownership and property boundaries



Sale-Purchase/Expropriation

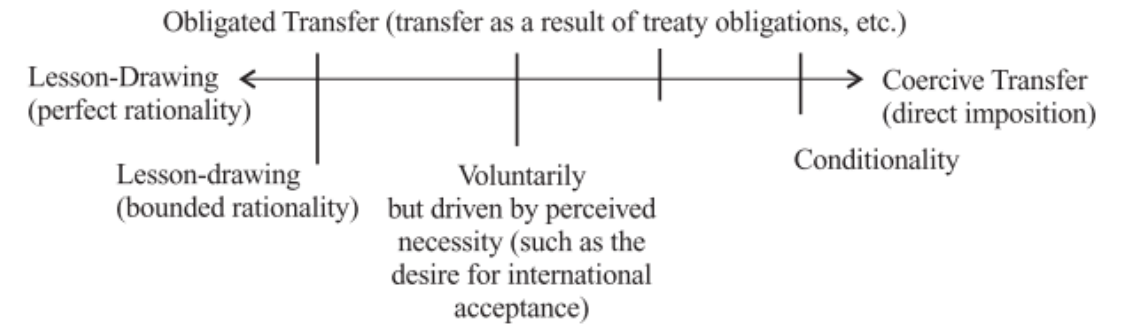
LAND READJUSTMENT



Theory I

- *imitation, emulation and innovation (Westney, 1987),*
- *lesson drawing (Rose, 1991),*
- *legal transplantation (Watson, 1993),*
- *policy learning (Bennett & Howlett, 1992),*
- *institutional transfer (Jacoby, 2000), or*
- **policy transfer (Dolowitz & Marsh, 1996, 2000)**
- **institutional transplantation (De Jong, 2004; De Jong et al., 2002; De Jong, 1999).**

FIGURE 1
From Lesson-Drawing to Coercive Transfer



Two approaches: “Evolution” vs “Design”

Goodness of fit

- Policy institutions as a result of a **historical evolutionary process**
- **Historical institutionalism** (history matters)
- The evolution of institutions is **path-dependent which can change in critical junctures**
- **three necessary conditions**
- **Similarities** between **host** and **donor** facilitate the **transplantation process**
- **specific legal frameworks** or **procedures** are more **problematical to adopt** than **more general and abstract policy lessons, ideas**
- Special periods of **regime transformation** characterized by a sense of emergency and urgency create **opportunity windows** and **critical junctures** that facilitate the **transplantation process**, compared to periods of stability

Actors pulling in

- **Policy institution as a social construct**
- Focus on actors (*politicians, bureaucrats, interest groups, policy entrepreneurs..*)
- **Policy transfer** refers to the process by which actors borrow policies developed in one setting to develop programs and policies within another (Dolowitz & Marsh, 1996:357).
- three necessary conditions:
- state elites refer explicitly to a **model prominent in another place**
- Second, the elites try to identify the foreign model’s legal framework, and the actors help it function
- Finally, these elites **build a replica** of all or part of the model, either from scratch or by remoulding indigenous institutions, to approximate the foreign model

De Jong, M.;Lalenis, K.;Mamadouh, V. (2002):“*The Theory and Practice of Institutional Transplantation: Experiences with the Transfer of Policy Institutions*“



Table 3.1 Typology of diffusion.

Type	Indigenous Role	External Role	Typical Mechanisms	Level of Diffusion	Key Actors	Potential for Distinctiveness	Characteristic Examples
Synthetic borrowing	Very high	Very low	Indigenous planning movements plus wide external contacts	Theory and practice	Indigenous	Very high	Major countries of Western Europe & USA
Selective borrowing	High	Low	External contact with innovative planning traditions	Practice and some theory	Indigenous	High	Smaller countries of Western Europe
Undiluted borrowing	Medium	Medium	Indigenous deference to innovative external planning traditions	Practice with little or no theory	External with some indigenous	Fairly Low	Dominions of British Empire, Japan, & some European examples
<hr style="border-top: 1px dashed red;"/>							
Negotiated imposition	Low	High	Dependence on external planning tradition(s)	Practice	External with some indigenous	Low	Aid-dependent countries (e.g. Africa)
Contested imposition	Very low	Very high	High dependence on one external planning tradition	Practice	External	Low	'Enlightened' colonial planning
Authoritarian imposition	None	Total	Total dependence on one external planning tradition	Practice	External	None	Newly subjugated territories



borrowing



imposition

Diffusion episodes
 Power relation between the donor (exporter) and borrower (importer)

Stephen Ward, (2000), "Re-examining the International Diffusion of Planning" in Book "Urban Planning in a Changing World: The Twentieth Century Experience"

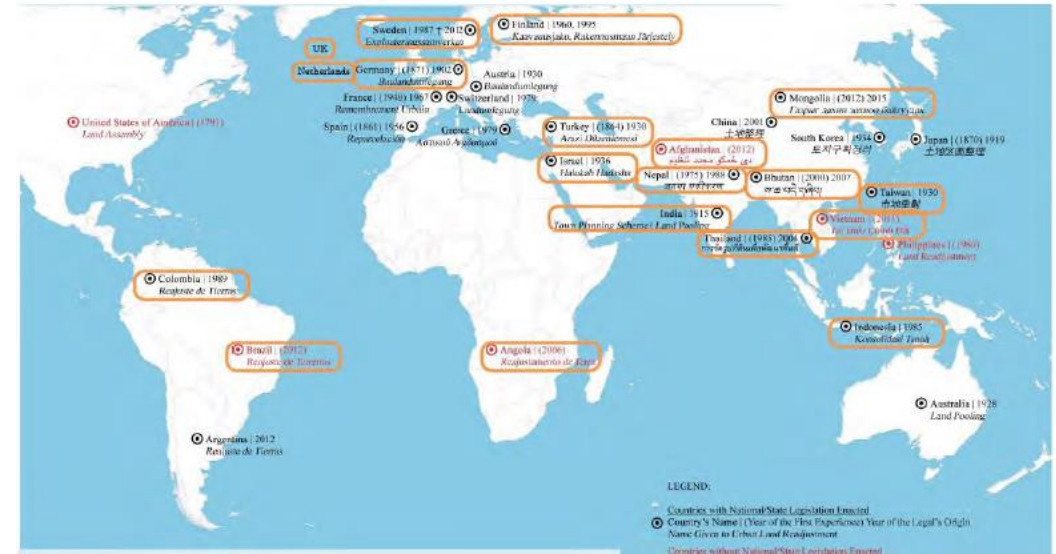


Land Readjustment – the International Experience

- ❑ **Germany (1902) Lex Adickes** > policy transfer (Japan > Taiwan, Korea).
- ❑ Interwar period > Colonial experimentation (Palestine, Maroko, India)
- ❑ LR in postwar reconstruction (Germany, Japan, France)
- ❑ **1970**: LR in the developing countries (WB)
- ❑ **1980-1990**: LR scope extends to meet new planning needs (JICA, LILP)
- ❑ **>2000**: LR in the international agenda (WB, UN-Habitat, FIG)
- ❑ **LR in urban renewal**



Εικόνα 8: Ο Δήμαρχος της Φρανκφούρτης Franz Adickes (1846-1915) (De Souza, 2018)



Germany (Umlegung)

- **“the most comprehensive spatial planning institution in the 20th century”** (Davy, 2007)
- Articles 45-79 of Baugesetzbuch
- Gemeinde (Municipality) – independence
- Flächenmasstab (area) and Wertmasstab (land-value criterion) for land distribution
- **No ad-hoc contribution rates** in the law
- Wertmasstab > Umlegungsvorteil (the LR benefit) > Gemeinde Significant expertise in land valuation from 1960s
- Flächenmasstab > Umlegungsvorteil > land owners

Japan (Kukaku-Seiri)

- **«Kukaku Seiri is the mother of city planning»**
- Land Consolidation, 1919 City Planning Act > LR based on the Lex Adickes
- 1923 (Great Kanto Earthquake), 1930s, WW II
- Special Law 1954, 2014
- **30% of urban land with LR projects** (329.248 ha) – 51,49% (Associations), 21,33% Local authorities, 11,85% private landowners .
- **Land contribution (for public spaces) & Reserve Land** (finance of urban infrastructure)
- No specific contribution rates
- **Equal Land value and equal area criterion for land redistribution**

Forerunner institutions - Land Consolidation & Land Pooling

Land Consolidation

- ❑ Interwar > rehabilitation of the refugees from Asia Minor
- ❑ After WW II > 1948 Law: Compulsory/Voluntary
- ❑ LC was considered an expropriation
- ❑ Royal Decree 357/1965 (area and land value method)
- ❑ 1975 Constitution – Article 18
- ❑ **Law 674/1977 – not expropriation**
- ❑ four stages
- ❑ LC in **25% of the total agricultural area (54% voluntary)**
- ❑ Deregulation/decentralization after the 1990s

Land Groups (land pooling)

- ❑ **Before 1923 (Serres – Thessaloniki –Tzoumagia)**
- ❑ **Influence from Lex Adickes («Frankfurt system»)**
- ❑ Land Group > Compulsory Landowners Association – influence from Germany and Austria
- ❑ Involvement of foreign planners and engineers
- ❑ **Land Groups of 1923 City planning Law (articles 49-51)**
- ❑ Expropriation – Compulsory Land Readjustment Association
- ❑ Equal area (# 50) or equal value (#51) criterion
- ❑ #51: In exceptional cases in which urgent implementation of the plan is required
- ❑ “The method is fairer, albeit its implementation is difficult, long, and laborious and requires corresponding significant technical means and resources”



LR - The contemporary legal framework

- **Article 24 of Constitution 1975/2001** - Articles 35-50 Law 947/1979 legal framework
- Invasive land management tool – albeit *less intense* compared to *expropriation* (*legal nature: Land Readjustment vs. Expropriation*)
- Applied in *urban development* and *urban renewal*
- (generic) land readjustment **vs.** (local) Land Readjustment as a town planning implementation tool (article 54 L.947/79)
- **Executing (implementation) bodies** ⇨ Public authorities or compulsory landowners' associations
- **LR process:** *Declaration of the area as a LRZ* ⇨ *Establishment of the L/O As.*, ⇨ *Adjudication*, ⇨ *Statutory town plan preparation & approval*, ⇨ *Land evaluation*, ⇨ *Implementation of LR Plan & distribution of new plots* ⇨ *Land titles issuance & Dissolution of L/O Association*
- **Property obligations:** **Land** (*creation of public spaces*) & **monetary** contribution (*financing for the creation of urban infrastructure*)
 - **initially in 1979 law** ⇨ **fixed rates** as a percentage of the plot's area (*30% land and 10% money*) independently from the land value increase
 - **From 1983 onwards** ⇨ **a tiered scale of fixed rates** for land and monetary contributions (based on the plot's area)
- **Transfer of property rights to the new plots and Issuance of land titles** (land ownership certificates) for the new plots

LR IMPLEMENTATION IN GREECE



LR IN GLYFADA (Attica)

- LAND OWNERS ASSOCIATION
- 32 Ha, 600 landowners, 6,58% average land contribution, 413% land value increase
- Combination of 2 Laws
- Issuance of Presidential Decrees for land titles and land valuation procedure

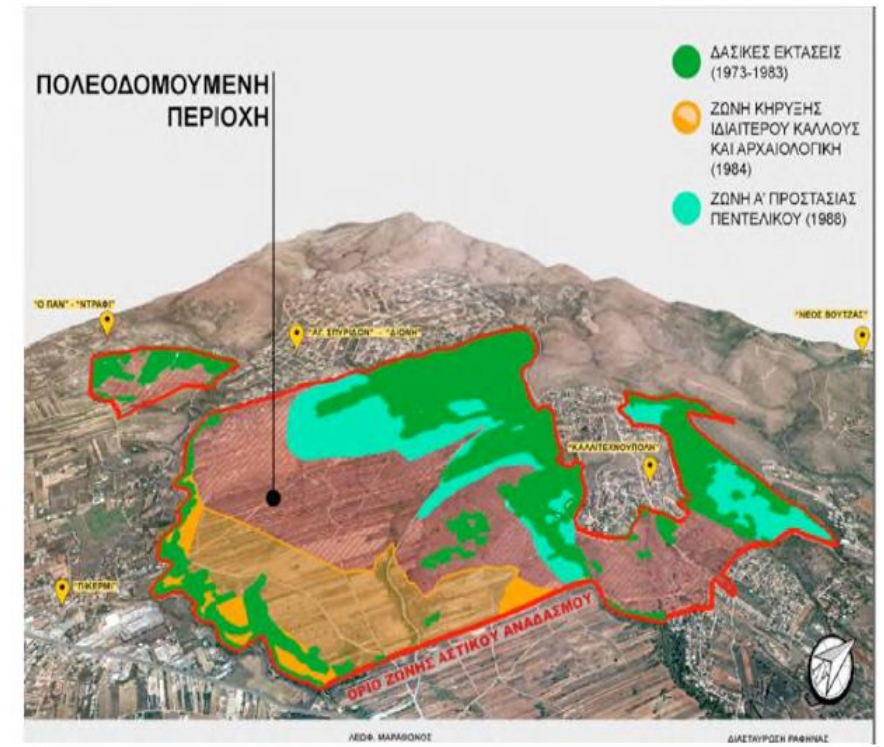


Εικόνα 52: Η θέση της Ζώνης Αστικού Αναδιασμού Τραυματιοπόλης στην ευρύτερη περιοχή (Balla, 2016)

LR in EYKARPIA (Thessaloniki)



Regulatory planning



LR IN PIKERMI (Attica)

- 1970's → ~600ha - 4 Landowners Associations & private landowners
- 1988 > Declaration of the area as LR Zone
- Council of State, rejected 3 times (1998, 2000, 2006)
- Forest areas, natural protection zones, archaeological sites
- (New) Law 4280/2014, articles 7&8 to facilitate the implementation of the LR



The introduction of LR through the lens of policy transfer I

- ❑ **Land Readjustment** in Greece, introduced in Law 947/79, has been “designed **from scratch.**”
- ❑ Not reflecting the domestic institutions of Land Consolidation and the Land Groups of 1923 Law
- ❑ **(ad-hoc) land and monetary contribution rates** (30% and 10%) ➔ non-correlation with the necessary public spaces (*streets, parks etc.*) & land rents produced in the urban development process.
- ❑ Introductory Report of Law 947/79 ➔ references to the German (Umlegung) & French (Remembrement Urbaine) type of LR [*“state elites refer explicitly to a model that prevails abroad...they construct a copy of the whole or part of the whole either from scratch or by reshaping domestic institutions»* (Jacoby, 2000)]
- ❑ Domestic reformist movements in the mid '70s (Ward, 2000) (Technical Chamber of Greece, planners etc.)
- ❑ **Land Readjustment** of Law 947/1979 ➔ a case of **selective borrowing** (Ward, 2000) in which the domestic actors played the most active role (**actors pulling in**) (De Jong et al., 2002)
- ❑ Reestablishment of Democracy ➔ critical juncture ➔ modernization of the policy institutions ➔ new constitution – planning reform ➔ critical juncture for a new institution

The (non) use of Land Readjustment through the lens of policy transfer

- **Rare use of LR** > explained through **path dependency**
- LAND GROUPS (LR form) of **1923** > **undiluted borrowing** > rarely used
- As 1923 LR form, the 1979 law has been rarely used
- 1923 LG/LR > in exceptional cases (*bombings, earthquakes, fires*)
- 1979 LR > formalization of informal land acquisition/fragmentation/development
- Public administration & LR: **mechanistic, a-theoretical** inclusion of LR in the domestic planning toolbox

Planners (and members of) in the 1979 legislative committee studied and worked in Germany

Type	Indigenous Role	External Role	Typical Mechanisms	Level of Diffusion	Key Actors	Potential for Distinctiveness	Characteristic Examples
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Undiluted borrowing	Medium	Medium	Indigenous deference to innovative external planning traditions	Practice with little or no theory	External with some indigenous	Fairly Low	Dominions of British Empire, Japan, & some European examples

LR 1979 Law

LR 1923 Law

Hebrard Er., Mawson Th., Papanastasiou Al., Dimitrakopoulos An., Kitsikis, etc.

Greece, Thessaloniki

The adjustment of the LR in the Greek context: a hybrid form for the implementation of town plans

- ❑ **significant resistance** ➔ to the initial version of LR and the respective fixed and unified (land and monetary) contributions
- ❑ political change 1981 ➔ led to an amendment of the respective provisions ➔ tiered scale of land and monetary contributions
- ❑ Prioritization of the formalization of informal settlements through the implementation of town plans
- ❑ As of 1983: 50% of urban areas ➔ “illegally developed” and lacked statutory plans
- ❑ Law 1337/1983 targeted to provide plans to ~380 cities
- ❑ “Implementation Acts” (IA): land reallocation and land readjustment actions to implement Town Plans. Less complex than LR, albeit problematic as well
- ❑ **The IA**, freed from the “burdens” and “ambiguities” of LR (requiring an increased state capacity), dominated the legislation and urban planning practice and replaced LR
- ❑ Specific elements that characterized the Land Readjustment form of 1979 as a *“deeply intrusive [for the right to property] institution”* (Council of State 2149/1986) after they were softened in terms of their radicalism were later adopted in Law 1337/1983

Conclusion

- ❑ LR was used as an exception at the sidelines of the urban development of the country (*only ~32 ha completed and ~600ha in progress*)
- ❑ The LR legal framework was partially used (*along with that of Landowners Associations*) and, after ~40 years, is incomplete, obsolete, and ultimately is still dormant and underused.
- ❑ The problems encountered in cases where it was applied are related to the fundamental attributes (weaknesses) of the domestic Land Administration and Spatial Planning system
- ❑ The case of Land Readjustment in Greece points to a policy institution that its course of implementation is **path-dependent**
- ❑ The case of LR indicates that a “**critical juncture**” opens a policy window that facilitates the policy transfer and institutional transplantation but doesn’t necessarily lead to policy implementation
- ❑ **Spatial planning reform 1970s** ➔ contributed to **social learning** (*Hall, 1993*)
- ❑ **Land Readjustment** (*and LR of 1923*) → dead institution (*Van Assche et al., 2012; Van Assche et al., 2014*)

KEY TAKEAWAYS

- ❑ failure of policy transfer may be due to **uninformed transfer**, **incomplete transfer**, **inappropriate transfer** (Dolowitz, 1999) or the failure to include **'support structures'** (Jacoby, 2000).
- ❑ **Why a lesson** is drawn, **where** a lesson is drawn from, and **who** is involved in the transferring process all affect whether the transfer occurs and whether that transfer is successful.
- ❑ effective transfer results from an **organized society** and a **flexible state strategy**. Contrary **societal and administrative passiveness** does not make the imposition of a foreign transplant easier but more complicated.
- ❑ **Flexibility** in the utilization and adaptation of the original is then required to make it meaningful and acceptable in its new institutional environment; else it becomes an **empty legal shell** with no accompanying **socio-cultural practice** or generates persistent and fierce resistance that renders it ineffective



Thank you!

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