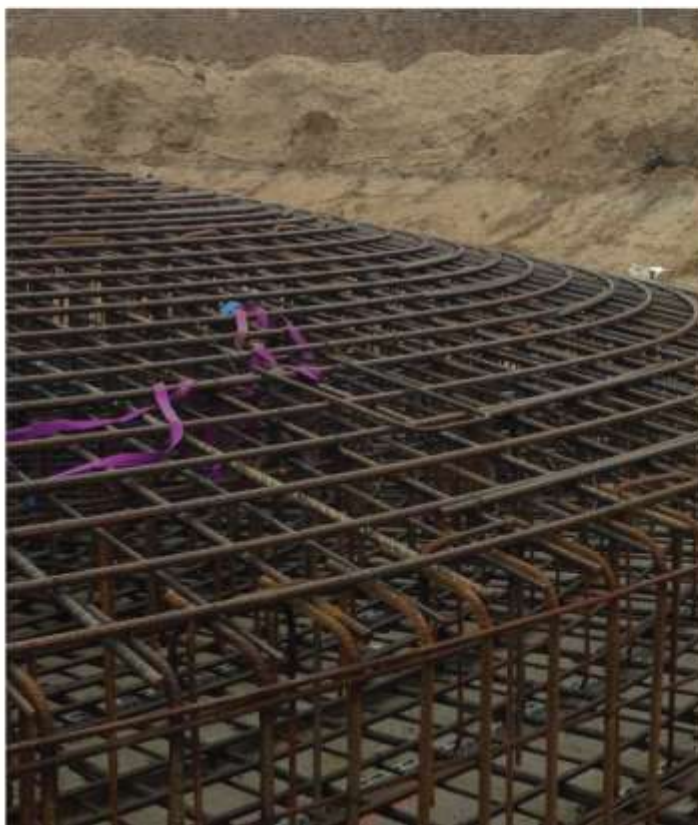


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# LE34

VISER VEJEN





## Expropriation of land rights for implementation of mega infrastructure projects

*- The case of the Fehmarn Belt connection between Denmark and Germany*

Gert M. Henningsen,  
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## LE34 provides land management and surveying

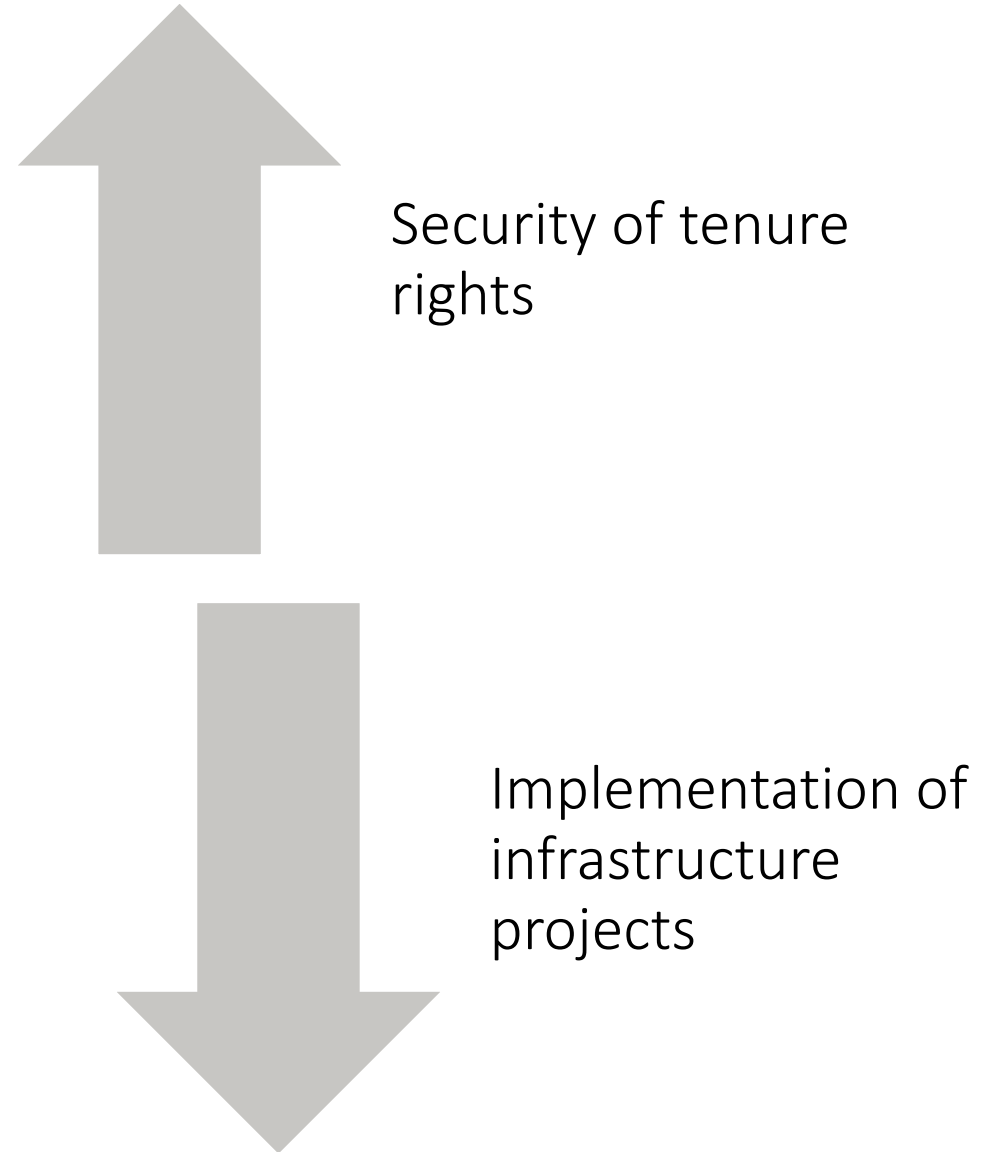
- Private land surveying company founded in 1817
- 24 Offices in Scandinavia
- Leading provider of land management and land surveying services in Northern Europe
- One of our service areas: Infrastructure projects (eg. environmental report, land management and surveying.)

## Background: the paradox:

Security of tenure and implementation of infrastructure projects both contribute to achieving the SDG`s.

➤ Safeguarding of tenure rights.

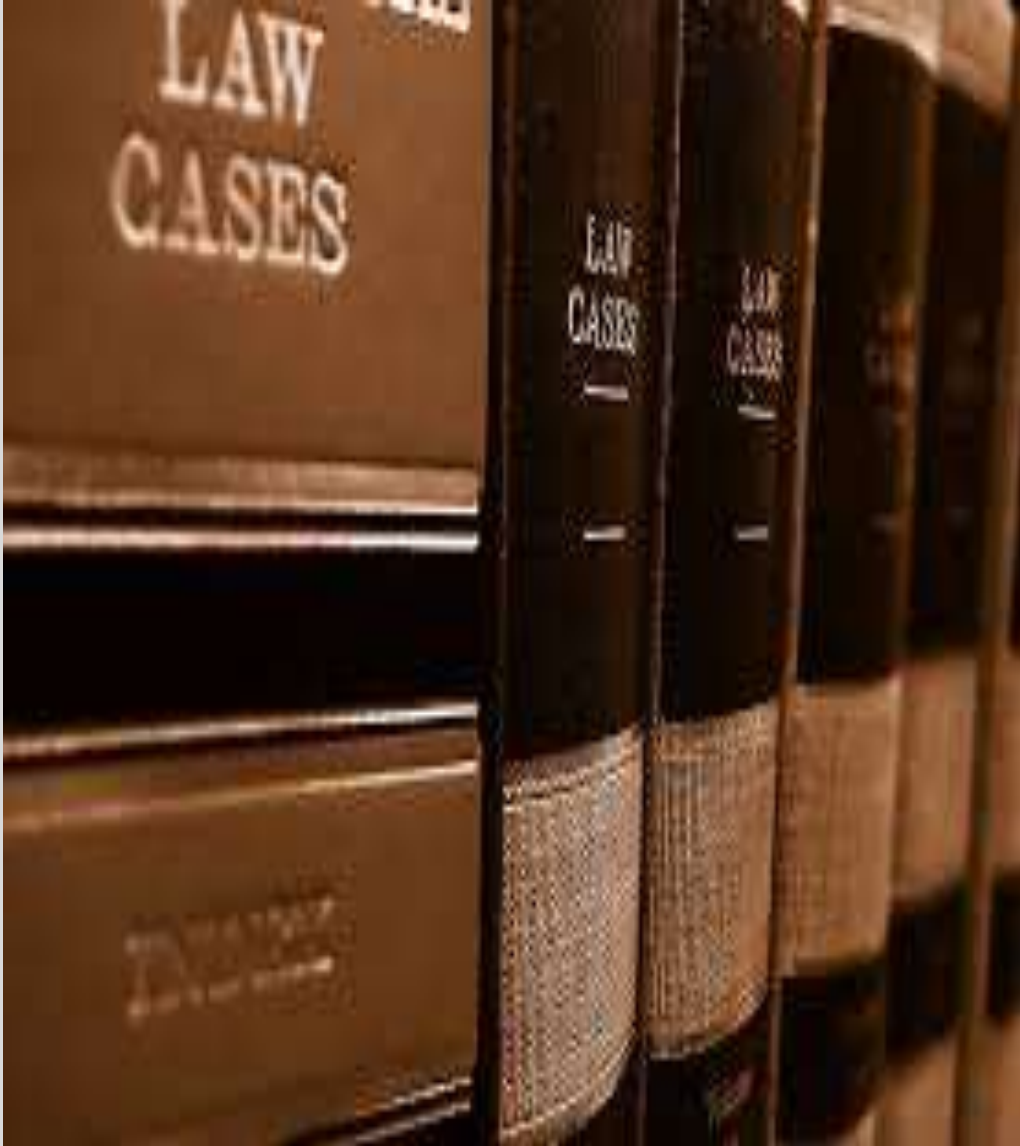
➤ "Violation"/expropriation of tenure rights by implementing infrastructure project.





Denmark has a long historical tradition of registering and safeguarding tenure rights.

➤ The first registration took place in the 1200s.



Securing of tenure rights is stated in the constitutional act.

“The right of property shall be inviolable. No person shall be ordered to surrender his property except where required in the public interest”.

.....And only against fair compensation.



## Expropriation of tenure rights: How to manage a proper process:

- Is the project of a significant public interest ?
- The extent of the expropriation must be limited and only include what is absolutely necessary.
- Comprehensive inclusion of the affected land owners.
- Fair compensation.
- Voluntary agreements rather than expropriation.

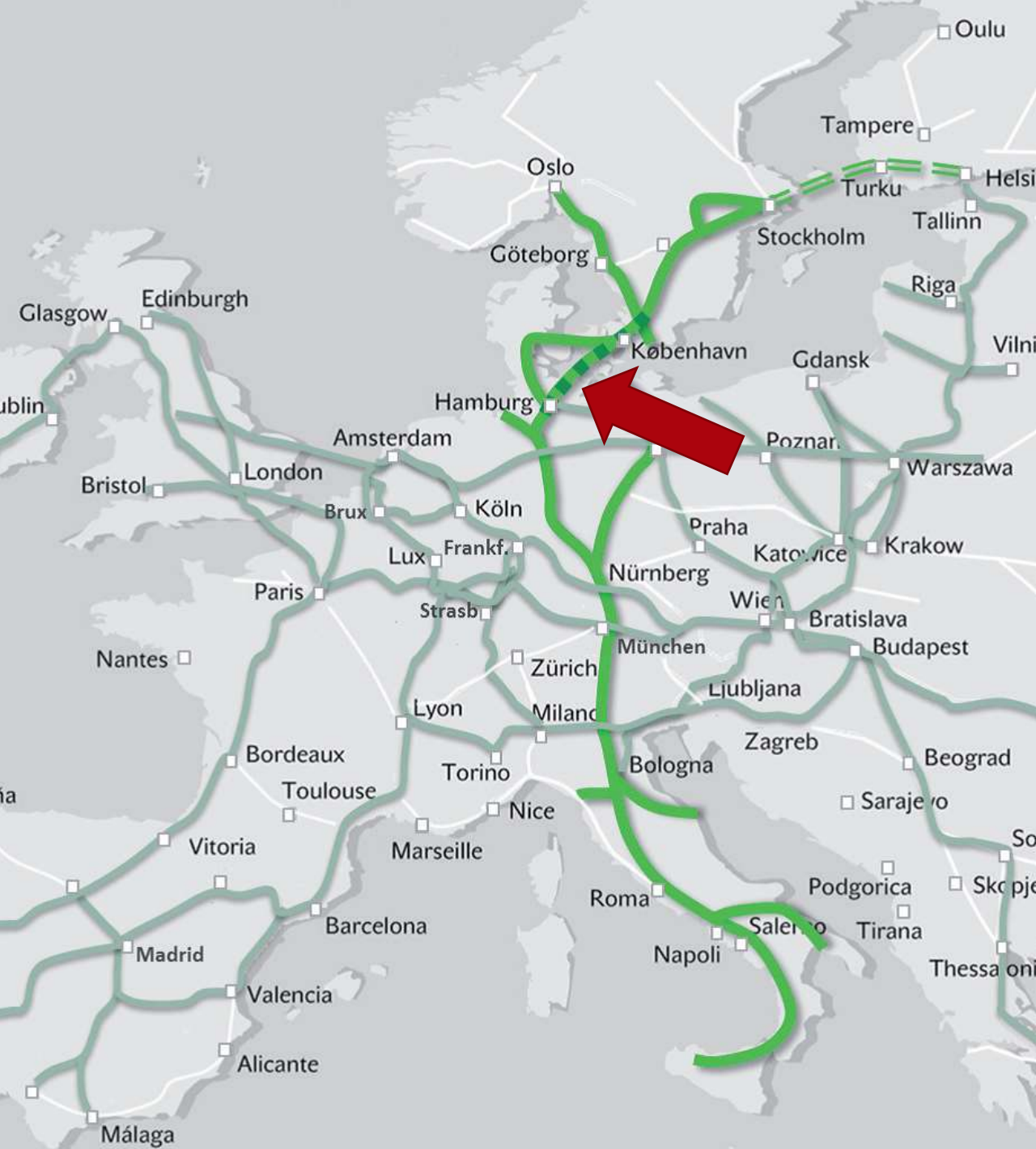


# The Fehmarn Fixed Link project

Introduction to Fehmarn Fixed Link:

A mega infrastructure project carried out in Denmark.





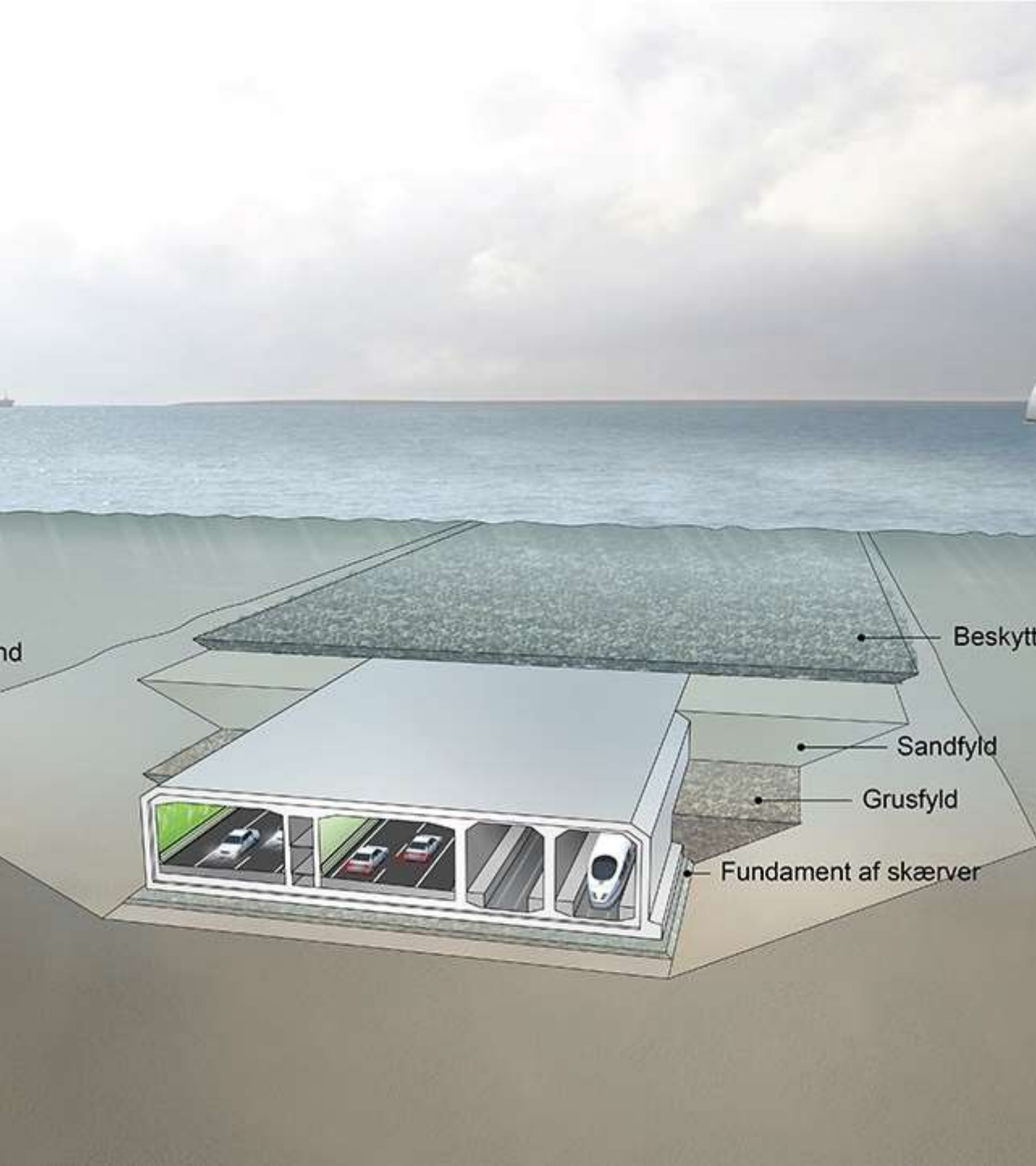
## A new immersed tunnel between Denmark and Germany

- A part of the Trans-European corridor "Scandinavia- Mediterranean"
- Connection between Scandinavia and the rest of Europe.



## The benefits of the Fehmarn Fixed Link:

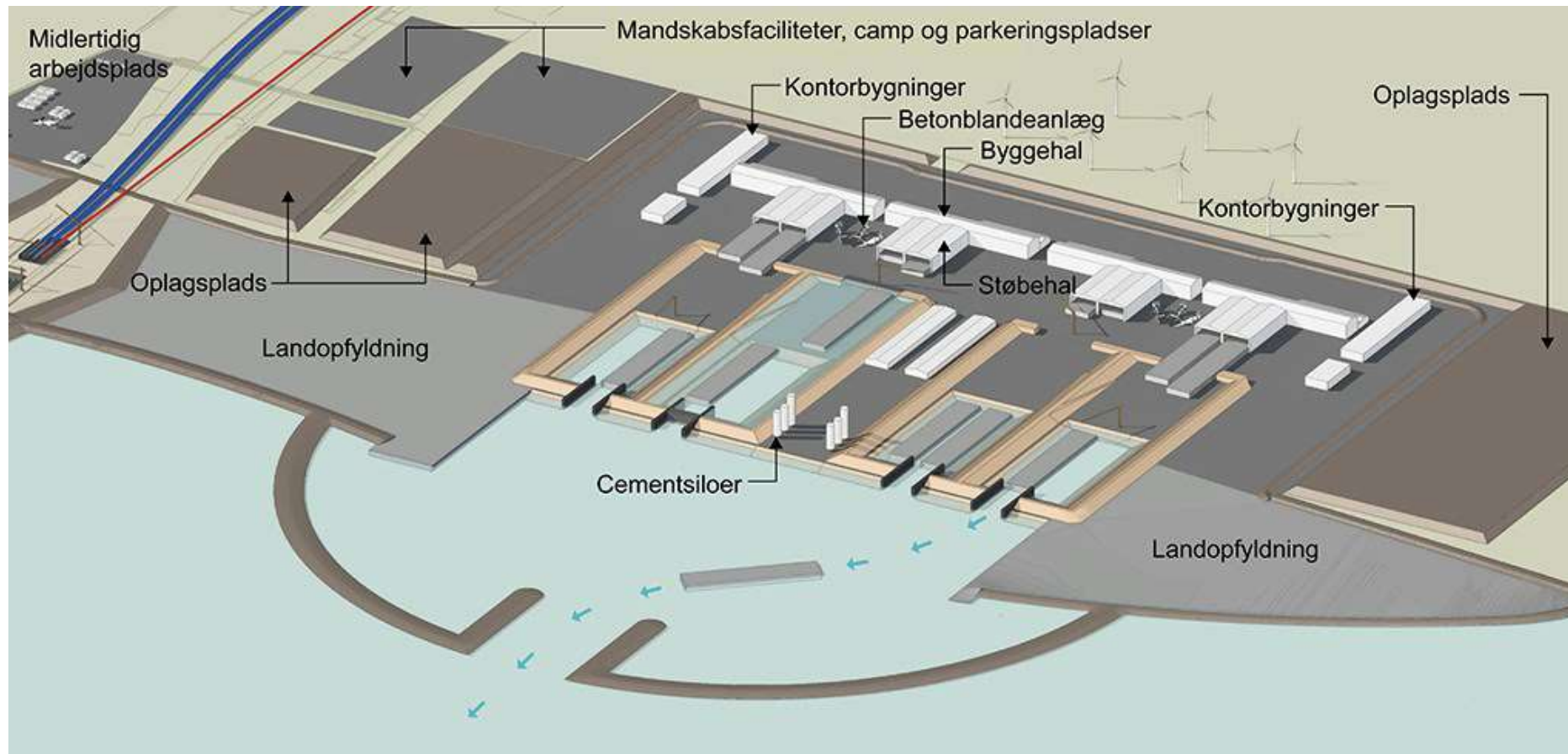
- Connecting a region with 8 million inhabitants (South Sweden, Seeland, Northern Germany)
- Travel time for train passengers between Copenhagen and Hamburg shortened from 4,5 h. to 2,5 h.
- Freight trains will save a detour of 160 km.
- Significant impact on the trade, industry, and cultural exchange between Germany and Denmark.



## Fehmarn Fixed Link Facts:

- ↗ World's longest immersed tunnel
- ↗ 18 km. long (10 min. travel time by car)
- ↗ 79 individual elements (217 m. long, 73.000 t.)
- ↗ + 10 special elements
- ↗ A trench for the tunnel is dugged into the seabed (60 m. wide, 16 m. deep and 18 km. long)
- ↗ 19 million cubic meters stone and sand will be used to establish approx. three square km. new natural areas in Denmark.
- ↗ Construction budget approx. 8,3 billion USD.

# Production area in Denmark





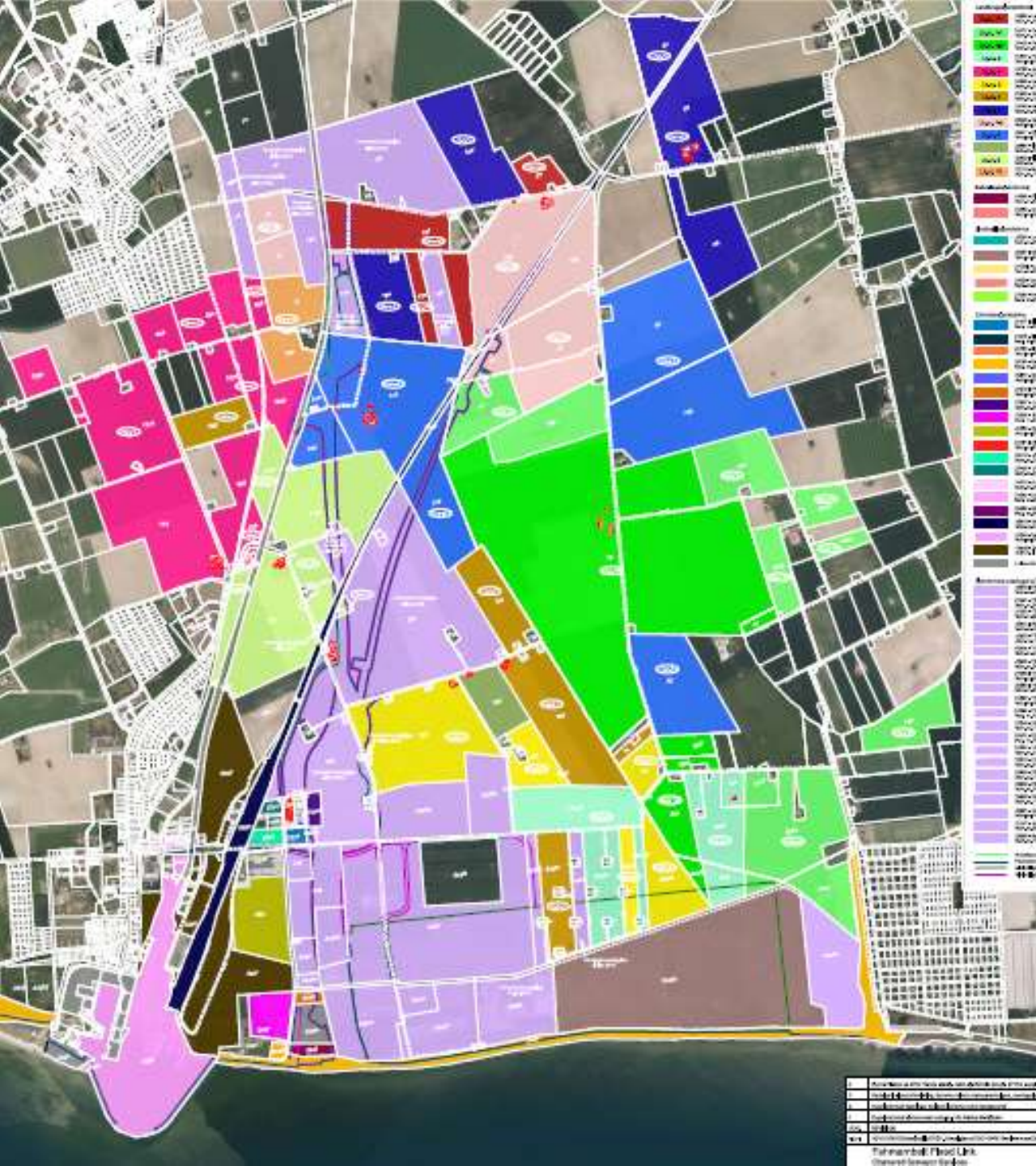
## Expropriation-through a participatory process

- ↗ Large areas of private owned land are required (approx. 4 sq. km)
- ↗ Land abutment of the tunnel
- ↗ Production area
- ↗ Temporary accommodation for up to 3000 workers



## EIA – Environmental Impact Assessment

- All imaginable consequences for plants, animals and people.
- Eg. consequences for the affected land.
- The general public has been thoroughly involved during the process.
- The report, including appendices, covers over 11.000 pages.



## Expropriation in advance

- Some affected property owners want to leave the project area.
- Impossible to sell a property that is affected by an upcoming project.
- Danish legislation gives an opportunity to expropriate the properties in advance, before the project is carried out.
- The expropriation is carried out by a special commission: The Expropriation Commission.
- Fair compensation

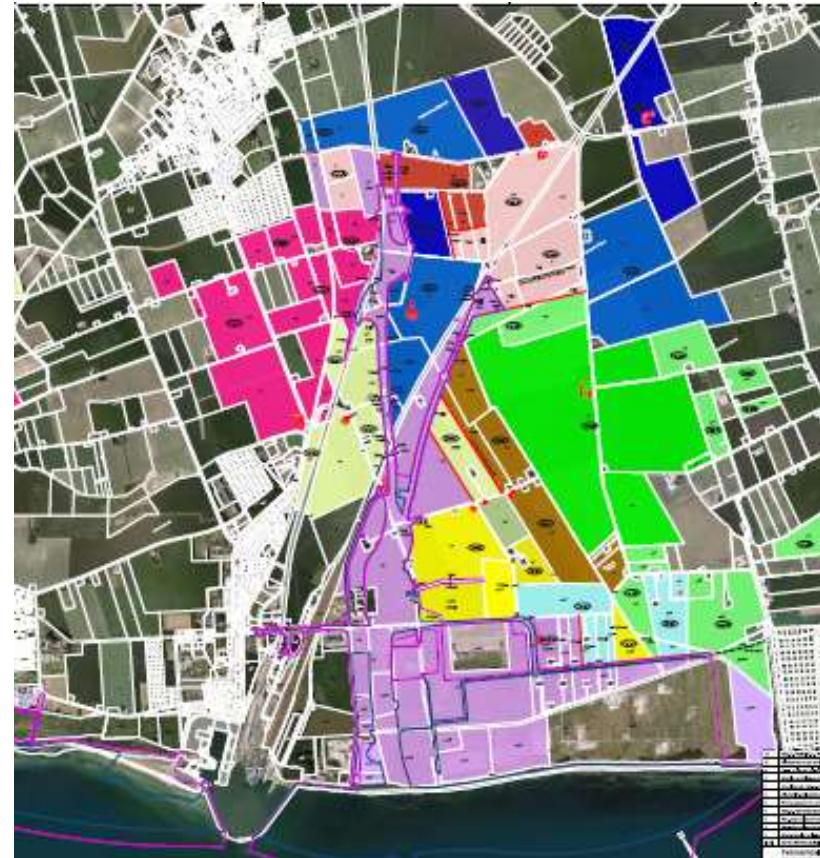
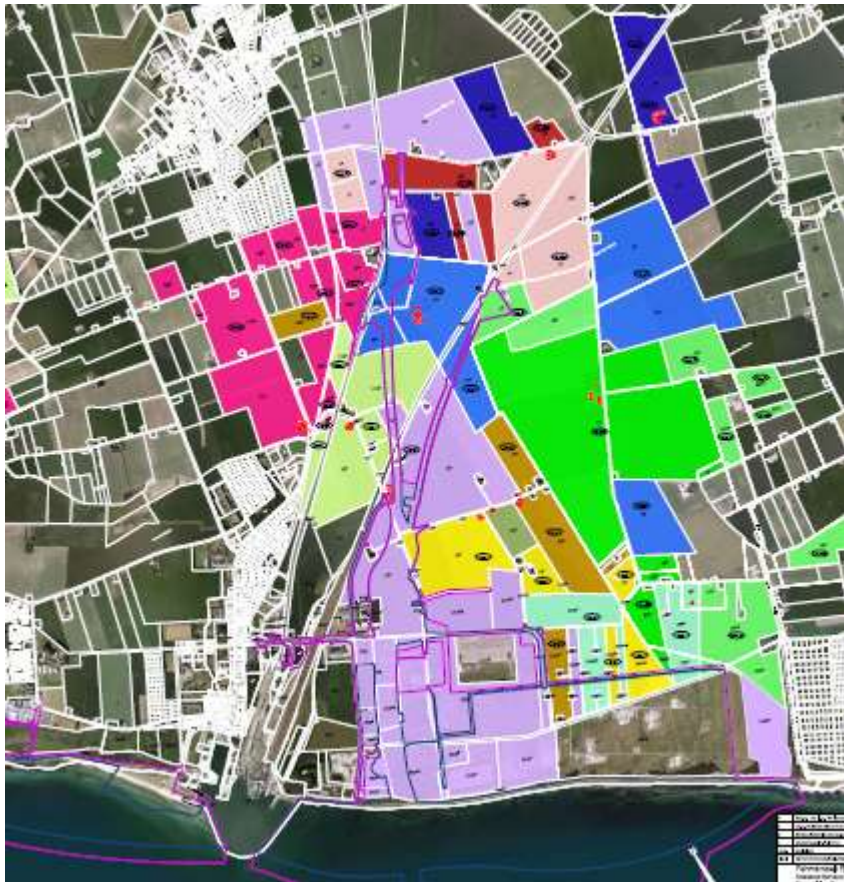


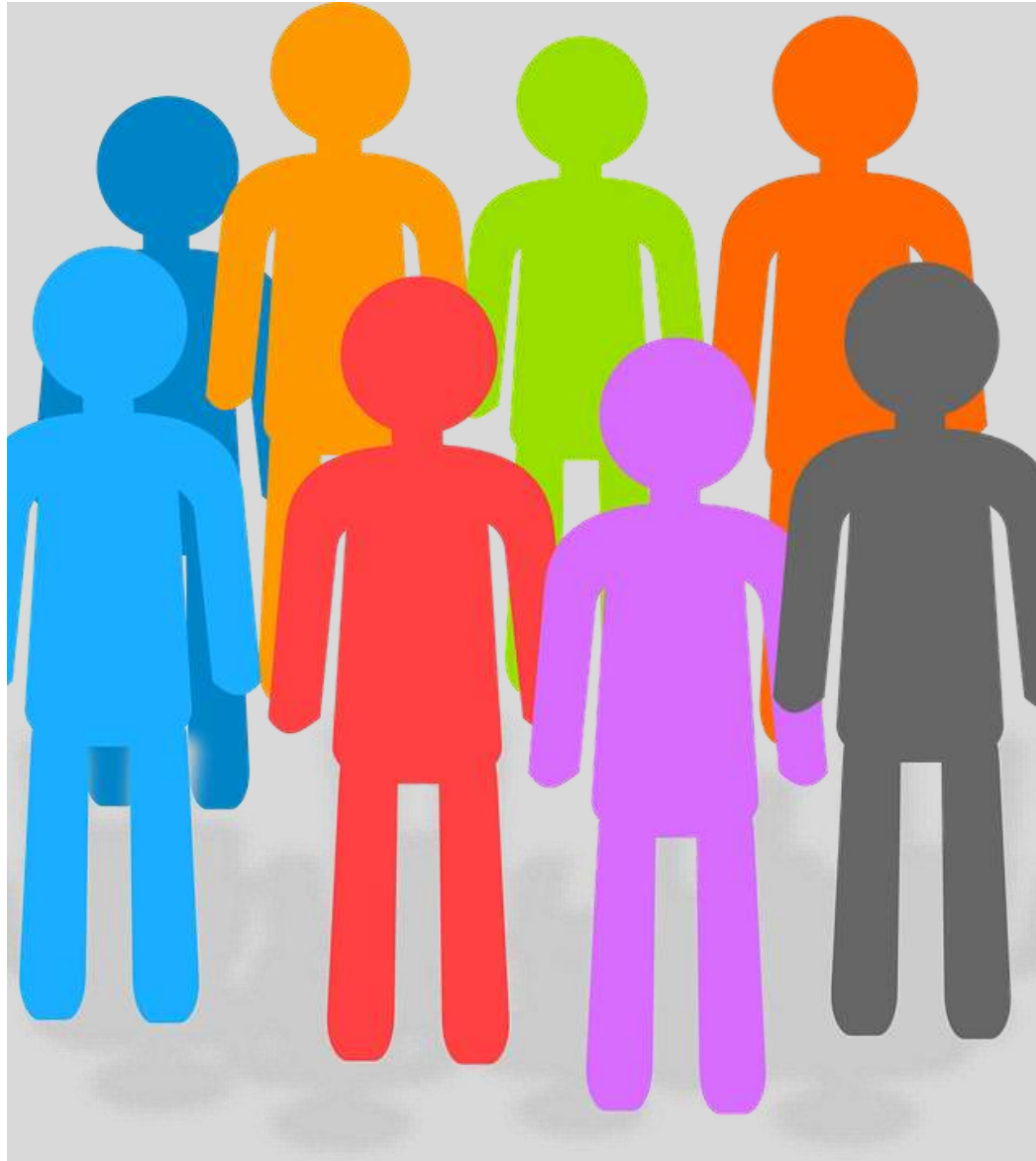
# Land consolidation

- Some areas acquired by advanced expropriation are located outside the project area.
- Those plots are used for land consolidation.
- The farmers play an active planning role.
- The affected farmers are compensated with agricultural land.
- The farmers can continue to operate efficiently during the construction phase and afterwards.
- The land consolidation is approved by the Expropriation Commission.



# Land consolidation – the result





## The expropriation process. - the activities

- The Expropriation Commission takes care of the land acquisitions.
- Preparation of material in which the extent of the expropriation is presented for each property.
- Meeting with the land owners (is the expropriation reasonable in relation to what is to be achieved?).
- Adjustment of the project?
- Final meeting with the landowners. Review of the land acquisition. Determination of the compensation.
- If a voluntary agreement is not achieved: Possibility to appeal to a higher and independent authority.

# Concluding remarks

- ↗ The case of Fehmarn Fixed Link shows how a participatory process – in different ways – can mitigate the “violation” of tenure rights:
  - ↗ The Environmental Impact Assessment is carried out, by involving the public in different ways.
  - ↗ Expropriation in advance ensures fair compensation to land owners that wants to leave the project area.
  - ↗ Land Consolidation in which the farmers play an active and planning role.
  - ↗ Ordinary Expropriation process is carried out through ongoing dialogue and inclusion of the affected land owners.



# Thank you for the attention

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