

Expropriation of Land Rights for Implementation of International Infrastructure Projects

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SUMMARY

The paper describes the experiences implementing an international gas infrastructure project using a participatory approach to expropriation of land rights while also improving security of supply and economic development.

Baltic Pipe is an offshore and onshore gas pipeline between the Norwegian gas system in the North Sea and Poland. The pipeline starts in the North Sea from Europipe II - the existing offshore pipeline between Norway and Germany - and runs across Denmark and the Baltic Sea ending up connecting with the Polish gas transmission system.

The project expands the European gas networks, so the possibilities for an efficient and stable gas supply are improved throughout Northern Europe.

The onshore part of the pipeline across Denmark is approximately 210 km and it is necessary to expropriate rights on about 500 properties, primarily on agricultural land.

In order to safeguard existing land rights, a proper and inclusive process is essential. When rights on agricultural land are expropriated, it can cause certain issues, as the land represents the actual livelihood for a farmer. The balance lies in ensuring that farmers are compensated in such a way that they can continue to live from their property or alternatively be fully economically compensated if part of their agricultural land is not productive for a period.

In Denmark, there is a long historical tradition of securing private land tenure rights. However, there is also a historical tradition of ensuring a proper process when, for example, power cables and pipelines need to be established across private properties. Experience shows that through the right

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approach a balanced process can be achieved that respects and benefits all parties and which manages the interaction between societal interests and the fundamental rights of the individual landowner.

The expropriations are carried out by a special commission - the Expropriation Commission - which is independent of both the authority carrying out the project and the landowners. The Expropriation Commission will determine the compensation it considers to be in accordance with the value of the land. After this, it is possible to appeal to a higher and independent authority. This process is free of costs for the landowners. Subsequently, it is possible to appeal to the ordinary judicial system.

Overall, experiences from this process show that expropriation of rights on even very large land areas for major infrastructure projects can be done in a manner that takes all parties' interests into account. A process which to a large degree is based on citizen involvement and inclusive dialogue, and taking into account both land tenure rights and the implementation of infrastructure projects. In addition, the case of the Baltic Pipe shows how these two things are not necessarily contradictory.

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