

# Land Policies across Geography and Times

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## SUMMARY

This short, introductory presentation is based on the first chapter of the Lincoln Institute book *Urban Perspectives*, written by Mr. Martin Smolka and Ms. Laura Mullhany and published last year. It presents an overview of critical Land policy issues based on the institute's experience in Latin America. It includes more than 60 articles published in *Land Lines*, the Institute's magazine during the last 13 years.

Today is dedicated to exchange of experiences in land administration within and between different parts of the world. So, at first, can comparisons really be made? No country, region or community looks the same. Second: what commonalities have been found? Third: how can the possible common back draws be overcome?

The *Urban Perspectives* says that there is much to be learned from the different land market manifestations and land policy attributes in countries or jurisdictions with apparently similar socio-political and economic frameworks. Yet they yield different outcomes. The overall present slums and irregular settlements, and their physical resemblance in the newly expanding areas of most Latin American cities, of various sizes and position in the urban systems, certainly suggest powerful and likely common determinants in the functioning of urban land markets.

### Picture 1 of the .ppt presentation

After 13 years of activity in LA interacting with public agencies and officials, participating in academic seminars, promoting research, LI are left with a compelling sense of déjà vu upon hearing claims like: Urban land markets and land use patterns are absolutely unique. Land prices are rising like nowhere else in the world. Local stakeholders in land markets have illogical, if not questionable motives for their actions. In short- everyone is convinced of the singularity of land issues in her own country, city or district. One is also confronted with sweeping generalizations of the "seen one seen them all" type. All informal settlements look the same and undergo the same processes.

Taken it all together- the most prominent issues lie somewhere between the commonalities and the singularities. The work has given some insights into the issues that are truly critical, which are sometimes quite different from those that are most obvious or present in the public agenda.

Five points are made: Constraints on policy Implementation, Unavailable or untapped resources, Lack of existing information or the capacity to use it, Lack of dialogue between Urban planners and public finance officials and Discontinuity in program implementation.

### Picture 2 of the .ppt presentation

Most countries in LA share a poor performance record in recovery of the publicly generated land value increments, dissemination of urban infrastructure and services, provision of housing alternatives for the urban poor, strong culture of criminality, and poor or malfunctioning taxation of land. The responsibility for this is attributed to a hostile environment for implementing land policies. There is a lack of adequate administrative conditions and human and technical resources. A strong legacy of powerful landowning interests who attempt to influence land policies to their own benefit.

### Picture 3 of the .ppt presentation

So the commonplace diagnosis can be summarized as:

- Elitist norms and regulations that is hard to comply with. Distortions by clientelistic practices traditionally used when allocating public infrastructure and services. Many policies to regulate informality show possible negative effects.
- Commonplace, but not necessarily generally perceived.

### Picture 4 of the .ppt presentation

#### **Unavailable or untapped resources.**

Lack of operational capacity or unscrupulous behaviour of authorities when managing existing resources is frequently a critical impediment that affects the development or execution of good projects. An example of such paralysis is mentioned, the Franja Costera project in Asuncion, Paraguay. But on the other hand innovative thinking can be found that illustrates the existence of latent waiting to be tapped. Namely using transferable development rights as a currency in costly expropriations or compensations of land needed for an important inner city transportation corridor. In spite of the “aim” to capture or mobilize publicly created land value increments, still the overall balance leans in favour of the compensations given to private landowners by the public when acquiring land for public or social uses. Urban land is still an asset for some to demonstrate their inherited, patrimonialistic privileges rather than a taxable base to generate the needed resources for the broader community.

### Picture 5 of the .ppt presentation

#### **Lack of existing information** or the capacity to use it.

All too often the information exists, but not the capacity to find, recognize, organize and above all, interpret it! A significant amount of public resources has been invested in cadastres and other sophisticated land information systems, academic empirical research and commissioned consulting work. Valuable, rich information is applied at best superficially or ceremonially. The root problem is public officials’ inability (let alone unwillingness) to assimilate and translate such information into operational results. There is a lack of capacity.

Picture 6 of the .ppt presentation

**Lack of dialogue between urban planners and public finance officials**

Planners are mostly concerned with the quality of the built environment, even if their work is restricted to a small area of the city. The fiscal officials are seeking to maximize the public revenues. In practice this is reflected in planners often overlooking how projects should be financed and how urban forms affect the tax base, or the impacts of tax collection practices on land uses. Economic or fiscal benefits tend to be spatially and socially circumscribed, as in the case of gentrified enclaves. The real direct and indirect costs are largely ignored or unaccounted for, if not deliberately misinterpreted. One needs to look at the city as a whole.

Picture 7 of the .ppt presentation

**Discontinuity in program implementation.**

Even the most popular or successful projects can be disrupted, derailed and ultimately terminated by political and administrative discontinuities. Expectations about the permanency of the rules of the game are a major component affecting how the private sector acts. Too often a self-defeating cycle is created. Stakeholders are expecting land policy decisions to be discontinued and hold onto initiatives supposedly targeted by the policy. Latin America abounds with promising ideas that were never implemented successfully because of outright petty political or economic interests.

A closer look reveals also important signs of consistent improvements in land policies in certain areas over the last 10 to 15 years. Latin America now exports technical expertise and innovative methods to deal with informality to officials in Africa, and to US authorities dealing with the “colonias” in Texas. Lincoln Institute emphasizes local solutions and the need to look more closely at available resources and to recognize their value.

Picture 8 of the .ppt presentation

To conclude: There is clear evidence that sharing experiences and providing relevant information from lessons learned also advances progress. More important, this information should be used to qualify a broader range of stakeholders capable of not only implementing better land policies, but also of demanding policy responses from public agencies. The authors from Lincoln Institute believe that land policy should transcend party politics and places importance on political plurality and diversity by approaching the issues from different angles and political tendencies. Their programs have often achieved a constructive Dialogue among opposing fractions. Their work in Latin America aims to help bridge the gap in communication and interaction among public officials at different governmental levels, representatives of civil society, and urban development professionals in diverse disciplines.

So, maybe, we can envisage a new just and sustainable urban horizon emerging on the globe, based on exchange of experiences and lessons learned, and moving towards it together!

Thank you for your attention.

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