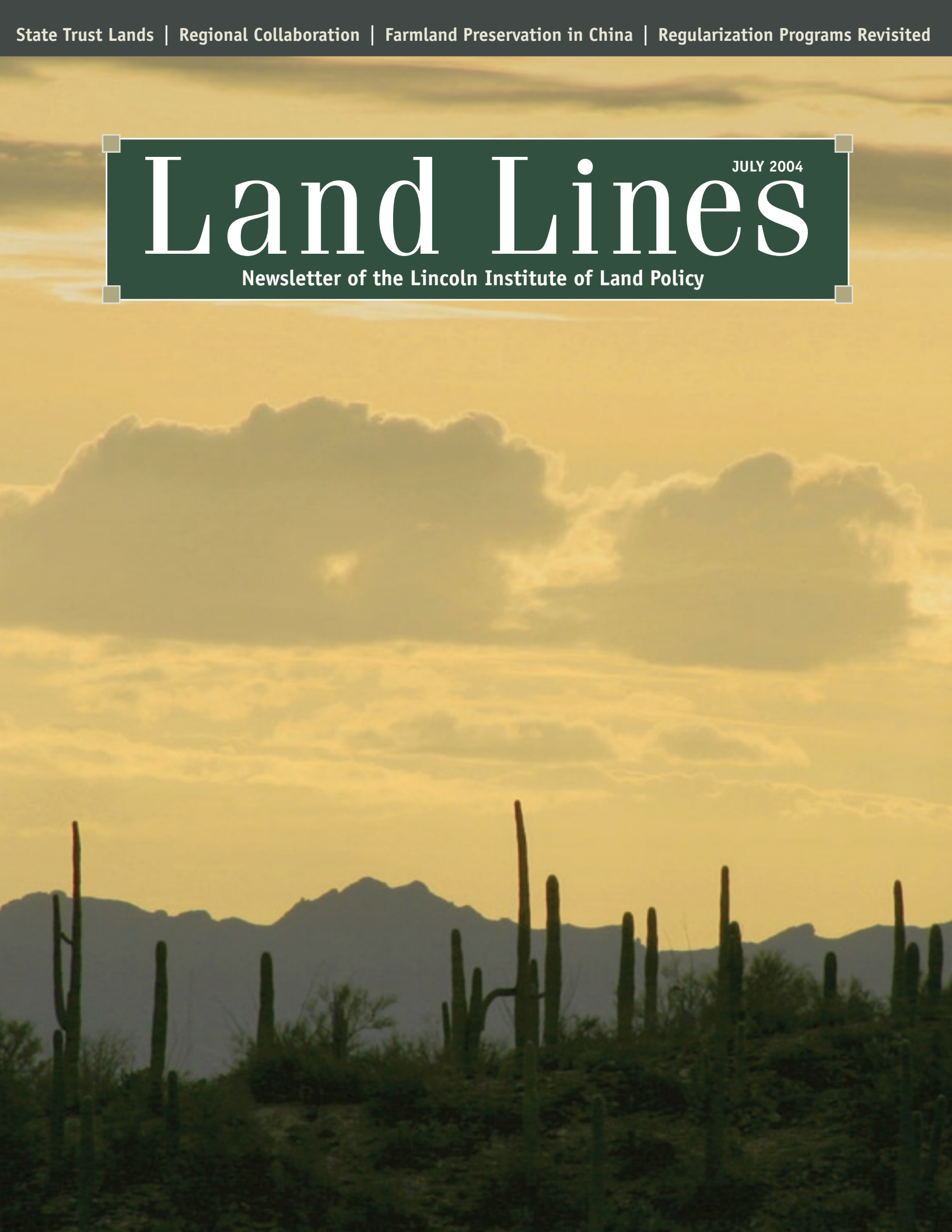


# Land Lines

JULY 2004

Newsletter of the Lincoln Institute of Land Policy



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Cover: Sunset and Saguaro cactus on state trust land in Arizona.

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## From the PRESIDENT

As I have reported previously, the Lincoln Institute is actively engaged in an array of land and tax policy initiatives in China that will have a profound impact on the socioeconomic transformation and institutional change currently under way there. The first of three projects that illustrate this potential is described in this issue of *Land Lines*, and the others will be reported in the future.

*Farmland Preservation:* We are working with the central government's Ministry of Land and Resources (MLR) to develop a farmland preservation and retention strategy in an era of rapid urbanization. China is home to 20 percent of the world's population, but accounts for only 7 percent of the world's total of farmland. Moreover, the majority of human activity in China—where people live, farm, have businesses or build infrastructure—is located in the fast-growing eastern part of the country. As the population expands and access to farmland becomes more limited, concerns about the nation's future food supply have increased.

*Policy Assistance in Beijing:* The Institute is collaborating with the Beijing Municipal Urban Planning Commission to develop a master plan that will recognize market forces as a mechanism in urban development. The Institute's program in Beijing marks the first time this commission has asked foreign experts from a market-based country to provide technical assistance. Our primary role is to demonstrate the linkages among market forces, planning and urban policy so planners can play a leading role in directing urban development in ways that adequately address economic, social, environmental and fiscal issues.

*Property Taxation:* The Institute is also assisting in the design and development of a property (land) taxation system in China. The central government has decided to implement a major reform of its tax system by 2007–2008. The Institute has been invited to collaborate on the research and design of a property taxation system with the Development Research Center of the State Council, China's principal policy think tank. The objective is to develop a value-based tax that will be levied on property across categories—a landmark change that will restructure intergovernmental relationships and provide an important revenue source for local government.



Jim Brown

## Brown to Retire; Presidential Search Announced

H. James Brown, president and CEO of the Lincoln Institute since 1996, has notified the board and staff that he intends to retire from the Institute in 2005. Katie Lincoln, chairman of the Institute board, stated, "We will miss Jim's leadership, but we are grateful for his many contributions to the Lincoln Institute over the past eight years. We wish him well in his retirement." A full report on Brown's tenure at the Institute will be published in a future issue of *Land Lines*.

The board has appointed a presidential search committee. Nominations and applications should be sent to Malcolm MacKay, Managing Director, Russell Reynolds Associates, 200 Park Avenue, 23rd Floor, New York, NY 10166, [mmackay@russellreynolds.com](mailto:mmackay@russellreynolds.com). The Lincoln Institute of Land Policy is an equal opportunity employer.



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# State Trust Lands: Balancing Public Value and Fiduciary Responsibility

ANDY LAURENZI

*In June 2003 the Lincoln Institute of Land Policy and the Sonoran Institute established a Joint Venture project to assist diverse audiences in improving state trust land administration in the American West. The goal of this partnership project is to ensure that conservation, collaborative land use planning, and efficient and effective asset management on behalf of state trust land beneficiaries are integral elements of how these lands are managed. The two institutes seek to utilize their core competencies to broaden the range of information and policy options available to improve state trust land management. This article introduces the Joint Venture and describes some of the work now under way in Arizona and Montana.*

State trust lands are a phenomenon that dates back to the Northwest Ordinance of 1785. With this ordinance, the U.S. Congress established a policy of granting land to states when they entered the Union as an asset to generate funding to support the public education system, a fundamental state responsibility. Starting with Ohio in 1785 and ending with Arizona and New Mexico in 1910, each new state received a set of federal lands that, under federal enabling legislation and the corresponding state constitution, were to be held in trust for the benefit of the public schools. The trust mandates established by the U.S. Congress and the states are clear: to generate revenue to support the public schools and other institutions. In some cases there are other minor institutional beneficiaries as well, but the public schools (K–12) are by far the largest beneficiary throughout the state trust land system. That singularity of purpose continues today and distinguishes state trust lands and the state programs that administer them from other types of public lands.

While Congress intended state trust lands



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**The Rincon Mountains help channel water to Cienega Creek, just 12 miles east of Tucson. The creek flows through state trust lands that the Sonoran Institute and the Cienega Corridor Conservation Council are trying to conserve through the reform effort. This watershed contributes to Tucson's drinking water resources.**

to be perpetual, the lawmakers expected that over time some lands would be sold to produce revenue. Initially Congress provided little guidance to states on how they should manage their state trust lands. Many states that entered the Union soon after 1785 quickly sold all or most of those lands for profit, and today little remains of that heritage. Because of these actions, Congress placed increasingly stringent requirements on new states in order to limit the use of state trust lands. Since most western states entered the Union in the late nineteenth and early twentieth centuries, they retain most of the original

state trust lands designated at the time of statehood.

Today these lands continue to be managed to generate income for the authorized beneficiaries. This revenue is either made available in the year in which it was generated (typically from leasing activities) or, in the case of outright sale of land or nonrenewable resources, deposited into a permanent fund that generates annual income for the beneficiaries. In Arizona, New Mexico, Texas and Wyoming these permanent funds or endowments are in excess of one billion dollars each.



Fifteen western states continue to own and manage appreciable amounts of state trust land (see Table 1). The nine states with the most significant holdings are the initial focus of the Lincoln Institute and Sonoran Institute Joint Venture: Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming (see Figure 1). Collectively these states manage more than 40 million acres of state trust lands. The landholdings are as diverse as the states that manage them and include coastal forests in Washington, mountaintops in Montana and low deserts in Arizona.

Traditionally these lands have been managed almost exclusively for natural resource production, with the leasing and sale of natural products being the principal sources of revenue. The reliance of state trust land management on natural resource extraction is understandable in the context of the natural resource-based economies of the late nineteenth and early twentieth centuries. But today, as the West continues to urbanize and the region's economies shift to the information age, trust land managers are recognizing a need to broaden the land use activities of their trust land portfolios. Invariably that means rearranging the portfolio from one that is overly reliant on natural resource extraction to one that recognizes the real estate value associated with commercial, industrial and residential development, as well as recreation and conservation.

Like many land use decisions, particularly in areas experiencing explosive growth, state trust land administration is increasingly controversial. As on federal public lands, traditional uses (i.e., cropland, grazing and timber production, and oil, gas, coal and mineral extraction) are at odds with public interests in recreation and natural open space. Efforts to sell and lease lands for commercial and residential development can create tensions between a state agency acting as a trustee and a local community vested with managing growth. Balancing the protection of the public values inherent in many of these lands with traditional and new uses, all within the context of the state trust's fiduciary responsibilities, is a challenge for trust land managers.

## What Is a Trust?

A trust is a legal relationship in which one party holds property for the benefit of another.

There are three participants in this relationship: a grantor or "settlor," who establishes the trust and provides the property to be held in trust; a trustee, who is charged by the settlor with the responsibility of managing the trust in keeping with the settlor's instructions; and a beneficiary, who receives the benefits of the trust.

The trustee has a fiduciary responsibility to manage the property held in trust (the trust corpus) in keeping with the instructions of the settlor and for the benefit of the beneficiary. This fiduciary responsibility can be enforced by the beneficiary if the trustee fails to meet the obligations outlined in the trust documents.

FIGURE 1 State Trust Lands in the Western United States



Source: Courtesy of the Sonoran Institute  
Data for Nevada were not available at the time of production.

At the same time, population pressures in the West have increased demands on public education funding. State trust lands are one obvious source of revenue to meet these funding demands, which in turn may generate even more pressure on trust land managers who as trustees of a permanent trust need to achieve both short- and long-term financial returns from the trust's assets.

An additional complexity is that the application of trust principles varies among the states, based in part on differing state trust land enabling legislation created in each state at the time of statehood.

Recognizing the value of bringing diverse interests together and providing solid information to stakeholders and key decision makers in land use planning and

development environments, the Lincoln Institute and Sonoran Institute Joint Venture project seeks to

- facilitate efforts to modernize state trust land laws and regulations in key western states
- foster education and research efforts that focus on key issues related to state trust land administration
- increase public awareness of the resource and economic values of state trust lands along with the impacts of state trust land management decisions on local communities, including implications for public finance
- develop and implement on-the-ground model projects designed to explore innovative approaches to collaborative land use planning and conservation management of state trust lands
- provide relevant technical information and tools to decision makers and agency staff involved in state trust land management

### Trust Land Reform in Arizona

Arizona is in the midst of a three-year discussion among diverse stakeholders to reform

its laws governing state trust lands. Arizona is noteworthy because the burgeoning growth of Phoenix and Tucson is reaching significant tracts of state trust lands. These lands are some of the most valuable real estate holdings in the Intermountain West and comprise 12 percent of the land in the state. Unlike many other western states, Arizona has long recognized the real estate value of its holdings and has an active real estate disposition program that has sold thousands of acres into the urban marketplace. The revenue from these sales has been deposited into the permanent fund of the state trust entity, and the income from the fund is directed to the trust's beneficiaries. The permanent fund is now valued at more than one billion dollars and is predicted to double in value over the next 10 years.

In the mid-1990s state trust land sales in metropolitan Phoenix came to a screeching halt when the development interests of the Arizona State Land Department encountered conflict with the goals of local communities interested in preserving some of this land as natural open space. Attempts to accommodate local concerns through state legislation have met with mixed results due to

the strictures of the Arizona enabling act and state constitution. Several key court decisions interpreting these laws have constrained the Arizona State Land Department from conserving open space or enabling the department to achieve the highest and best use on these lands when sold or leased for residential and commercial purposes. An attempt in 2000 to secure voter approval to revise aspects of Arizona's constitution and modernize state trust land management failed at the ballot box in the face of unanimous opposition from the conservation community.

This situation has set the stage for a diverse group of interests to convene in the hopes of developing a comprehensive reform proposal that the Arizona legislature and governor's office will consider. Even with their support, the final package will need voter approval to amend the state constitution, followed by changes in the federal enabling act that will require the approval of the U.S. Congress.

The Joint Venture directed its initial efforts toward working with the conservation organizations participating in the stakeholder group. We provided analyses

TABLE 1 Acres of State Trust Lands Owned by Each Beneficiary

| State        | Common Schools    | Colleges and Universities | Public Buildings | Other Institutions* | County           | Other          | Total             |
|--------------|-------------------|---------------------------|------------------|---------------------|------------------|----------------|-------------------|
| Arizona      | 8,255,377         | 738,848                   | 66,609           | 410,373             |                  |                | 9,471,207         |
| California   | 586,917           |                           |                  |                     |                  |                | 586,917           |
| Colorado     | 2,635,589         | 34,566                    | 4,075            | 8,211               |                  | 175,152        | 2,857,593         |
| Idaho        | 2,054,292         | 210,681                   | 6,812            | 132,228             |                  |                | 2,404,013         |
| Montana      | 4,597,691         | 236,502                   | 186,227          | 111,266             |                  |                | 5,131,686         |
| Nebraska     | 1,519,774         | 10,444                    |                  |                     |                  | 1,582          | 1,531,800         |
| New Mexico   | 7,004,959         | 1,088,370                 | 88,726           | 603,748             |                  | 431,196        | 9,216,999         |
| North Dakota | 635,885           | 39,823                    | 9,981            | 17,700              |                  | 19,684         | 723,073           |
| Oklahoma     | 388,565           | 356,386                   | 36,946           | 3,281               |                  |                | 785,178           |
| Oregon       | 785,868           |                           |                  |                     | 652,000          |                | 1,437,868         |
| South Dakota | 666,375           | 92,864                    | 14,168           | 47,596              |                  |                | 821,003           |
| Texas        | 809,389           |                           |                  |                     |                  |                | 809,389           |
| Utah         | 3,590,236         | 54,778                    | 3,359            | 37,615              |                  | 52,923         | 3,738,911         |
| Washington   | 1,836,986         | 156,011                   | 108,926          | 79,549              | 622,498          | 8,107          | 2,812,077         |
| Wyoming      | 3,139,814         | 105,971                   | 82,890           | 272,985             |                  |                | 3,601,660         |
| <b>Total</b> | <b>38,507,717</b> | <b>3,125,244</b>          | <b>608,719</b>   | <b>1,724,552</b>    | <b>1,274,498</b> | <b>688,644</b> | <b>45,929,374</b> |

Source: Adapted from Souder and Fairfax 1996 (Table 2-3)

\* Includes hospitals, asylums, prisons, deaf and dumb schools, reform schools and other charities.



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**State trust lands surrounding Saguaro National Park near Tucson provide important corridors for wildlife.**

of the current laws and proposed changes, with assistance from the law firm of Squire, Sanders & Dempsey, to help the conservation community promote a constructive agenda that has been incorporated into the package. In addition, our information related to land use planning was useful to other stakeholders in developing elements of the package that will ensure more collaborative planning between the Arizona State Land Department and local governments charged with land planning responsibility, while also increasing the range of tools available to local communities to protect natural open space on state trust lands.

We are also working with officials from the City of Tucson (the second largest city in Arizona) and the Arizona State Land Department to assist their efforts to develop 10,000 acres in the city’s growth corridor. This Houghton Area Master Plan includes more than 7,500 acres of state trust lands. Our work is directed toward the planning effort by providing examples of smart growth

development at the urban edge. A key element is to document evidence that greenfield projects are not necessarily synonymous with sprawl and that a number of examples of recent master-planned communities at the urban edge are incorporating smart growth elements, such as interconnected open space for active and passive recreational use, pedestrian orientation, mixed-use development accessible to public transit, and a diverse mix of housing types, sizes and prices. As important, these progressive master-planned communities are achieving success in the marketplace, which is a preeminent concern of the Arizona State Land Department.

While the City of Tucson, in partnership with the Sonoran Institute, is working to promote infill and brownfield development, even under the most optimistic of scenarios more than 50 percent of the city’s explosive growth will be greenfield development. If successful, this master-planning effort will guide development on 50 square miles of state trust lands within the city and can serve as a local land use planning model for other state trust lands.

**Trust Lands in Montana**

The Joint Venture has also initiated an assessment of policy issues affecting state trust lands in Montana. Working with a local advisory group chartered by the Department of Natural Resources (the manager of Montana’s state trust lands), we have provided information that will help guide land use planning on 12,000 acres of state trust lands in Flathead County at the gateway to Glacier National Park. This effort will serve as a template for future department plans for land uses other than grazing and forest management. For example, the department has shown an interest in generating revenue from leasing land for conservation, recreational, residential, commercial and industrial uses. Increasing interest in these “special uses” is creating a paradigm shift in how the Department of Natural Resources interacts with local governments and how local governments interact with state trust lands.

As growth expands throughout much of western and central Montana, the depart-

ment seeks to capture additional revenue opportunities through the development of special uses. While local communities are recognizing that state trust lands can be a source of economic growth and can contribute positively to meeting growth demands, they are also requiring those land uses to be responsive to local community values. Sound, objective land planning and valuation information are essential to the development of policies that will guide Montana state trust land management in the future.

**Final Comments**

In the brief time since the Joint Venture was established there has been no shortage of issues that could benefit from better information and collaboration among diverse parties. This fall the Lincoln Institute and the Sonoran Institute will convene a small group of experts from academia and the public and private sectors to identify the issues of greatest concern that will guide further research efforts. Our work in Arizona and Montana will continue as we seek to develop a broad-based approach to increasing awareness about state trust lands. The successful resolution of the issues affecting state trust land management will benefit not only local school children, but also many conservationists, developers, ranchers and businesses throughout the West. **L**

*ANDY LAURENZI is the program director for state trust lands at the Sonoran Institute, a nonprofit organization established in 1990 to bring diverse people together to accomplish shared conservation goals. The Sonoran Institute is based in Tucson, Arizona, with offices in Phoenix and Bozeman, Montana ([www.sonoran.org](http://www.sonoran.org)). Contact: [andy@sonoran.org](mailto:andy@sonoran.org)*



**■ REFERENCE**

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# Working Across Boundaries: A Framework for Regional Collaboration

MATTHEW MCKINNEY, JOHN PARR  
and ETHAN SELTZER

The case for thinking and acting regionally has been made in this country for well over 100 years. After surveying the West in 1890, John Wesley Powell published an essay titled “Institutions for the Arid Lands,” in which he articulated his vision that the most appropriate institutions for governing western resources are commonwealths defined by watersheds. He reasoned that “there is a body of interdependent and unified interests and values, all collected in [a] hydrographic basin, and all segregated by well-defined boundary lines from the rest of the world. The people in such a district have common interests, common rights, and common duties, and must necessarily work together for common purposes” (Powell 1890, 114).

Powell’s prescription to organize around watersheds was largely ignored in the formative years of the settlement and development of the West (Stegner 1953). His vision of watershed democracies, however, is part of a larger story of how American citizens and communities have attempted to govern public affairs on the basis of regions. Some 30 years after Powell’s writing, Lewis Mumford, Benton MacKaye and others created the Regional Planning Association of America in 1923 to focus largely on cities

and municipal regions, and to a lesser extent on rural and wilderness landscapes. Although the history of regionalism is characterized by a mix of successes and failures, there is renewed interest throughout North America in addressing land use, natural resource and environmental problems on a regional basis (see Derthick 1974; Seltzer 2000; Foster 2001).

Today, regional initiatives emerge in response to a growing number of land use and related issues that transcend political and jurisdictional boundaries and often involve business and nonprofit organizations. These issues are most often framed as a crisis or threat, and less so as an opportunity: sprawl across city, county and even state boundaries; water supply for growing communities; water quality protection; wildlife habitat; management of traffic corridors; economic development; and taxation. Effective solutions require people to work across boundaries (jurisdictions, sectors and even disciplines) on a regional scale that corresponds to the challenge or opportunity, as in the New York–New Jersey Highlands region.

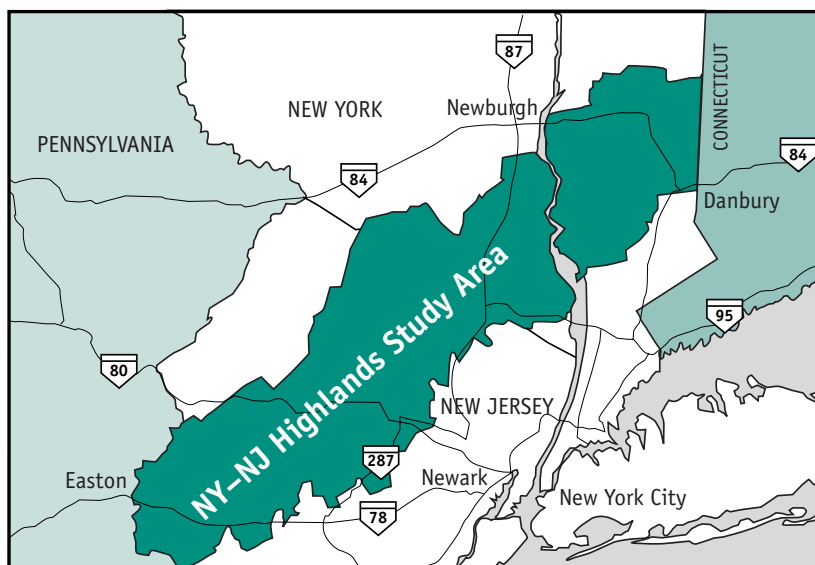
Existing institutions, however, rarely have the legitimacy and credibility to convene the plurality of stakeholders interested

in or affected by these regional issues. In response, policy makers will occasionally mandate some form of regional collaboration as the most logical way to address trans-boundary issues. Metropolitan Planning Organizations (MPOs), for example, are required to develop regional transportation plans in order to secure access to federal transportation dollars. Some landscape-based efforts, such as the Adirondack Park Commission and the Columbia River Gorge National Scenic Area, also fall into this category. In these types of cases, policy makers mandate regional collaboration when it is apparent that responding within jurisdictional boundaries is ineffective or threatens the integrity of key resources central to community identity and prospects.

When policy makers are slow to act, or fail to act, stakeholders may become frustrated and ultimately realize that if anything is going to happen citizens need to step forward, with or without government participation. Thus, regional initiatives emerge as much from the bottom up as the top down. When people inhabiting a common place develop a shared recognition that acting together is the best way to address a regional crisis, threat or opportunity, or simply to



Source: New York–New Jersey Highlands Regional Study Technical Report. 2003. Newtown Square, PA: U.S. Department of Agriculture, Forest Service (April): 46. ([http://www.fs.fed.us/na/highlands/atechnical\\_report/index.html](http://www.fs.fed.us/na/highlands/atechnical_report/index.html))





achieve economies of scale, we see regional initiatives arise more organically, bubbling up from a shared sense of destiny or fate.

In light of the growing interest in acting regionally, this article offers a framework to help organize our thinking about regionalism, and to begin to identify and promote best practices for regional collaboration. No single model or approach will solve all regional problems. By looking at regional efforts around the country, however, it is possible to identify a common set of goals and principles for initiating, designing and sustaining regional efforts.

Shortly before his death, John W. Gardner, a long-time advocate for regional approaches to solving public problems, argued that there can be “no more regionalism for its own sake. We now need pragmatic regionalism with a purpose” (Parr et al. 2002, 3). While the specific objectives of regional initiatives vary, the overarching purpose of most regional initiatives is to integrate three goals (see Figure 1).

### Regional Leadership

To achieve these goals, regional initiatives require a certain type of leadership. In contrast to exercising authority by taking unilateral action (a command-and-control model of leadership), people who initiate regional efforts cross jurisdictions, sectors, disciplines and cultures to forge alliances with diverse interests and viewpoints. These “regional stewards” invite people to take ownership

of a shared vision and values, and they work hard to bridge differences and nourish networks of relationships.

Regional stewards share power and mobilize people, ideas and resources. They also provide integrity and credibility, and show a high tolerance for complexity, uncertainty and change. They emphasize dialogue and build relationships by respecting the diversity of ideas and viewpoints. Respect builds trust, which in turn fosters communication, understanding and eventually agreement.

Regional stewards tend to be committed to the long-term well-being of a particular place. They apply the same entrepreneurial spirit and persistence to solving regional challenges that business entrepreneurs apply in building a business; they are *civic entrepreneurs*. They see the need for more connected regional approaches to address social, economic and environmental issues; they are *integrators*. They build support from leaders, citizens, interest groups and policy makers toward a shared vision; they are *coalition builders*. Regional stewards hold themselves and each other accountable to achieve tangible results and sustained outcomes.

Regional stewards may be local elected or appointed officials, university or college professors, local business executives, program officers at philanthropic foundations, staff or board members of nonprofit organizations, and community activists. Regardless of their background or station in life, they share a common belief in the need to work across boundaries to accomplish the goals of regional stewardship (Parr et al. 2002).

### Principles for Regional Collaboration

To foster livable communities, vibrant economies and healthy environments through regional collaboration, we have distilled seven principles from the literature and our own experiences. These principles are not necessarily new, but they embody practices that, when used in a regional context, create the conditions for successful collaboration.

**1. Make the Case.** Working across boundaries is tough. There is tremendous inertia in existing political arrangements, so the reasons for working regionally must be clear

FIGURE 2  
Objectives of Regional Initiatives

- Build knowledge and understanding**
  - Conduct research
  - Acquire information
- Build community**
  - Inform and educate citizens and leaders
  - Promote mutual understanding
  - Shape public values
  - Stimulate conversation
  - Foster a common sense of place
- Share resources**
- Solve specific problems**
  - Provide input and advice
  - Advocate for a particular interest or outcome
  - Resolve disputes
- Govern**
  - Make and enforce decisions

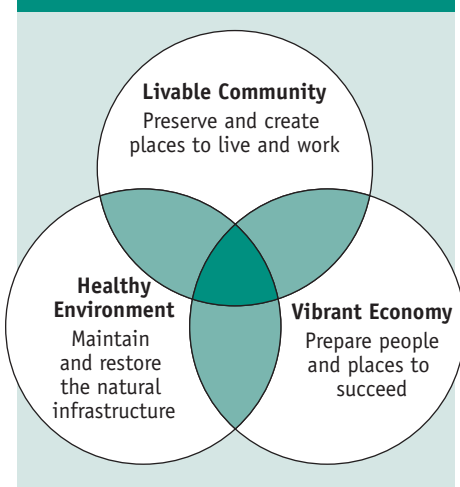
Source: McKinney et al. 2002

and compelling. Regional collaboration emerges when a core group of leaders recognizes a crisis, threat or opportunity that is not likely to be adequately addressed through existing institutional arrangements. Depending on the unique needs and interests of a region, initiatives might be organized to achieve one or more objectives (see Figure 2). Far from being mutually exclusive, these objectives reinforce one another and suggest a natural progression from knowledge- and community-building to advocacy and governance.

### 2. Mobilize and Engage Key Participants.

To be effective, regional initiatives must engage the right people. If the objective is to advocate for a particular interest or outcome, a different group of people will be required than if the objective is to build agreement on a regional vision or resolve a multiparty dispute among people with different viewpoints. In the latter types of situations, the regional forums should be as inclusive as possible, seeking people who are interested in and affected by the issue, those needed to implement any potential recommendation (i.e., those with authority), and those who might undermine the process or outcome if not included.

FIGURE 1  
Goals of Regional Collaboration

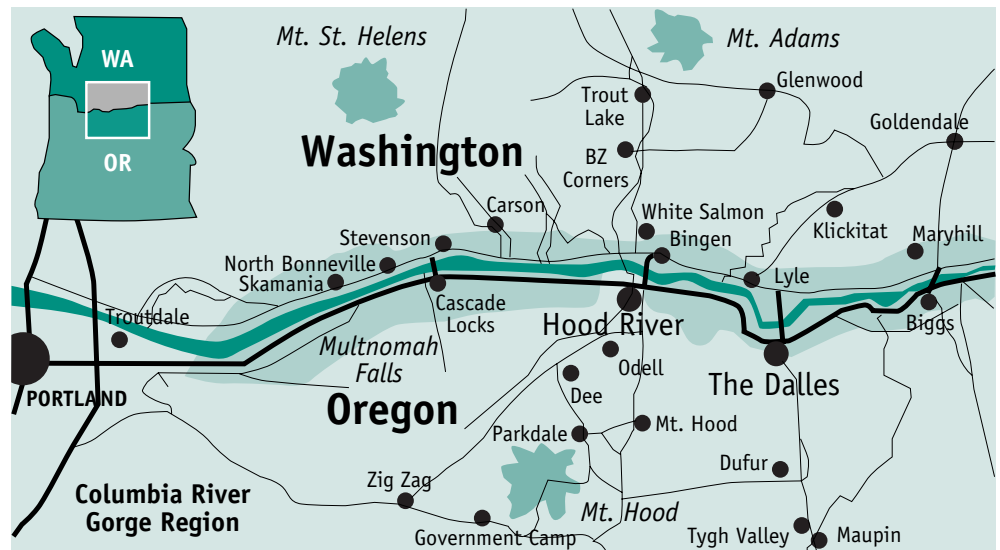




**3. Define the Region Based on People's Interests.** Regions vary in size and shape. Some are defined by a sense of place while others address a key function or purpose, such as a watershed, transportation corridor or ecosystem. How people define a region naturally flows from their interests and concerns. This variation in scale suggests that regionalism is at once a unifying theme and an adaptive concept. However it is defined, the region must engage the hearts and minds of people and appeal to shared interests. The precise physical boundaries of a region are often less important than the process of clarifying the core area of interest. Boundaries can be soft and flexible, adaptable to changing needs and interests.

**4. Foster Mutual Learning.** Regional efforts often begin by providing opportunities to learn about the region and how to think and act across boundaries. Building this common understanding fosters a sense of regional identity, and often the will to act. Regional forums should enable participants to jointly develop and rely on the best available information regardless of the source, thereby creating a greater sense of ownership in the region's story. Regional efforts should consider a variety of scenarios and options to shape the future of the region, and all participants should have an equal opportunity to share views and information.

**5. Forge Collaborative Decisions.** Since most regional initiatives do not have authority per se, they must create coalitions and forge collaborative decisions to foster social change and shape public policy. Collaboration is a social learning process where people share knowledge, ideas and experiences through cooperative, face-to-face interaction. The premise of collaboration is that if the right people come together in constructive ways with good information they will produce effective, sustainable solutions to the challenges and opportunities they face. Genuine collaboration occurs when people listen to each other, consider the rationales or interests behind competing viewpoints, and seek solutions that integrate as many interests as possible. Collaborative decision making may or may not result in consensus or



Source: Columbia River Gorge National Scenic Area, U.S. Department of Agriculture, Forest Service (<http://www.fs.fed.us/r6/columbia/forest/maps/>)

unanimous agreement, but it allows participants to create effective coalitions to get things done.

**6. Take Strategic Action.** The objectives of a regional collaboration should determine what people do. Experience suggests that early successes help build momentum and trust. It is important to develop the capacity to (1) communicate your message, make it relevant and compelling, and use multiple strategies to inform, educate and mobilize people (e.g., media, public events, publications, Web sites); (2) link your effort to established decision-making systems by seeking access to power rather than power itself; and (3) monitor, evaluate and adapt by developing indicators of performance and clarifying who will do what, when and how.

Being strategic and deciding what to do require an understanding of how regional action supplements efforts at local, state and even national levels. The desired outcomes for a region are often contingent upon many seemingly disconnected decisions. Regional strategies need to recognize these contingencies up front, and create opportunities to build bridges, coordinate actions and do things that otherwise would not get done.

**7. Sustain Regional Action and Institutionalize Regional Efforts.** Assuming there is a need to sustain a regional partnership, the key challenge is to keep stakeholders engaged and to recruit more leaders. Since

the region is no one's community, building a sense of regional identity, responding to the needs and interests of partners, and capturing and sharing accomplishments are critical to sustain any regional effort. To be effective, regional initiatives should be both idealistic and opportunistic. People's attention will naturally devolve to more established, usually local, institutions if the mission of the regional effort is not consistently and continuously reviewed, revised, renewed and adapted to address new information and opportunities.

Regional stewards should also explore the value of integrating regional efforts into existing institutions or designing new ones. Partners need to identify and develop the capacities to sustain the regional initiatives: people, resources (e.g., money and information) and organizational structure. Given the source and diversity of regional initiatives, it is not surprising that different organizational models have emerged to meet particular challenges.

### Tools for Regional Collaboration

To foster effective regional initiatives and support regional stewards, the Lincoln Institute offers the two-day skill-building course Regional Collaboration, usually in the spring. The Institute also convenes Regional Collaboration Clinics in selected regions, where we work with diverse groups of people to address the regional challenges and opportunities they face. Recently, we

completed clinics in the New York–New Jersey Highlands and the Delaware River Basin, both regions experiencing tremendous growth and development. For more information on the course or clinics, contact Matthew McKinney.

The Alliance for Regional Stewardship is in the process of creating RegionLink, an online consultative network for regional practitioners. For more information on this tool, contact John Parr.

Our approach to regional collaboration is experimental. We are interested in working with and learning from people involved at different regional scales and on different issues. Please contact us to share your story and suggest how we might improve the

framework presented here to better reflect the practice of regional stewardship. **L**

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## National Conference of State Tax Judges

The National Conference of State Tax Judges is an independent educational and professional organization of state tax judges and members of tax appeal tribunals.

The National Conference has met annually since 1980 for presentations on tax law, valuation, finance, economics and tax policy. The three-day conference is usually held in September and alternates between Lincoln House in Cambridge, Massachusetts, and other locations throughout the United States. Two days of the conference address property taxation, valuation, court administration, ethical issues and other points of general interest. A third day is devoted to state tax questions involving sales and income taxes. Lincoln Institute sponsorship permits the program to be offered without registration or membership fees.

A planning committee of judges and tribunal members develops the agenda and chooses the speakers for each annual program in order to offer a broad overview of tax policy questions, a review of new legal developments, and presentations on state and local tax issues by some of the most

eminent scholars and tax practitioners in the field. Each program offers an opportunity for participants to

- review legal and constitutional developments in state and local taxation
- consider methods of dealing with complex tax and valuation disputes
- share experiences and techniques applicable to case management and court administration
- question academic experts in law, valuation, finance and economics

*“The conference was intellectually stimulating and very practical as well. It is remarkable how many issues cut across state lines. The issues we all face can be discussed and analyzed, helping all participants focus and come to a clearer understanding.”*

*Glenn Newman, President,  
New York City Tax Commission  
and Tax Appeals Tribunal*

- exchange views on current legal issues facing tax courts in different states.
- Participants have ample time for both formal and informal discussions of recent tax developments in their states, including judicial decisions in their jurisdictions, new or proposed statutes of significance, and procedural innovations. Recent meetings have featured presentations by national specialists on such topics as the valuation of special-purpose property, exemptions and abatements, taxation of public utility property, sales taxation of remote vendors and electronic commerce, and taxation of special industries such as hospitals and health care organizations.
- The 2004 conference will be held September 29–October 2 in Chicago. For more information, e-mail [statetaxjudges@lincolninst.edu](mailto:statetaxjudges@lincolninst.edu) or call the Lincoln Institute at 617-661-3016 or 800-526-3873. **L**

# Farmland Preservation in China

CHENGRI DING

The fast pace of farmland conversion in the People's Republic of China is causing alarm among top leaders concerned with food security and China's ability to remain self-reliant in crop production. This loss of farmland is a direct result of China's remarkable success in economic development over the past two decades, which has resulted in rapid urbanization and the conversion of enormous amounts of farmland into residential, industrial, commercial, infrastructure and institutional uses. Nearly a decade ago, Lester Brown asked, "Who Will Feed China?" in a book that drew attention to the importance of farmland preservation.

At first glance, visitors to China may not realize there is any problem with food supply or farmland protection because food seems to be abundant. Moreover, concern over China's acute housing shortage has prompted many economists to prefer a policy that makes more farmland available for housing. Their arguments may be sound in theory. When one looks deeply at China's land resources and projected growth, however, it becomes easier to understand the rationale for the country's rigorous

efforts to preserve its declining supply of farmland and recognize the farm-related issues and policy challenges that can be expected in the foreseeable future.

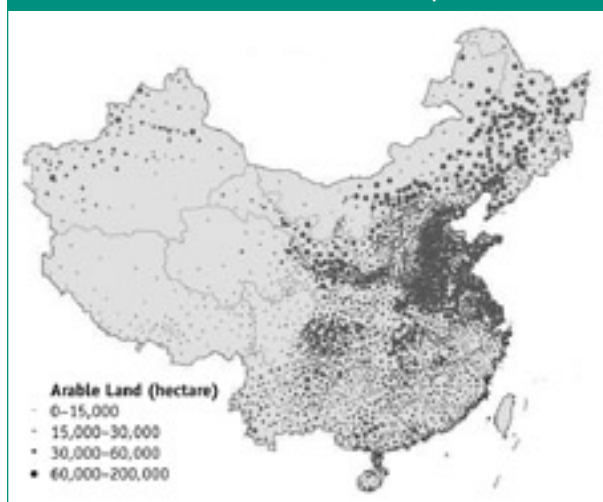
## Tensions between Land and People

A map of China gives the false impression that land is abundant. Even though the total land mass of China is similar to that of the United States (9.6 and 9.4 million square kilometers, respectively), land suitable for human habitation in China is limited. About one-fifth of China's territory is covered by deserts, glaciers and snow. Areas that average more than 2,000 meters above sea level and mountainous regions each account for one-third of China's land, indicating a high level of land fragmentation. Thus, less than one-third of China's land area is composed of the plains and basins where more than 60 percent of the population of 1.3 billion lives. There are fewer farms in China per capita than in almost any other country. China's rate of per capita farmland occupation is 0.26–0.30 acre (depending on which official data are used), less than 43 percent of the world average. It is a staggering accomplishment that China is able to feed 20 percent of the world's population with only 7 percent of the world's farmland.

The relationship between the Chinese people and their land is further complicated by the uneven distribution of the population. The eastern part of China represents 48 percent of the nation's territory, but includes 86 percent of China's total farmland and nearly 94 percent of its population. By contrast, the western provinces feature vast and mostly unusable land. Henan Province, located near the center of China, has the nation's highest population density. Henan is only one-sixtieth the size of the U.S., but its population is more than one-third of the U.S. population.

This east-west division also reflects striking differences in farmland productivity. In the east, farms generally reach their maximum potential yield, whereas farm productivity in the west is low, and it is difficult and expensive to improve productivity there. More than 60 percent of China's farms have no irrigation systems, and most of those farms are located in the west. Regions with more than 80 percent of the nation's water resources have less than 38 percent of the farmland. Around 30 percent of all farmland suffers from soil erosion, and more than 40 percent of farmland in arid and semi-arid regions is in danger of turning into desert. It seems inevitable that the tensions between the

FIGURE 1 Distribution of Arable Land, 2000



Source: China Data Center, University of Michigan (<http://chinadatecenter.org/chinageography/Mapdisplay.asp?FigureNumber=Atlas4.2>)

FIGURE 2 Population Distribution, 2000



Source: China Data Center, University of Michigan (<http://chinadatecenter.org/chinageography/Mapdisplay.asp?FigureNumber=Atlas2.1>)



Chinese people and the use of their land will only escalate in the next decade or two, driven in large part by the ambitious socioeconomic development goals set up by the Sixteenth Communist Party Congress in 2003. Those goals call for China's GDP to be quadrupled and the rate of urbanization to reach 55 percent by 2020. Given the projected population growth from 1.3 billion to 1.6 billion, Chinese cities will become home to 200 to 350 million new urban residents. This remarkable increase in development will require land for all kinds of human needs: economic development, housing, urban services and so forth.

### Farmland Preservation Laws

Two principal laws govern farmland preservation efforts in China. The Basic Farmland Protection Regulation, passed in 1994, requires the designation of basic farmland protection districts at the township level and prohibits any conversion of land in those districts to other uses. It also requires that a quota of farmland preservation should be determined first and then allocated into lower-level governments in the five-level administrative chains (the state, province, city, county and township). This important act represents the first time China has imposed a so-called zero net loss of farmland policy. This policy affects only basic farmland, so the total amount of basic farmland will not decline due to urbanization.

There are two kinds of basic farmland protection districts. The first level consists of high-quality farmland with high productivity that cannot be converted to non-agricultural uses. The second level is good quality farmland with moderate productivity that can be converted to non-agricultural uses, usually after a planned period of five to 10 years. The regulation further stipulates (1) if the conversion of land within farmland districts is unavoidable in order to build national projects, such as highways, energy production or transportation, the state must approve the conversion of land parcels of more than 82.4 acres and the provincial governments must approve those of less than 82.4 acres;

### Components of Basic Farmland

- Agricultural production areas (crops, cotton, edible oils and other high-quality agricultural products) approved by governments
- Farmland with high productivity and good irrigation that have been exploited
- Vegetation production areas for large and mid-sized cities
- Experimental fields for science and educational purposes

and (2) the same amount of farmland lost to conversion must be replaced by new farmland somewhere else.

The second law, the 1999 New Land Administration Law, is intended to protect environmentally sensitive and agricultural lands, promote market development, encourage citizen involvement in the legislative process, and coordinate the planning and development of urban land. The law has two important clauses. Article 33 extends the application of the zero net loss farmland policy in the Basic Farmland Protection Regulation to all farmland. It stipulates that "People's governments ... should strictly implement the overall plans and annual plans for land utilization and take measures to ensure that the total amount of cultivated land within their administrative areas remains unreduced." Article 34 requires that basic farmland shall not be less than 80 percent of the total cultivated land in provinces, autonomous regions and municipalities directly under the central government.

The law reinforces farmland preservation efforts by requiring approval from the State Council for any conversion of basic farmland; conversion of other farmland larger than 86.5 acres; and conversion of other land larger than 173 acres. It further encourages land development in areas that are considered wasteland or that feature low soil productivity. Although the law requires the zero net loss of farmland policy to be implemented at provincial levels, it is actually carried out at the city, county and sometimes township levels.

### Assessment of the Farmland Policy

The goals of the farmland preservation laws are to limit development on farmland and to preserve as much existing farmland as possible. Land development patterns and urban encroachment into farmland continue unabated, however. Approximately 470,000, 428,000 and 510,000 acres were converted to urban uses in 1997, 1998 and 1999 respectively, and in 2001–2002 some 1.32 percent of remaining farmland was lost. The actual rate of farmland loss was probably far greater than those officially released numbers. For example, seven administrative units at the provincial level (Beijing, Shanghai, Guangdong, Hunan, Congqing, Jiangxi and Yunnan) reported net farmland losses in 1999.

On closer inspection, the negative impacts of China's farmland preservation laws may outweigh the gains. These laws have been questioned because they affect other actions that create urban sprawl and the merging of villages and cities; destroy contiguity of urban areas; raise transportation costs; and impose high social costs resulting from clustering of incompatible land uses. More important, they push economic activities into locations that may not provide any locational advantage and adversely affect urban agglomeration, which ultimately affects the competitiveness of the local economy.

The designation of basic farmland is based primarily on the quality of soil productivity; location is not a factor. Because existing development has occurred near historically high-productivity areas, that land is likely to be designated as basic farmland whereas land farther away is not. New development thus results in leapfrogging development and urban sprawl and raises transportation costs, but also creates mixed land use patterns in which villages are absorbed within cities and cities are imposed on villages. These patterns are common in regions with high population density and fast growth rates, such as the Pearl Delta of Guangdong Province. The mixed village and city pattern aggravates an already underfunctioning urban agglomeration that results from a relatively high level of immobility in the population because of the *hukou* system, which gives residents access to certain heav-

ily subsidized local amenities, such as schools.

By using soil productivity as the criterion for designating basic farmland, site selection for economic development projects becomes constrained, making business less competitive. This policy is also responsible for the ad hoc land development process and the creation of a chaotic and uncoordinated land development pattern. As a result, existing infrastructure use becomes less efficient and it costs more for local government to provide urban services. Overall, the urban economy is hurt.

Furthermore, developers have to pay high land prices, which they eventually pass on to consumers through higher housing prices or commercial rents. Land becomes more expensive because the law requires developers who wish to build on basic farmland to either identify or develop the same amount of farmland elsewhere, or pay someone to do so. The cost of this process will rise exponentially as the amount of land available for farmland is depleted, making housing even less affordable. In Beijing, for instance, land costs alone account for 30–40 percent of total development costs if a project is developed on farmland, but 60–70 percent if the project is developed in existing urban areas.

Perhaps one of the worst aspects of the farmland preservation laws is that they treat farmers unfairly. Land development is far more lucrative than farming, so farmers rigorously pursue real estate projects. In the early 1990s, for example, selling land use rights to developers could generate incomes that were 200–300 times higher than the annual yields from farm production. Farmers and village communes, eager to benefit from booming urban land markets, are lured to develop their farmland. The problem is that farmers whose land is considered basic farmland are penalized by this institutional designation that denies them access to urban land markets, even if their farms may enjoy a location advantage. Farmers from areas not designated as basic farmland are not similarly constrained. This inequitable treatment makes it difficult for local governments to implement effective land management tools and creates social tensions that complicate the land acquisition process, lead to chaotic and uncoordinated

development, and encourage the development of hidden or informal land markets.

There are four reasons for the general failure of China's farmland preservation policy. First, farmland preservation laws fail to give sufficient consideration to regional differences. Even at a provincial level some governments have difficulty maintaining a constant amount of farmland in the face of rapid urbanization. Land resources are extremely scarce in some provincial units, such as Beijing, Shanghai and Zhejiang, where development pressures are strong.

The second reason is the requirement that each of the five administrative levels of government (the state, provinces, municipalities, counties and townships) must maintain an arbitrarily determined percentage (80 percent) of basic farmland without the ability to adjust to pressures of demand and market prices. In some regions, demand is so high that officials look for various alternative ways to convert farmland into urban uses. The most common approach is through establishment of industrial parks, economic development zones or high-tech districts, usually on quality farmland areas at the urban fringe. This occurs for two reasons: to attract businesses and to raise land revenues by leasing acquired farmland to developers. There is a striking difference between the prices paid to farmers for their land and the prices for that same land when sold to developers.

Third, local officials almost always give economic development projects top priority and are easily tempted to sacrifice farmland or rural development to achieve a rapid rate of economic growth. As a result, farmland preservation efforts are doomed to fail wherever development pressure is present. This is not surprising since the farmland preservation laws fail to employ any price mechanisms or provide any financial incentives for either local governments or individual farmers to protect farmland.

The fourth problem is the absence of land markets or land rights in rural areas where Chinese governments tend to rely solely on their administrative power to preserve farmland but ignore emerging market forces in determining uses of resources.

## Policy Challenges

In recognition of the importance of food security to China and the pressure of urban development on land supply, the Lincoln Institute is collaborating with the Ministry of Land and Resources on a project called Farmland Preservation in the Era of Rapid Urbanization. The objective of the project is to engage Chinese officials in evaluating this complicated issue and to design and implement farmland preservation plans that recognize regional differences and development pressures, and that introduce price mechanisms and respect for farmers' rights.

First, three fundamental questions need to be addressed:

- Would a policy to have zero net loss of farmland on a regional basis be better than separate policies in each of the five administrative levels of government, as is currently the case? If so, how are regions to be defined and how can Chinese officials make a regionwide policy work?
- Is it better to have a policy of zero net loss of farmland productivity or a policy of zero net loss of land used for farming? If the former, how can such a policy on productivity be implemented?
- How can farmland be preserved within the context of emerging land markets in rural areas and within a new institutional framework in which the rights of farmers are recognized?

For those interested in land use policies, few countries in the world offer as many dynamic and challenging issues as China. Engagement and dialogue between Chinese and American scholars, practitioners and public officials on these topics will be crucial to the final outcome. **L**

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# Land Regularization and Upgrading Programs Revisited

EDÉSIO FERNANDES  
and MARTIM O. SMOLKA

Over the last two decades, and especially in the last few years, land regularization and upgrading programs have been implemented in informal settlements by central, regional and local governments in several Latin American countries. Important lessons must be learned from this incipient practice of urban policy making, not only to contribute toward improving existing experiences, but also to guide those governments that are confronting the phenomenon for the first time, or more likely are confronting the need to design policies to deal with significant increases in informal urban development.

To address this need, the Lincoln Institute sponsored its third offering of the course *Informal Markets and Land Regularization Programs in Urban Areas*, in November 2003. It was held in Recife, Brazil, because of the city's historic tradition of urban policy making, including its regularization program (PREZEIS), which for the past 20 years has been a pioneering instrument, despite its many shortcomings. The course brought together about 35 people with varied academic backgrounds and institutional positions representing 10 Latin American countries: Argentina, Brazil, Colombia, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela.

The 13 intertwined lessons offered here draw on the papers presented in Recife and on experiences discussed in the two previous courses in 2001 and 2002, as well as ideas generated in the meeting of the Institute's Latin American Network on Land Regularization in Brasília, Brazil, in July 2003. This brief, critical analysis of land regularization programs reflects



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contributions from many people, but the authors take full responsibility for any misrepresentations that a general synthesis like this one may produce (see Figure 1).

## 1. The Process of *Favelización*

The process of informal production of urban space is increasing at a significant pace in Latin America, despite the fact that, unlike Africa and Asia, the region has been solidly urbanized for many decades. Occupied areas are becoming denser, and new settlements are being formed daily. Increasingly, these occupations encroach on environmentally sensitive areas, near protected water reservoirs, on public land, and in other areas not suitable for human occupation or economically feasible in the formal land market. This process has created all sorts of harmful repercussions—socio-environmental, legal, economic, political and cultural—not only for the millions of residents living in informal settlements, but also for city governments and the entire urban population. Despite the many regularization and upgrading programs implemented in the last few decades, the development rate of new informal settle-

ments has been twice and even three times that of urban population growth. Thus, increasing informality is not exclusively the result of demographic change or even the increase in urban poverty, which also has been growing but at a much lower rate.

## 2. The Vicious Cycle of Informality

Multiple factors are responsible for the establishment of informal settlements. Over and above demographics and macroeconomic factors affecting urban poverty (employment and income policies), local variables contribute to the “unexplained variance” of increasing informality. By acting or failing to act, local authorities have fomented the growth of the phenomenon through exclusionary land use regulation, favoring wealthy neighborhoods in the spatial allocation of public investments, outright complicity with the delinquent practices of land subdividers, and inadequate local fiscal policies.

The corollary of this tolerance of informality is of great importance for land pricing policy. The informal market values and benefits from greater regulatory freedom and from the social values associated



with traditional networks among residents within the settlements. Both of these dynamics affect prices in the informal market, which are reaching absurd levels. For example, a 6-square-meter (60-square-foot) wooden shack on a mangrove swamp in Recife has been valued at US\$1,300. Such extremes and variations in prices reflect the diversity of informal processes at work in the access to urban land and housing, both among different settlements and within each settlement. Attacking the factors responsible for the vicious cycle of price formation should be an indispensable ingredient of any policy seeking to mitigate the consequences of informality.

### 3. A World of Diversity

Far from being a homogeneous phenomenon, informality manifests itself in many forms, contexts and places. Enormous differences may be found within and between settlements in the same city, not to mention among cities within a country and among cities in different countries. Each informal area has good and bad neighborhoods; relatively high-valued and low-valued areas; an uneven distribution of whatever services are available; and properties with different types of tenure rights. The income levels of many families in informal areas also are variable and in some cases are well above those of families in formal areas who are typically expected to pay for certain publicly provided services and benefits.

In comparing the archipelago of informal settlements distributed within formal neighborhoods in Latin America, property price gradients have been found to be uncorrelated, revealing altogether different market forces. Although both formal and informal areas are subject to vigorous land markets, the intervening price determinants are of different orders of magnitude. As mentioned above, regulatory freedoms, as well as longstanding informal networks that support the exchange of intangible benefits, affect property values. These realities must be taken into account when designing regularization programs that can offer positive reform of traditional practices.

There is also a need to adjust the programs to the different conditions of newly occupied areas and long-established settlements in consolidated areas. A clearer chain of market transactions can be traced in the newer occupations, whereas there is usually no linear succession of transactions in older areas. Furthermore, established settlements reflect a complex overlay of informally defined rights and transactions, such as rooftops sold to a third party as buildable “land,” which in turn may give rise to an additional living space. It is by no means clear whether regularization programs should start with recent occupations, where the costs of upgrading are lower and degrees of freedom are greater, or with older, consolidated areas that present more pressing social consequences, but where some legal rights may already exist.

### 4. Tolerance of Informality

Despite all the negative implications, public authorities have tolerated informal urban development processes, whether because of neglect, political convenience, ambiguous actions or even direct promotion of informal occupations. There is, however, little understanding that such tolerance generates rights over time and little information about the extremely high costs, both absolute and relative, of what is involved in upgrading programs. At the same time, tolerance of informal occupations is accompanied by a growing acceptance by both public authorities and public opinion that consolidated settlements should be upgraded with services, equipment and infrastructure. A recent



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study conducted by Cities Alliance in Brazil shows that the decision to regularize an irregular settlement is often made more quickly than the decision to approve a new regular settlement (six months versus two or three years).

This official tolerance also applies to the acceptance of “second-class solutions” for “second-class citizens” and often results in the early deterioration of upgraded areas. The combination of poor-quality materials and low-cost, unconventional techniques used in upgraded areas and greater pressure on the existing infrastructure because of increased densification renders the infrastructure obsolete and incurs high maintenance costs. Moreover, upgraded areas usually are not properly integrated into the municipal fiscal system. Throughout the region, the fiscal irresponsibility of municipal administrators is aggravated further by their failure to take responsibility for the broader scope of territorial development, as well as for their negligence or at best paternalistic attitude toward these regularized settlements.

### 5. Expectations and Land Values

Regularization programs to date have addressed a very small percentage of existing informal settlements, and as a result the vast majority of people living informally have not benefited from any type of public intervention. Furthermore, many regularization programs have been formulated without a proper understanding of the causes of informality, and they often deliver counterproductive results that contribute to the process of increasing socio-spatial segregation.

The mere expectation of upgrading puts a premium value on the land designated for improvements, thus significantly impacting prices in the informal market. The higher the expectation that an area will be regularized in the future, the higher the premium on that land and the higher the market demand for lower-priced subdivisions elsewhere. This suggests two approaches to upgrading: comprehensive programs for everyone in a few places coordinated with policies to change future expectations about cost recovery schemes;

or partial upgrading in all informal areas of the city so expectations about market activity will be more balanced and consistent. The importance of integrating upgraded areas into municipal fiscal systems is not yet properly understood.

### 6. Isolated and Fragmented Policies

Public intervention in informal settlements through regularization programs has been promoted in an isolated, sectoral way without the necessary integration between such programs and the wider context of urban land management policies that have a direct bearing on such settlements. These policies include construction of social housing; rehabilitation of dilapidated urban centers; occupation of vacant areas and buildings; broader spatial allocation of public investments in urban infrastructure and services; modernization of tax collections and cadastres; and public-private partnerships. Moreover, most regularization programs have been limited to residential areas and have rarely been extended to informal industrial and commercial businesses, vacant public buildings and land in central areas, or informal settlements in rural areas.

At all levels of government, regularization programs have been marked by structural fragmentation—within programs, between secretariats and ministries, and among national, state and local levels—and as a result existing resources are often misspent or fail to reach all the intended beneficiaries. The programs also have suffered from a lack of administrative continuity due mostly to changes in local political contexts. Rather than supplementing other initiatives, regularization programs often absorb much of the (limited) financial capacity of local municipalities, causing other social housing programs to be sacrificed or neglected. This problem has its origins in both the broad credit lines opened by national and international multilateral agencies and the absence of a requirement that local administrations match the financial burden of the program with efforts to expand their own revenue sources. In general, credit lines for regularization programs have been established without careful

consideration of the financial capabilities of municipalities.

### 7. Lack of Financial Resources

As if the above problems were not enough, regularization programs have not been supported by adequate financial resources. The budgetary provisions are not compatible with the proposed and sometimes ambitious objectives, and often there are no specific funds for the programs. Revenues resulting from urban planning operations



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(such as earmarking resources from the sale of building rights in formal and high-income areas) have not been properly used to support upgrading. Resources from international agencies have been poorly spent, especially because there has not been a rigorous evaluation of the programs, nor a firm demand that their targets or objectives are fully accomplished. In addition, there are no adequate micro-credit policies in place to support or encourage community organizations.

### 8. Dissociation Between Upgrading and Legalization

Although it could be argued that illegality is a consequence of the insufficient supply of serviced land at affordable prices, in the vast majority of regularization programs the greater emphasis on upgrading has been dissociated from housing improvement and socioeconomic programs aimed at integrating communities, as well as from specific policies to legalize areas and plots. The components of upgrading and

legalization have been conceived as if they were separate processes, or, frequently, as if legalization were an automatic result of the upgrading process. Most upgrading programs seem to fall short of what is required for land occupations to be legalized in the first place. As a result, those few programs that have reached the legalization stage have had to invent legal-political solutions, which often do not reflect the urban conditions actually in force in the area.

Despite the publicity given to regularization programs, the number of titles that actually result in a document issued by the property registration office is disappointingly low. The complexities imposed by law and the resistance and conservative attitudes of notaries and registration offices have been identified as some of the most critical bottlenecks to overcome. It should be added that most families, once they receive a title recognizing their legitimate right to their property, simply do not bother to complete the registration process, often because they do not understand its legal overtones or because it is too expensive or cumbersome. This situation has led to an outcry for the simplification of titling and registration systems and an associated need to disempower the existing bureaucratic entities.

### 9. The Importance of Titling

Given these problems, few programs have reached the legalization stage, and even fewer have achieved the registration of legalized plots. Perhaps because of that failure, many analysts have come to believe that titles are not important, that the mere perception of security of tenure would suffice. Although it is true that such a perception is indeed the main factor that encourages people to start investing in their houses, titling is important for two reasons: the personal interests of the occupiers (security of tenure, protection against forced eviction, domestic conflicts, marital separation, inheritance, problems with neighbors, access to an address and to forms of credit); and the interest of the city as a whole, since legal titling can contribute to the stabilization

of land markets and allow for more rational and better articulated forms of public intervention.

There is still great resistance to land titling programs, especially on the part of the judiciary and the general public. However, it is important to note that individual beneficiaries of titling programs often do not have a full understanding of the protections and limitations of their title—What is it good for? Why does one need to actually register the title? All this suggests that educational programs for both city officials and residents should accompany the introduction of any regularization programs.

In addition, there has been little reflection on the implications of the kinds of instruments used to legalize plots. The emphasis placed on individual freehold titles has ignored the need for collective legal solutions for collective social problems; whenever such legal instruments have been used, they have not been introduced in a way that renders the new legal order compatible with the existing urban order and with the legal implications of the instruments. Most existing legal options have not been fully explored and generally lack creativity. Moreover, a consistent effort has yet to be made to have the new legal instruments fully validated by credit agencies, and by society at large.

## 10. The Fallacy of Popular Participation

The political quality of regularization programs has varied enormously, but in general the processes of popular participation in formulating and implementing the programs have been of little significance. This situation has been further aggravated by the creation of artificial forms of participation as a result of demands from financing agencies. The designed mechanisms for popular participation are in general a sheer formality, if not a farce from the outset. Very few programs have assimilated solutions proposed by the affected community. The political-institutional and cultural framework within which most regularization programs have been formed, along with the constraints imposed by the way these programs are financed, virtually

FIGURE 1 **Dos and Don'ts of Regularization Programs**

| Do  | Don't  |
|---|--|
| Understand and plan the city as a whole before designing a regularization strategy, which should be central to the overall urban policy                       | Treat informality as an exception or formulate regularization programs as isolated or sectoral policies in a single branch of public administration          |
| Involve all stakeholders in deciding where and how to insert regularization programs  | Glorify informality as a solution for an allegedly marginal social group   |
| Consider regularization programs as part of a broader social policy aimed at promoting social integration   | Provide titles but not services  |
| Maintain a state presence after the regularization program is concluded, by incorporating the regularized areas into the city's cadastres and taxation system | Ignore the existence of a vibrant market in pricing all benefits provided  |
| Disseminate from the outset the objectives and goals of the program and interventions, and translate them into corresponding legal rights                     | Create false expectations in the context of unavailable funds and resources  |
| Admit from the outset that there may be more than one way of doing things   | Restrain the mobility of families  |
| Design and provide vigorous preventive programs alongside the regularization programs, which are essentially curative   | Fail to prevent and repress new illegal activities   |
| Recognize the right to be different   | Ignore irregularities in high-income areas or housing  |
| Recognize that the cost of not accessing a service is often higher than providing it  | Ignore the payment capacity of occupants in informal settlements or the need for public-private partnerships to fund regularization programs                 |
| Recognize that occupants of informal areas have legitimate rights to the city   | Make urbanistic norms and regulations too flexible without proper legal support  |
| Be sensitive to issues of gender (woman-headed households are more permanent)   | Contain market demand or supply pressures artificially   |
| Contemplate the existence of more than one mode of tenure regularization, including collective legal solutions to collective social problems                  | Fail to recognize that upgrading and legalization programs must be conceived together  |
| Maintain unity across projects, programs and strategies   | Disseminate the notion that all existing situations can be regularized and fail to make clear that regularization necessarily includes removal in some cases |
| Include the cost of not regularizing when evaluating the effectiveness of programs  | Consider regularization programs as economically unfeasible  |
| Intervene with the support of geo-referenced information monitoring systems   | Start monitoring after most upgrading work is done to magnify positive improvements  |



eliminates any room for a truly effective public role, since public participation normally implies major challenges to the status quo. Regularization programs are more often perceived as solutions from or for the establishment than as a response to the real needs of the majority of the low-income population.

### 11. Compatible Scale, Patterns and Rights

Perhaps the main problem with regularization programs is the difficulty in making the scale of the interventions compatible with the technical, urban and environmental patterns proposed for the settlements, as well as with the nature of the rights to be recognized for the occupiers. These factors of scale, patterns and rights have to be discussed together to guarantee the sustainability of the programs and their impact on reality.

### 12. The After-effects of Regularization Programs

After an area is upgraded or a settlement is legalized, the public authorities normally do not maintain their presence in the areas. They should perform many important functions, from monitoring and evaluating the maintenance of installed equipment (notably water and sewage systems) to creating new guidelines or rules governing new occupations. As a result of the absence of official oversight and intervention, many areas rapidly begin to deteriorate. Moreover, the legitimization provided by the regularization program may make neighboring (originally formal) areas more prone to being “contaminated” by new informal land use practices. In general, regularization programs have not led to the promised urban, social and cultural integration of upgraded areas, and the informal areas remain stigmatized as second-rate long after they have been upgraded. The idea that regularized areas are placed in a new, virtuous trajectory rarely survives beyond the original documents setting the justifications for the program.

### 13. Balancing Individual Freedoms and Public Functions

In spite of their concern with the need to guarantee that the beneficiaries of public intervention are indeed the occupiers of informal settlements, regularization programs have not met a proper balance between respect for individual rights and freedoms and the programs’ public functions (the recognition of the social right to housing and the need to set aside urban areas for that purpose). Frequently the adopted legal solutions embed restrictions intending to freeze the mobility process within the areas (affecting terms of sale, acquisition, rent and so forth), which only helps to generate more informality.

The strategy of focusing on an area or social group seems to ignore the very nature and origins of informality, which is in fact a Catch-22 situation. The lack of sufficient finances in most programs, on one hand, would suggest that beneficiaries should not be able to cash in their benefits and move on to a new informal occupation to be similarly regularized in the future. On the other hand, the cost of monitoring and controlling such practices may be too high, if not unfeasible. Restrictions on transactions would simply generate new kinds of informal arrangements.

Interestingly, very few regularization programs actually accommodate or adjust to the potential upward and downward mobility of the affected occupants. They are formulated with a static community in mind. Intra-urban mobility, particularly among informal settlements and between formal and informal areas, is not well understood and thus is largely ignored. A possible way out of this conundrum would be to establish a cost-recovery scheme or value capture mechanism at the very beginning of planning for a new regularization program.

### Conclusion

Regularization programs are typically not formulated with well-defined goals and timetables, and the problem is made worse by the lack of suitable evaluation indicators. In short, the declared objectives of regularization programs in Latin America

(promotion of security of tenure and socio-spatial integration) have not been translated into an adequate combination of a comprehensive diagnosis, effective instruments and a clear implementation strategy, not to mention deficiencies in management capacity. As a result, the Latin American experience with regularization so far can not be considered fully successful.

It may be said, however, that regularization programs have shown merit in raising public awareness about the legitimacy of claims for more effective and comprehensive responses to the needs of a significant and growing group of citizens now excluded from the formal socio-economic system. These programs have enabled some of the urban poor to remain in central, serviced areas of Latin American cities and have improved the livelihood and conditions of those people living in regularized settlements, notwithstanding this discussion of their shortcomings. Given the cruel dynamics of socio-spatial segregation in the region, this fact is in itself of great importance. **L**

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### Related Land Lines Articles

Angel, Shlomo, and Douglas Keare. 2002. Housing policy reform in global perspective. April: 8–11.

Calderon, Julio. 2002. The mystery of credit. April: 5–8.

Fernandes, Edésio. 2002. The influence of de Soto’s *The Mystery of Capital*. January: 5–8.

—. 2002. Faculty profile. July: 12–13.

Smolka, Martim O. 2003. Informality, urban poverty and land market prices. January: 4–7.

Smolka, Martim O., and Laura Mullahy. 2003. A decade of changes: A retrospective of the Latin America program. October: 8–12.

## Ann-Margaret Esnard

Ann-Margaret Esnard has been a faculty member and director of the GIS Lab in the Department of City and Regional Planning at Cornell University since 1997. Esnard's multidisciplinary background in Regional Planning (Ph.D.), Agronomy and Soils (M.S.) and Agricultural Engineering (B.Sc.) is tied together by a computer applications theme and a fundamental belief in appropriate technologies and techniques, as well as a holistic approach to improving natural, physical and social conditions in both urban and rural communities. She teaches introductory and applied GIS courses as well as land use and environmental planning courses. She has conducted research and published on topics that include GIS pedagogy, land use planning, spatial analysis and modeling of New York metropolitan urban expansion, vulnerability assessments of coastal and flood hazards, and quality of life during post-disaster periods. Contact: [ame7@cornell.edu](mailto:ame7@cornell.edu)

*LL: How did you begin working with the Lincoln Institute?*

**Ann-Margaret Esnard:** The Institute funded a research project that I worked on with my Cornell colleagues Rolf Pendall and William Goldsmith. It was titled *The Thinning Metropolis: Land Use, Land Values and Population Decline in Mid-sized Cities in the U.S. Heartland*. Using the Rochester, New York, metropolitan area as the study area, we examined the extent to which land values had dropped in the central city and adjacent districts compared with suburban locations, and the causal links to fiscal structures, property tax differentials and local, state and federal land use planning initiatives. Our working paper (Pendall, Goldsmith and Esnard 2001) presents the results of various types of GIS-based mapping and spatial analysis to show spatial variations in socioeconomic and land values. This research culminated in the Institute-sponsored "Thinning Cities" conference held at Cornell University in September 2000.

*LL: What is your most recent project?*

**A-M E:** This year I was the faculty coordinator for a new course, GIS for Land Development Analysis by Community-Based Organizations (CBOs), which was offered in Cambridge in March 2004. Participants from Florida, Maine, Massachusetts, New York and Oregon learned about several case studies on the application of GIS for initiating, opposing, monitoring and evaluating land use and land (re)development projects. Other topics included neighborhood indicators,



online data and Web-GIS sources, and capacity building and implementation strategies. This course is a natural extension and link to some of my teaching and outreach activities with nonprofit organizations and CBOs that have focused on the creation and application of appropriate information technologies to increase awareness, planning and mitigation for environmental hazards, both natural and man-made.

Other course faculty represented the Dudley Street Neighborhood Initiative (DSNI) in Boston, which facilitated a tour of its Roxbury neighborhood; PolicyLink, a national nonprofit organization based in Oakland, California, and engaged in identifying innovative community-based practices and disseminating these ideas through research, communications, capacity building and advocacy; and ESRI (Environmental Systems Research Institute), based in Redlands, California, the creator of one of the most popular suites of GIS software products and related educational publications.

*LL: How did you begin working with CBOs?*

**A-M E:** About five years ago I was the instructor for a semester-long GIS application workshop at Cornell that entailed collaborating with the Community University Consortium for Regional Environmental Justice (CUCREJ), renamed Communities and Academics Partnering for the Environment (CAPE). My students and I worked directly with West Harlem Environmental Action, South Bronx Clean Air Coalition, Ironbound Community Corporation, Magnolia Tree Earth Center and Greater Newark Conservancy—all members of the consortium. The main goal of the workshop was to give students the opportunity to collaboratively investigate, design and construct online geographic information systems and other information technologies that would be useful to the environmental justice work of these organizations.

This partnership with the consortium and its CBOs was not accidental; CAPE's vision of a community-based GIS took root at its inception in 1995. After failing to raise grant money from government agencies, foundations and corporations for a stand-alone research project, Michel Gelobter, the consortium's former academic cochair (now affiliated with Redefining Progress in Oakland, California), approached me to collaborate on a course that bridges environmental justice and GIS and that embodies community-academic partnering ideals.

*LL: Why should CBOs be active GIS users?*

**A-M E:** All the community groups we worked with in New York and New Jersey

placed environmental justice in the broader context of community quality of life, identifying such facets as amenities (e.g., rivers, parks, open space), community facilities, environmental quality, housing, employment, schools, socioeconomic distributions, demographics, infrastructure, policy and land use regulations. GIS technology provides a platform for integrating and analyzing datasets representative of these various facets of community quality of life.

A related issue is how GIS can also be used as a platform for collaboration between policy makers (professionals and researchers) and CBOs to define land development analyses. To find useful answers, GIS projects should begin with the formulation of the question(s) by policy makers and policy shapers who are knowledgeable about the community, its history, other successful and failed land development initiatives, and sources of data and other information (spatial, nonspatial, quantitative and qualitative) that influence land development trends and patterns in communities. The bottom line is that familiarity with the community must extend beyond the computer and the desktop to include the real space, the real place and the inhabitants of that place.

**LL:** *What are some examples of how CBOs have used GIS technology to benefit their communities?*

**A-M E:** GIS applications vary in scope and scale from site-specific to community-wide analyses. Several well-documented examples include

- tracking neighborhood change (physical, social, environmental and economic)
- assessing alternatives for placing affordable housing
- identifying development opportunities as part of community improvement projects
- (re)evaluating policies and practices that result in disproportionate siting of locally unwanted land uses in minority neighborhoods
- (re)developing vacant parcels and brownfields
- developing greenfields
- implementing transit and transportation projects as part of regional land use and economic development initiatives

- assessing the distribution of land holdings by government agencies, individuals and land trusts.

PolicyLink's publication *Community Mapping* (<http://www.policylink.org/pdfs/Mapping.pdf>) was developed as part of their Equitable Development Toolkit and is a great source for case studies.

**LL:** *Is GIS information available to community groups and nonprofits at reasonable or no cost?*

**A-M E:** Yes. Federal and state agencies have made great efforts to improve their Web-GIS interfaces so that local residents with little or no GIS knowledge can at least generate base maps of their communities. Data clearinghouses (such as the New York State Clearinghouse and MassGIS) also facilitate data sharing and access. However, many of these public-domain data are outdated and often lack local context and the rich detail necessary for community and neighborhood planning. Universities and other types of intermediary agencies also provide opportunities for centralization of data holdings and have analysts with GIS expertise to work with CBO staff or residents. I am not yet aware of a perfect model that suits all CBOs. Many of these data centers tend to be linked to special project initiatives related to affordable housing, neighborhood quality of life, environmental justice or other local concerns.

### Related Resources

English, K.Z., and L.S. Feaster. 2003. *Community geography: GIS in action*. Redlands, CA: ESRI Press.

Esnard, A-M., M. Gelobter, and X. Morales. 2004. Environmental justice, GIS and pedagogy. *Cartographica* 38(3&4):53-61.

Knapp, C.L., and The Orton Family Foundation Community Mapping Program. 2003. *Making community connections*. Redlands, CA: ESRI Press.

MassGIS Web site (<http://www.state.ma.us/mgis/>).

New York State GIS Clearinghouse (<http://www.nysgis.state.ny.us/>).

PolicyLink. *GIS as a community building tool: From analysis to equity* (<http://www.policylink.org/EquitableDevelopment/>).

**LL:** *What are some other challenges and obstacles that prevent CBOs from fully integrating GIS into their land (re)development decision making, planning and specific initiatives?*

**A-M E:** Most of these challenges are not new, and they exist for many local governments as well. First is the issue of capacity building that allows CBOs to translate land development problems into appropriate processes to support analysis, such as the selection of appropriate datasets and methodologies and the interpretation of spatial analysis results. It is too often the simple way out to allow the "available data" to shape the questions that we ask, the process that we engage in and the land policies that we subsequently recommend. Furthermore, we need to remind ourselves that simply creating more clearinghouses or resource centers will not immediately help CBOs with policy analysis and decision making on land development decisions; they need other kinds of training and support services as well.

Second is the fact that GIS frameworks still do not allow for easy integration of "local knowledge" with formal data. Often it is the local knowledge of CBOs that is both unique and central to giving shape to their aspirations for their neighborhoods. Research on public participation with GIS can provide an opportunity to apply a participatory approach to system design and interface issues, data gathering and formatting, and may begin to address this difficulty in integrating different types of information.

Third is the dilemma of how CBOs can keep their community agenda while placing their project analyses in the broader context of regional development trends. This introduces elements of data analysis across varying definitions of community boundaries, multiple geographic scales and units of analysis that are realistically beyond the scope of local governments, far less CBOs.

**LL:** *How has your work influenced your participation in Lincoln Institute programs?*

**A-M E:** One of the most rewarding experiences of my academic career was the collaboration with progressive environmental

justice grassroots organizations in New York City and New Jersey. It was different, it was new, and it helped me rethink the whole notion of tools, techniques, planning processes and policy issues. I learned a lot from those CBOs, and my affiliation with the Lincoln Institute for the new course on how CBOs can use GIS to enhance land development decisions has been greatly influenced by that experience. As part of the Institute's broader series on CBOs, the GIS course makes an important statement by recognizing the new and changing roles of CBOs in land planning and policy making. **L**

#### ■ REFERENCE

Pendall, R., W. W. Goldsmith, and A-M. Esnard. 2001. *Thinning Rochester: Yesterday's solutions, today's urban sprawl*. Working paper. Cambridge, MA: Lincoln Institute of Land Policy.

## PROGRAM CALENDAR

### Courses and Conferences

The courses and conferences listed here are presented at Lincoln House in Cambridge, Massachusetts, unless otherwise noted. For more information about the agenda, faculty, accommodations, tuition fee and registration procedures, visit the Lincoln Institute Web site at [www.lincolninst.edu/education/courses.asp](http://www.lincolninst.edu/education/courses.asp) or e-mail [rbhoff@lincolninst.edu](mailto:rbhoff@lincolninst.edu). For more information about the Institute's Program on Latin America and the Caribbean, visit [www.lincolninst.edu/aboutlincoln/lac.asp](http://www.lincolninst.edu/aboutlincoln/lac.asp).

**TUESDAY, JULY 6–WEDNESDAY, JULY 7**  
Freeport, Maine

#### **Mediating Land Use Disputes I** Lawrence Susskind, Consensus Building Institute, Cambridge, Massachusetts

This two-day introductory course for planners, policy makers, public officials, developers and community advocates presents practical experience and insights into negotiating and mediating solutions to conflicts over land use and community development. Through lectures, interactive exercises, gaming and simulations, participants discuss and work with cases involving land development and community growth, designing and adopting land use plans and evaluating development proposals. Questions of when and how to apply mediation to resolve land use disputes are also explored.

**SUNDAY, AUGUST 29–WEDNESDAY, SEPTEMBER 1**

Boston, Massachusetts

#### **International Association of Assessing Officers Annual Conference** Joan Youngman and Jane Malme, Lincoln Institute of Land Policy

The annual conference of the International Association of Assessing Officers (IAAO) offers state and local assessing officials the opportunity to hear varied perspectives on property tax policy from eminent economists, academics and others who have a special interest in property taxation. This year's Lincoln Institute–sponsored seminar explores the topic "Contemporary Issues in Property Taxation." The Institute will also sponsor a display booth in the conference exhibition hall and will host a book-signing reception with Owen Connellan, author of the recently published Lincoln Institute book *Land Value Taxation in Britain: Experience and Opportunities*.

*continued on next page*

## David C. Lincoln Fellowship Applications Due by September 15

The Lincoln Institute of Land Policy invites applications for David C. Lincoln Fellowships in Land Value Taxation, a program designed to develop academic and professional interest in land value taxation through support for major research and curriculum development projects. The Fellowship honors David C. Lincoln, chairman of the Lincoln Foundation and founding chairman of the Lincoln Institute.

Projects may address either the basic theory of land value taxation or its application to domestic or international issues, with an emphasis on specific investigations, case studies and theoretical work rather than general discussions of land valuation and taxation principles. The research may deal with land value taxation from the perspective of economic analysis, legal theory and practice, political science, administrative feasibility, valuation techniques, or other approaches in order to achieve a better understanding of its possible role as a component of contemporary fiscal systems.

The Institute invites proposals particularly from scholars whose work has not previously addressed these issues. Funding for each approved project is between \$20,000 and \$40,000 per year, and may be renewed to support projects up to three years in length. Decisions on the renewal of funding for multiyear projects are made annually after an evaluation of interim research results. As part of the Fellowship program, recipients present a seminar at the Lincoln Institute and attend a symposium with other current Fellows.

The application deadline is September 15, 2004, and Fellowship awards will be announced by November 15, 2004. For more information and application guidelines, see the Lincoln Institute Web site at [www.lincolninst.edu](http://www.lincolninst.edu) or send e-mail to [fellowships@lincolninst.edu](mailto:fellowships@lincolninst.edu). **L**



## PROGRAM CALENDAR

**MONDAY, SEPTEMBER 13–FRIDAY, SEPTEMBER 17**

Cartagena, Colombia

### **Value Capture in Latin America**

**Martim Smolka, Lincoln Institute of Land Policy; María Clara Vejarano, Department of Urban Studies, National University of Colombia, Bogotá**

Value capture mechanisms are increasingly popular in several Latin American countries, yet in other parts of the region they meet suspicion and resistance. This course examines the various value capture mechanisms and how they have been and can be applied in different contexts, including the process of generating land value increments (*plusvalías*); the fundamentals of value capture; and presentation and discussion of various formal and informal instruments. Examples including linkage and urban operations in Brazil, variations on *Contribución de Valorización* in many countries, *Participación en Plusvalías* in Colombia and land readjustment schemes are studied in terms of their effectiveness to finance urban development and contribute to regulation and management of the land use process.

**MONDAY, OCTOBER 4–TUESDAY, OCTOBER 5**  
Detroit, Michigan

### **Brownfield Redevelopment for Community-Based Redevelopment Organizations**

**Roz Greenstein, Lincoln Institute of Land Policy; Lavea Brachman, Delta Institute, Chicago, Illinois**

Through case studies, interaction with experienced community-based organization (CBO) peers and other practitioners, and presentations from local and state government officials, funders and legal experts, this seminar explores the critical roles that CBOs play in partnering with public and private sectors for brownfield and other property redevelopment. While focusing on the common challenges faced by CBOs in neighboring midwestern states, the seminar addresses the strategies CBOs can use to build their capacity, initiate redevelopment projects and overcome typical project barriers.

**MONDAY, OCTOBER 18**

### **Land Use and Property Rights in America**

**Harvey M. Jacobs, Department of Urban and Regional Planning and Gaylord Nelson Institute for Environmental Studies, University of Wisconsin-Madison**

In the 1990s the property rights movement played a significant role in the land use and environmental arena. This national coalition helped pass legislation in 27 states that restricts the right of state and local governments to enact and enforce land use and environmental regulations, and reshaped public dialogue on the appropriate balance of private and public property rights. This course, intended for land use planners and managers, citizens seeking to influence policy, and elected officials and their advisers, presents the history and structure of the property rights movement; approaches that restrict land use and environmental planning and policy; strategies to engage in constructive dialogue; cutting-edge policy techniques that address the concerns of property rights advocates; and the future of property rights in local, state and national politics.

**OCTOBER**

Vilnius, Lithuania

### **Mass Valuation for Taxation of Real Property for Countries in Economic Transition: Case Studies from Lithuania**

**Joan Youngman and Jane Malme, Lincoln Institute of Land Policy**

This course addresses the legal and administrative framework for mass valuation techniques for introducing value-based property taxation in countries in economic transition, using the Lithuanian experience as a case study. It offers practical approaches to valuation system development, model building for mass appraisal, valuation of enterprise, special purpose and high-value investment properties, and the integration of valuation, assessment and tax administration. It addresses the unique problems of identification and valuation of property in transition economies, drawing on Lithuanian and other international experiences.

## Land Value Taxation Conference in Britain

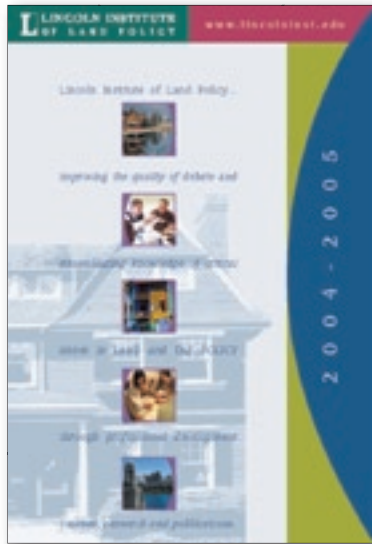
Should Land Value Taxation Finance Local Government?" is the topic of a conference being presented in Oxford, England, on September 16, 2004. The program is organized by the Waterfront Conference Company of London, which presents more than 20 conferences each year, mainly on transportation, planning and housing issues.

This conference will examine the practical and political issues involved in using LVT to finance local government. It will focus in particular on the case for LVT and whether site valuations can be made accurately at reasonable cost. Among the questions to be raised and discussed are: What is the nature and cause of the local government funding crisis?; What are the advantages of using LVT to finance local government?; Could LVT encourage urban renewal?; Can land valuation fit with the planning system in the UK?; Can land value maps be an effective property industry decision tool?; What are the legal issues in making property valuations for taxation purposes?

Several Lincoln Institute-sponsored researchers and fellows are presenting papers at the conference, including case studies of LVT in Oxfordshire, Liverpool and Whitstable, Kent:

- Owen Connellan, author of the recently published Lincoln Institute book, *Land Value Taxation in Britain: Experience and Opportunities*
- Frances Plimmer and Greg McGill, current joint recipients of a David C. Lincoln Fellowship
- Tony Vickers, former David C. Lincoln Fellow and author of numerous Lincoln Institute working papers and reports
- Stephen Ashworth, visiting fellow at the Institute in 1995–1996.

For more information about the conference, visit the Waterfront company's Web site: [www.thewaterfront.co.uk](http://www.thewaterfront.co.uk)



## 2004-2005 Institute Catalog

The Lincoln Institute's annual catalog incorporates department descriptions and listings of courses, conferences, fellowships and other education programs, as well as books, reports and multimedia educational resources. This illustrated publication offers a comprehensive overview of the Institute's mission, its activities and its faculty for the current academic year.

To request a copy of the catalog, please e-mail your complete mailing address to [help@lincolninst.edu](mailto:help@lincolninst.edu) or call 1-800-LAND-USE (1-800-526-3873). Consult our Web site ([www.lincolninst.edu](http://www.lincolninst.edu)) for up-to-date information about all programs and resources.

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# What's New on the Web?

The Lincoln Institute's Web site provides a simplified interface and new features that make it easy for users to quickly obtain information on land and tax policy.

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## MAKING SENSE OF PLACE—PHOENIX: THE URBAN DESERT

A documentary film and educational outreach project produced by Northern Light Productions in collaboration with the Lincoln Institute ([www.makingsenseofplace.org/](http://www.makingsenseofplace.org/)).



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