

FIAS

NOTE ON TOURISM & LAND
FRIST DRAFT FOR DISCUSSION

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TOURISM AND LAND

OVERVIEW	3
LAND POLICY	4
1. Property rights and land tenure security	4
2. Transactions and transferability	6
3. Land use planning framework	8
4. Institutions and policy reform	8
TOURISM AND LAND.....	9
CONCLUDING OBSERVATIONS ON LAND POLICY FOR TOURISM.....	15
Annex 1: Tourism Planning	19
Annex 2: Lodging Development Standards & Beach densities.....	21
Annex 3: Dominican Republic: Evolution of Tourism.....	22
Annex 4: Land in Selected WB Tourism Projects	23
Annex 5: Export Processing Zones (EPZ) and Tourism.....	25
Annex 6: Mozambican Land Law.....	27
Annex 7: Land tenure system in Maldives	28

TOURISM AND LAND

This note looks at land issues related to tourism. A review of available material in the WBG was made, together with that of selected outside agencies (e.g. Lincoln Land Institute and the Urban Land Institute). There is little in the documentation on land as an issue for tourism, although urban and industrial park materials provide useful models for tourism. This background, and illustrative cases, have been used to fashion the paper.

OVERVIEW

Land is a key component of the wealth of any nation and property rights to land are one of the pillars for the sound functioning of modern economies. Land tenure is a complex problem comprising political, socio-economic, technical, legal and institutional factors. The key objectives of land policy are: to provide security of tenure (ownership or rental) and transfer rights; equitable access; use of land as collateral; sound management; efficient use with well-functioning market mechanisms for transfer; protection of land resources through appropriate regulations for use (e.g. land use planning and zoning, land taxation, valuation). Growth in population, peoples' roots to the land (and non-resident ownership), inefficient institutions and outdated legislation have all conspired to making land, its acquisition and use, a complex issue in economic development in general and tourism in particular. A sound land policy, with accountability and transparency, is important for reducing land disputes, strengthening the investment climate, facilitating access to credit markets, enhancing government revenue potential and for sustainability. Governing criteria for land policy should be: enforceable and transparent management; ease of transfer of ownership; and a time horizon enough to permit returns on the use of land.

Land laws are important for sustainable development. They recognize property rights for individuals, groups and the state, which in turn are designed to create incentives to conserve and protect land. It also sets out the processes under which rights in land can be transferred, permanently or temporarily. It also embodies limitations imposed by the state on those rights, such as zoning rules that limit use, or rules under which land transfer is prohibited, e.g. to foreigners. The rights may include private ownership or leaseholds, use rights, or customary rights – and frequently there is confusion over which system has seniority. Land law also creates the legal basis for institutions that administer land, and sets out the rules for systems such as land titling and insurance, registration of titles and deeds, and information systems to facilitate the recognition of property rights.

Two other major issues are worth mentioning: (a) where there is skewed ownership and discrimination along lines of gender or ethnicity, or limited economic opportunities for disadvantaged groups, land policy can lead to social conflict - which can erupt in violence. Solutions here are to redistribute land; and (b) the potentially deleterious effects of global climate change and natural catastrophes (earthquakes, tsunamis, hurricanes, and volcanic activity) on land resources are difficult to anticipate and adaptive management to decrease the vulnerability of regions and communities is necessary.

The interrelated social, institutional and political factors involved in land make it a unique type of asset. Land is never just a commodity. It is both a factor of production, and family or community property, and a capital asset.

LAND POLICY

1. Property rights and land tenure security

Land tenure is the system of access to use of and control over land, setting the rules and rights attached to ownership and use of land. Land, in some cases, may not be sold but it is its inherent rights for enjoyment (usufruct) and use of land that are important – these can be individual, community, corporate or public (central and municipal). In practice, land for tourism is either sold (freehold) or rented (leasehold). Some countries have tried to make land a public good and retained ownership in the state allowing only long-term leases that are used in many parts of Africa – such as the *bail emphytéotique* in common use in French-speaking countries of Africa. Other countries have preserved customary or traditional rights as part of their tenure system, it being easier to reform from that base than starting from the ground up (Zambia). China and Madagascar are two countries that preserve elements of local ownership and hereditary rights in their modern system (e.g. sacred burial grounds). In summary, the property rights inherent include:

- The many shades of property rights in land: formal systems with established markets, policies and institutions; informal systems that operate outside formal law but that can be quite extensive; and customary or traditional (even religious) systems that are engrained in the values and ethos of many ethnic groups. It is not uncommon to find elements of each at work in a country, thus complicating the business of setting up transparent markets with sound policies and institutions.
- Subject of rights – who can acquire rights. This usually includes persons and groups, as well as public and private entities. Communities are a special category: they often have rights (to carry out agriculture or forestry, for example) that are difficult to alienate to protect the local community's interest in its land. The State also has rights that trump those of the private sector in some cases – to protect threatened environments or biodiversity, to create national parks and reserves, and anywhere where the public interest has to be protected -- is a right that has been significantly watered down or abused in recent years.
- Sale or lease. In either case, long-term rights are important to encourage long-term investment. Where the land is sold, the market operates. Where it is leased for a specific purpose like tourism development, it might be sensible to have incentives to develop the land (tax on vacant land, or cancellation of the lease in the absence of substantial development after a reasonable period). Terms of rentals can be as long as 99 years but note that firms can easily establish a business, write off their assets, and make profits over periods that are much shorter. For ownership property rights, restrictions on transactions (such as sale to foreigners) are likely to limit the market.

- Landlord/tenant rights. Much land policy derives from feudal systems and agriculture, where ownership was in the hands of a few. Two options were in use mainly: tenancy where plots were subdivided into parcels leased to tenants who worked for their own account, paying only rent to the landlord; a similar system, prevalent in Latin America, consisted of tenants working for the landlord and tending small plots – and were often required to contribute produce to the landlord and to work for the landlord in lieu of rent. Several countries have introduced land reform via the landlord/tenant system. In London, large tracts of land are owned by one or two families – leases have become tradable (starting at 99 years and reducing over time). Even leases with short lives remaining can be traded; prices vary *inter alia* based on the amount of time left in the lease.
- Duration, or temporal rights: indefinite is the option that investors look for, but, with good institutions and regulation, long-term leases can work effectively.
- Spatial property rights: includes underground, surface, air rights (even roof rights in some contexts) and riparian rights. This may seem esoteric but several owners of land have been surprised that they also own mineral rights (Texas) and certain buildings have been built over existing buildings thus creating air rights (e.g. Metropolitan Life Building in New York); many condos have used this technique to finance buildings in areas previously thought to be unbuildable. A last category of spatial rights (trans-county, -province and even -national) is trans-frontier rights as for example in Africa's program of trans-frontier environmental parks¹, which are proving themselves as models. In the US, there are multiple examples of trans-frontier agreement – as in Lake Tahoe, for example, where a three state conservation area (CA) that was signed in 1995 by Fort Bragg, The Nature Conservancy (TNC), and the U.S. Army Environmental Center (AEC) (Farley 2001).
- State's rights, include expropriation or compulsory acquisition (*eminent domain*). Compulsory acquisition is a topic drawing criticism in many countries, both where the justification for expropriation is being stretched (as in the US), and/or where a more appropriate policy might be inclusion of populations in land development.
- Other easements on land such as the right of way for utilities to lay networks.

Restitution and resettlement. Many countries have gone through a process of restitution where land taken over under colonial or revolutionary governments is given back to

¹ See for example, http://www7.nationalgeographic.com/ngm/data/2001/09/01/html/ft_20010901.1.html or http://www.esri.com/mapmuseum/mapbook_gallery/volume18/conservation5.html or <http://www.peaceparks.org/>

rightful owners or their descendants. An example is Russia (Kisunko and Coolidge, 2007) where a new land law in 2001 was designed to have land under buildings transferred at low prices, and thus create a land market². Other countries have practiced resettlement for a variety of economic/political or social reasons. Mexico³ is one country that successfully introduced land reform for *ejidos*, or landless peasants. Ghana introduced a system to endorse plurality, privatize non-essential land, ensure access and security through registration; and restructuring of land institutions. (Deininger 1995.) Such land may include rights that prohibit or frustrate land transfers.

In principle, the more unburdened tenure a site is from conditions/limitations on use, the more likely will the land be developed. Limitations on tenure security (for example, third party rights to land under leaseholds) also mean that land cannot be used as collateral and access to finance is likely to be compromised.

Whatever the security of tenure, land development will be conditioned by land use planning and other regulations (e.g. building codes, environmental concerns). See 3 below.

2. Transactions and transferability

The main mechanisms for tracing land transactions are the cadastre⁴ and the land register⁵. They underpin the operation of land markets and gather important information on land and land transactions. To achieve this, these registers must be flexible and transparent in their administration. If the system is set up and operated in a sound fashion, it will provide critical information for all those active in land markets – and those wishing to access land markets. Lastly, land transactions are likely to provoke disputes and a mechanism for dealing with such disputes fairly, transparently and quickly, is required, as set out below.

A couple of definitions will clarify the differences amongst the above activities:

² However, some local organizations established high statutory buyout prices and land leases which were a break on demand; in other areas low prices are encouraging development and reducing corruption.

³ http://les1.man.ac.uk/multimedia/mexican_land_reform.htm

⁴ “A cadastre is normally a parcel based and up-to-date land information system containing a record of interests in land (i.e. rights, restrictions and responsibilities). It usually includes a geometric description of land parcels linked to other records describing the nature of the interests, and ownership or control of those interests, and often the value of the parcel and its improvements. It may be established for fiscal purposes (e.g. valuation and equitable taxation), legal purposes (*conveyancing* or transferring property), to assist in the management of land and land use (e.g. for planning and other administrative purposes), and enables sustainable development and environmental protection.” International Federation of Surveyors (FIG, 1991), as reported in FAO (1999)

⁵ FIG defines land registration as “the official recording of legally recognized interests in land and is usually part of a cadastral system. From a legal perspective a distinction can be made between deeds registration, where the documents filed in the registry are the evidence of title, and registration of title, in which the register itself serves as the primary evidence.” FIG, 1991, as reported in FAO (1997).

- The cadastre provides information on properties including on boundaries, use, and value of properties and is used as a basis for land use planning, valuation, taxation, and the generation of maps. With the availability of advanced technology, many cadastre systems also carry additional information, such as structures on the property, number of residents, utility services, valuation for tax purposes, taxes paid, etc.). One key element for taxation is based on the rental value of land (*valeur locative*)
- The land registry provides authoritative information on ownership and transfer of all land properties within a jurisdiction. There are at least two types of register: those that record titles and those that record deeds. There are two principal types of document files in a register: in the US, a title deed is legal when it is signed; the public registry merely records notice of that right. In Europe (and Australia and Canada), the transaction becomes valid when the title is entered in the registry, not at signature.
- A land dispute is a disagreement over land and occurs where specific individual or collective interests relating to land are in conflict. Land disputes can be international or local and many have more to do with social relations than problems inherent in the land itself. Land disputes may arise from a wide range of different situations and are commonly found where there is intense population pressure on land, where different types of land use abut or overlap one another, and where boundaries are not well demarcated and urban or rural activities are expanding with growth. There are many ways of resolving land issues but they tend to be lengthy: direct negotiations, arbitration, or litigation. Some countries also have tried to introduce temporary measures to resolve disputes with a view to letting projects advance.

Ideally, cadastre/registration systems should be low cost and underpinned by sound administrative and technical institutions. There may be several registers associated with land and property within one jurisdiction, including those related to land taxation and valuation, the traditional cadastre, and rights related to ownership. In some jurisdictions, these registers are being integrated into other land information to enable additional activities to be carried out. Some jurisdictions have used (on ground) photographs as a relatively simple ways of establishing plots and their boundaries or paper files sometimes bound into a book; others have used aerial photography, combined with surveys on the ground; maps are probably the most frequently found records. Advanced countries also have additional instruments, such as title insurance, which provide greater comfort for investors and enhance the integrity of land markets. Computer systems are available for such work and range from simple programs recording basic data to global information systems (GIS) that provide flexibility and capacity to manage large databases.

Land quality indicators (LQIs) have evolved, starting with agriculture (Pieri 1995). The pressure-state-response model, previously developed for environmental issues, was initially used as a means of linking land to policy and management. Indicators are of

three kinds: pressure on land resources; changes in the state of land; and responses of society to these changes. Examples might be: for the first, demand for groundwater in excess of recharge; for the second, state indicators would show changes in water table levels, soil erosion but also improvements due to better management; for the third, at the extreme, land abandonment but on the positive side also increases in water use efficiency. For tourism, there might be three sets of criteria: those linked to the ecosystem and the capacity of the land to absorb waste products (water pollution, pesticides or unwanted nutrients, leakage from landfills, etc.); conservation of biodiversity (animal and vegetation counts); and those linked to the business environment (livability, good governance competitiveness, and bankability, for example).

3. Land use planning framework

Land use planning becomes necessary as the supply is fixed (except for minor land reclamation, such as in the Maldives and Seychelles); it is designed to promote socially desirable land use. Planning evolved from the post-industrial revolution period in the UK. The first planned communities in the US were NYC and Charleston. Early tourism planning models were: Hawaii (late 1950s), and Languedoc Roussillon, France (1960s). Recently urban, tourism and conservation and park planning have started converging (Defenders of Wildlife, 2004). Planning has evolved from a passive process carried out by the public sector to a proactive, participatory system with inputs from all local stakeholders in society, from so-called *comprehensive planning* to *consensus building*. The roots of planning also grew from population theories and concerns for environmental protection. Impetus for better planning in tourism came from the Earth Council (Rio) and its Agenda 21 for tourism, as well as the Bruntland report (Bruntland 1985) which argued for “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Key tools for urban planning include: (a) districting through mapping and zoning; (b) setting performance standards (e.g. densities, setbacks, building standards, utilities, and environmental standards, including noise pollution); and (c) trade-offs (substituting one site for another, possibly with incentives). A more inclusive list is given in Annex 2.

4. Institutions and policy reform

Tourism is largely private sector but which uses public goods (e.g. national parks) and requires a public policy framework and sound administrative and regulatory institutions to manage the cadastre and land registers. This must be carried out professionally with information available readily and transparently. Land, one of the key factors of production, is now recognized as central to economic management - at the macro and micro levels - and is closely linked to infrastructure provision (serviced land). Central government departments (sometimes autonomous) usually carry out cadastral services and registration. Both cadastral and registration have become highly technical activities relying on satellite imaging, global positioning, GIS and other skills and as land improvements are made, the information base will change – maintaining systems is costly and vast amounts of data are generated in the process. Countries vary greatly in their

choice of agency. For many, agriculture is a key sector and the cadastre finds its place there; others have separate land ministries. In most cases, these agencies tend to move in a cumbersome fashion and many exist only at the center. Whereas a central organization is needed, land issues are essentially local and dictate local antennae so that most details of any transaction can be handled locally.

Other institutions have emerged to acquire and/or develop land. *Land banks* have been chosen in some countries; in others, municipalities manage their inventories of land proactively through Urban Development Corporations (UDCs), which use land as a means of financing the provision of utility services to communities (China, Peterson, 2007). Unlike the cadastre and land register, it is not clear that land banks or UDCs should necessarily be public or indeed permanent institutions – if land is transferred to private developers results might be attained more efficiently via the private sector. Also, such agencies tend to hoard land and their mandate of public service changes is not always respected.

TOURISM AND LAND

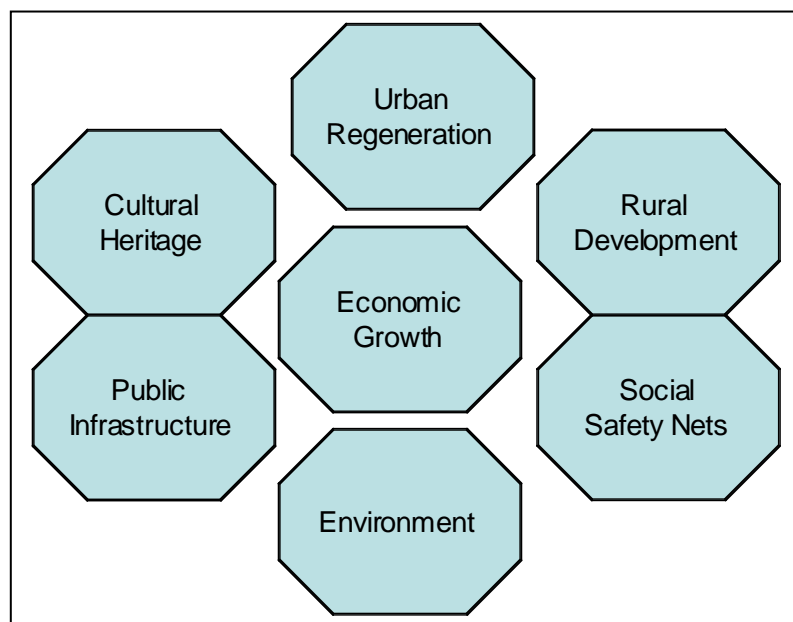
Tourism projects are quite varied and we see them appearing all over the Bank Group: LAC has a team working on tourism on projects that are heavily ecotourism oriented; MNA has a cultural heritage group that finds itself veering into tourism as an entry point; Africa has number of projects that are based on integrating tourism into the economy and focusing on the business climate, SME development and sound policy; IFC has many tourism projects, mostly hotels, but at least one real estate development, similar to tourism projects (Sousse Nord, 1972) and its new PEP department is promoting tourism projects in all regions. There is an explosion of interest in tourism in Asia, with projects in China and ESW throughout the region. About three percent of the Bank Group’s portfolio is in tourism – not large by Bank standards but very important for each country benefiting from tourism financing. The chart below sets out the Bank Group’s exposure to tourism (Mann 2006):

Institution	Portfolio (billions), end FY 2004		
	Total	Tourism	Tourism/ Total (%)
IBRD/IDA	96.3	3.0	3.0
IFC	12.5	0.5	3.6
MIGA	5.2	0.2	3.9
Total	114.0	3.7	3.1

Data for more recent years is not available but the general trends can be seen from the above percentages. The distribution of projects within the WBG is surprisingly varied, with projects coming from most sectors and regions. The table below shows the distribution by sector for the Bank only (Mann 2006). The principal departments concerned were ESSD, PSD, and INF. While no data have been compiled for the past

three years, there is a clear upturn in demand for tourism amongst Bank Group borrowers and investors.

The types of investment in tourism include hotels, restaurants and amusement facilities. Where these are in urban locations, there is likely to be a land market operating with a minimal cadastral and registration function – here the project is likely to be a single entity and acquisition of land may not be impossible (although there may still be problems of liens and encumbrances). The more typical situation is a beach, mountain or remote location close to a natural resource or other public good, where there may be several tenure systems in play, especially customary rights. This note focuses on this latter type of situation. This is not to say that real estate problems will not arise in urban or peri-urban areas but that tourism is usually focusing on growth and its distribution which often leads to remote, undeveloped areas.



In promoting tourism, there is a role for the public sector in terms of public investment, regulation and related institutions to support the growth of tourism. Where land is all owned by the state, its availability for investment, cleared of liens and claims, can pose major challenges and land issues are often tied up in court proceedings that can last for a long time. To address this, some countries have created special zones dedicated to tourism with secure title and ease of access. For example, Madagascar adopted legislation to create “tourism development zones” (*réserves foncières touristiques*)⁶. An additional problem when the state owns land and leases it, is that most lots are leased, often just for

⁶ Under this model, which has just stated implementation, the Ministry of Tourism acquires sites, tries to remove all liens and encumbrances with a view to giving investor a long-term lease with secure tenure and specific obligations to develop tourism. There is also an on-going program to restructure management and administration of land in Madagascar, based on a central module, with localized antennae to facilitate processing.

speculative reasons. A major problem (for tourism development) in Tanzania and Mozambique, for example, is that all desirable land for tourism development (especially in coastal areas) is in the hands of private individuals; in the absence of taxation of undeveloped plots (or a policy of returning the plots to the state after a limited period if they remain vacant), progress on tourism is blocked, and investors (especially foreign ones) have little prospect of acquiring land on their own. Elsewhere, plots have been sold (Senegal) and a few bricks have been laid to comply with a provision that improvements must be made or the sites return to the state (in this case, via a public developer, SAPCO); many plots have remained undeveloped for years in the tourism zone. Where land is privately owned, the market for land is expected to work and government's role is to ensure that there is a supporting infrastructure of performing institutions, clear policies and regulation as part of the business climate.

Investors, on the other hand, will focus on investment in land for enterprise development and among their prime (and early) preoccupations is access to land with secure tenure and property rights; flexible land transaction procedures; a planning environment with specific controls (and incentives) for developing tourism; an open competitive environment and support in obtaining clearances and licenses (Muir and Shen 2005). In particular, they will require not only land but also land with infrastructure, including electricity, water and sanitation, transport services (road, marine, train and air) and telecommunications, at least to perimeter of the development; internal distribution networks and hook-ups are subject to negotiation.

There are several models for tourism development that focus on land, as described below. The first involves only the state at the development stage; the second involves an entity created by the state for a single project; and the third is a national autonomous agency. The three models are as follows:

1. The state designates a zone as a tourism investment area, after appropriate feasibility studies confirm the site's comparative advantage and economic potential. It is a purely public sector investment at this point. The state will be responsible for acquiring the land. The state would then contract for the provision of infrastructure on-site and ensure that trunk networks lead to the site. Much of the infrastructure would remain on the public books – and capital transfers would be made to utilities, representing the public investments transferred to them (e.g. power generation, transmission and distribution) that would subsequently be operated under the utility's own policies, practices, including cost recovery. The state would also seek tourism superstructure investors through a promotional campaign – itself, or by delegating to an investment promotion agency or contractor. Investors are offered serviced plots either under freehold or by leasehold. No separate entity is created to develop the project, which is managed by a ministry, normally the tourism ministry. This implies considerable skill in coordinating the various ministries, whose goals may or may not coincide and whose budgets may not include funds for the project; such projects are also subject to the political cycle and any changes in government could hamper progress. Projects have been carried out in this manner – the South Antalya

Tourism Project being a good example. Roads, water, power and sanitation facilities were all handed over to the relevant utility or department. Eventually, a municipality was created to handle municipal functions such as solid waste removal and treatment, street cleaning and lighting.

2. This model has most of the features of the first, except that a separate entity is created to execute the project and in some cases to manage the site during the operational phase. There will often still be a coordinating committee in government at a high level. This configuration is done to bring the multiple administrative and technical matters under one roof – this much like the urban development corporations in India (Peterson 2006). The best known tourism fund is FONATUR in Mexico which has successfully developed at least six major tourism zones, including one co-financed with the WB, Ixtapa Zihuatanejo (See (<http://www.fonatur.gob.mx/es/index.asp>)). [See also Annex 3 on the Dominican Republic for a similar model] Land is transferred to the entity. The entity is then charged with assuring that the land is cleared of any encumbrances; infrastructure is designed and built and sites are sold or leased. For each subsequent site, a new entity is created. When plots are being leased or sold, the problem of managing the site must be addressed, as a number of functions are critical – e.g. landscaping, street lighting, solid waste management. The entity may continue as manager of the site, receiving a fee for management to cover its staffing and operational functions. If the entity is closed (and these things tend to take on a life of their own if not checked) assets (and liabilities) are handed over to the responsible agency or department or even in some cases to the hotels on the site.
3. A third model is where a national agency is created with responsibility for developing tourism destinations; typically such an agency would be autonomous and operate under private law. This could be a specialized fund, a real estate developer, a land bank, or similar organization. Such an organization would have scope for choosing the sites for eventual development. Tunisia has developed a development agency that is effectively a land bank the Tourism Real Estate Agency (*Agence foncière touristique*),⁷ It develops sites under a policy (e.g. tourism or industry) agreed with government and its board of directors. They acquire sites for development – sometimes more than they need, in the case of land banks – and develop and promote the sites over time. Profits from operations are plowed back into the agency for future projects. A key distinction that needs to be made in these operations is whether they are created to launch tourism (and then disappear) or whether they are intended as corporations with unlimited life.

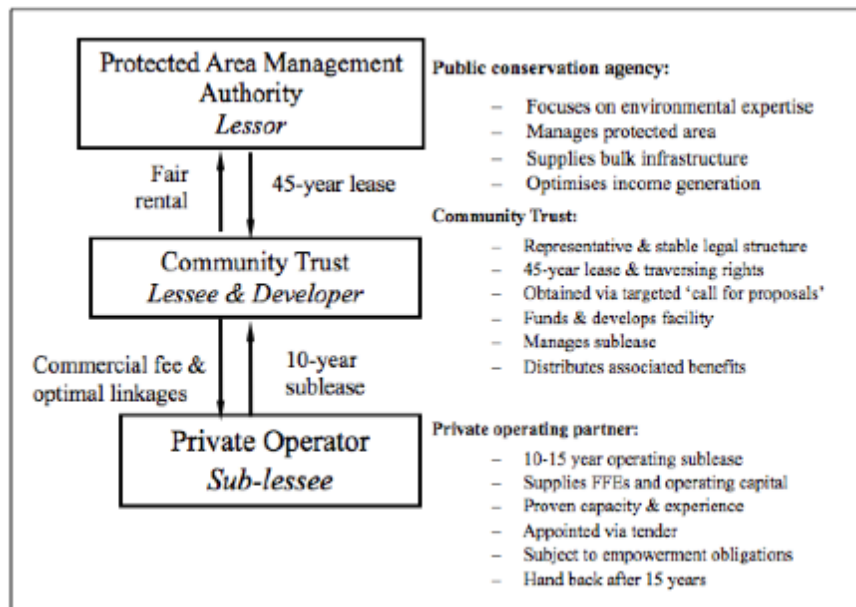
In practice, there may be elements of each model at play. And, of course, where the private sector is capable of real estate development (technically and financially), it makes sense for the state to leave land development to the private sector – but even in this case, there may be a need for the public sector to resolve thorny land issues and regulations

⁷ Does not have its own website – try <http://www.investissement.tn/article.php?id=72>

will have to be enforced. Short summaries of salient land issues in typical projects are shown in Annex 4 the Dominican Republic (Annex 3), records different responses in that country as tourism has evolved, very much related to land acquisition.

These models correspond in many ways to the framework for export promotion zones, or special economic zones – Annex 5 gives some background on EPZs and compares them to tourism. Note that tourism is predominantly an export industry in many developing countries, often bigger in size than exports of manufacturing and processing and yet tourism is often not recognized as an export sector and does not receive the same incentives as manufacturing companies. The other argument is that it is difficult to separate foreign visitors from nationals in hotels and tourism facilities and therefore incentives for export should not be applied. The risk of subsidizing nationals is small in many developing countries where domestic tourism represents a very small fraction of total demand. On the other hand, in more developed countries, the domestic market for tourism services is considerable – at least half of demand in Turkish resorts is domestic, for example.

Community based tourism (CBT) may follow one of the models described above but it may also be a derivative – as in the case of development in local communities, around national parks and reserves. Here, the issue often related to community land that has been transferred from the state to the community. There are cases where the local community has sold its rights to land very cheaply and found itself impoverished with no place to go. In such circumstances, one goal is to ensure protection of local communities' rights in their land by creating joint ventures or other mechanisms that protect their interest in the land. Lastly, even where land is owned by the state (for example, a national park) it should be possible to create a hierarchy of involvement and create incentives for all partners and protect the rights of each. The model below gives an illustrative framework:



The public conservation agency or national park organization creates a national park and a Protected Area Management Authority (PAMA) – the state owns all land. In order to protect the rights of residents around the park, a Community Trust (CT) is set up, and Private Operators (POs) are contracted via the CT. Note that the PAMA manages the park without any time limitation, it signs a lengthy lease agreement with the CT (45 years in this case) and the CT contracts with POs for 15 years – these periods can vary depending on the PO. A restaurant can easily be profitable in 15 years (but a hotel may require more) and the CT will benefit from up to three POs Leases can be renewed by competitive bidding). Provided that the tenure regime is secure, and there is sound management, the above model offers opportunities for public goals to be achieved and for the private sector operate profitably⁸.

Tourism planning for tourism land use planning is essential (See Annex 1).

In tourism planning, there are three main focuses: location; quantity; and quality, which are not mutually exclusive but provide a sensible framework for planning⁹. For location, countries often prepare a tourism master plan that indicates the areas of a country (region or other landmass), based on comparative advantage in natural and built assets (based on historical, cultural and natural resource criteria). These plans serve to provide an initial orientation but seldom are strategic in terms of prioritization of sites or sequencing of development; the emphasis is on physical development within chosen sites. Master planning is undoubtedly a tool – for example, Indonesia was very successful in choosing priority areas and has broadly limited its attention to these areas; it was in this way that Bali emerged as a potential tourism destination. Similarly, the Maldives has used three master plans to move forward, each master plan having a few key priority areas¹⁰; the country has also become well-known for its environmental and technical conditions under its island-leasing program (UNWTO/UNEP 2000, World Bank 2005, Annex 7). Finally, as noted above, Languedoc-Roussillon (la Grande Motte) was one of the first planned tourism destinations; it involved heavy government involvement but the destination has grown from 30,000 tourists to over 5 million. Within these locations, the most prevalent tools are, as noted above, mapping and zoning, usually with attached regulations; performance standards, using trade-offs (they are also used in the other two areas of focus). Secondly, there is a range of tools available for managing quantity, through techniques to limit or regulate growth; this often occurs where tourism threatens to overcome local capacities to absorb growth, including those mentioned above. There are a number of techniques to regulate growth, many deriving from roots in biodiversity or from a participatory approach, including: measuring carrying capacity; setting limits to acceptable change; visitor impact measurement; community character analysis; and sustainability in economic, social and environmental ways. Finally, managing quality is associated with places like Jackson Hole or Lake Tahoe, where communities have a real say in growth that is acceptable. Quality is, of course, highly subjective but the objective

⁸ Many countries follow the US National Park Service that pioneered the use of concessions in national parks. See for example, the history of Yellowstone national Park at <http://www.nps.gov/yell/historyculture/concessiondevel.htm>

⁹ Bosselman (1999)

¹⁰ Maldives three master plans:

is to meet community standards and still generate profits for investors. The flow of automobiles, for example, is often cited as a deleterious impact of tourism – limiting their access, either by rationing or high entry fees. Some places simply deny access to cars – as in many national parks in the American west, where cars are parked outside the park and visitors are ferried in.

Tourism grows in multiple ways, some planned, some unplanned. However physical and land use planning are addressed, it seems evident that a hierarchy of destinations and links lead to a healthier and more sustainable sector – these are important points for land to be available for tourism investments. A key element is a gateway or “hub” (Nairobi is often cited) where foreign tourists enter a country – often these are air, maritime, or inland ports, or frontier posts (road and rail). Within the country, there will be centers with economies of scale in the provision of services (“clusters”) with a web of connections: gateway and anchor cities, regional hubs and local staging points. Centers can be linked as hub and spokes, in a linear fashion, or in larger circuits. In the absence of such a framework it is difficult to grow *niche* markets that add value when they can be linked to the mainstream tourism network. Many community-based initiatives have failed, as there is often not a basic market into which they can tap. On the other hand, it is worth noting, firstly, that investment in infrastructure and some social services justified for tourism will also serve local populations.

Unfortunately, most tourism plans do not treat employee housing seriously enough. This is a prime issue in most tourism destination areas – employees cannot afford to live near the development -- Aspen is the classic example, where many employees live at least 20 miles from the town. Yet it seems that staff housing creatively interpreted could lead to urban development if properly addressed. Families in such places could grow and be employed in (or own) businesses serving the tourism community (maintenance of equipment, for example). Community land trusts (Lincoln Land Institute) or a derivative of the UDCs might be designed to accompany tourism investment and hotels could be obliged to participate in some way – it would be in their interest. This would offer the prospect of affordable private housing and the potential to build equity for the home owner. The alternative is direct subsidies to families for housing but the CLT, if well designed, may limit increases in land and housing costs long enough stabilize neighborhoods.

CONCLUDING OBSERVATIONS ON LAND POLICY FOR TOURISM

Land acquisition. Land can be acquired as noted in the text by negotiation through exchange of one plot for another, by selling via an agreed price or via compulsory acquisition. The other way of assembling land would be to involve local communities as partners – employees, shareholders or simply as silent partners. In Jordan’s Petra, when tourism was first introduced, the Bdul, a Bedouin people descendents of the Nabataens who historically lived in the World Heritage Site (1500 years ago), were moved out of Petra to an adjacent area. While the site was just right outside the park it was too small for their families, but they were still able to retain their connection to the land and also work in the local tourism industry (as guides on donkey rides mostly. This space is now

hopelessly inadequate – and another tribe claims the new proposed site. The Bdul rejected a move in 1996 but now the idea has come up again. However, there is no plan on the table that is socially/culturally acceptable or economically viable, plan on the table. They are also a part of the tourism industry, as donkey/horse operators and tour guides. It would appear that the Bdul should have been associated directly with the projects at the outset. Relocation is not really an answer. They should have been included as citizens/ partners/ employees or even owners (certainly for ground rent).

Another idea, mentioned above is that of trans-frontier parks -- the Lompopo Trans-frontier Reserve between South Africa and Mozambique was probably the first -- is proving to be useful device for tourism and conservation, in recognition that animal movements do not necessarily follow political boundaries.

Infrastructure is very important. While clear title, security of tenure and sound agencies for managing land are a top priority for investors, local or foreign, land alone is often not enough. Where standard infrastructure can be provided, this is highly desirable -- and it can service local residents and businesses as well as tourism. As noted in the Maldives, on-site infrastructure is required to be included in investors' plans for resorts at their cost. There are many appropriate and new technologies that offer potential for providing infrastructure, such as desalting of water, solar and other technologies for power, which are now produced at unit prices not so much higher than network infrastructure.

Investment promotion agencies. Curiously, most ministries of tourism reserve the role for investment promotion for themselves – it is not delegated to the national IPA. One exception was Mauritius that developed a multi-pronged strategy to lift itself out of being a one-sector economy (sugar) – it was an integrated, national approach with a single message that Mauritius was going to diversify into manufacturing and tourism. It is often difficult to determine what a country's investment strategy for tourism is – other than mere opportunism). The Mauritius model (FIAS, Makoond 2004) offers many lessons for tourism investment promotion – in terms of land (free trade points or free trade zones?) and a number of other policies (incentives for example).

Leasing versus sale. Land markets in developing countries which deal in transfer of ownership are still rare –and in cases where they exist there are often restrictions (foreigners not allowed to buy land, for example). Nonetheless, land markets are developing at least in urban environments. In principle, leasing can work as well as freehold, yet investors are reluctant to accept it, especially where business practices are less developed and dispute resolution can be costly and time-consuming. As the report above suggests, however, leasing can work if the rules of the game are clear and administration is efficient. Tanzania faced a problems that foreigners could not own hotels or hold concessions on hotels built on built on state land – as all land is state owned this presented a problem. As a solution, the Tanzania Investment Center was charged with managing the lots on which hotels (and other investments) are built as a derogation of the powers of the land ministry. Mozambique recently introduced a new land law (Annex 5); whereas there was enthusiasm (two year temporary occupation in order to initiate projects; access to land for women, etc.) concerning the new law it has

run into practical problems that have made its operation more difficult – most desirable land is already leased in small packages that makes acquiring a lot for hotel or other industrial operation very difficult.

Anchor projects. In resorts and multi hotel developments as annex demonstrates, very often it is necessary to provide an incentive over and above serviced land – an anchor project (financed by the project) is required to catalyze to further investment. Frequently, this is an hotel (as in Bali and Playa Dorada) but it can also be another type of activity – in the case of Turkey, it was a marina and hotel complex. Golf courses or other sports activities can provide a focal point that serves as an anchor or magnet.

Incentives. In theory, the best incentives are those that do not exist – if a project cannot stand on its own, why subsidize it? There are of course many arguments – Greenfield projects may require them; to jump start investment; or to fill gaps in the market. Nonetheless, there is a tradition in tourism where countries offer fiscal incentives and investors play one destination off against another – as they do for site selection for industrial projects. This can lead to a paradoxical situation where a project is subsidized at investment and heavily taxed during the operating phase. Tourism should receive the same incentives as offered under the export regime. In terms of fiscal incentives, the most valuable is probably exoneration from import duties. There is sometimes reluctance to grant this as it is open to abuse – particularly for white goods and equipment that can be used by households. It would seem that the best and most practical incentive is serviced land where the owner/lessee can enjoy security of tenure and count on quality utility services.

Annex 1: Tourism Planning

Today, planning goes well beyond physical planning – it must also address strategy. Planning is more of an iterative process than simply production of a document and the result must allow flexibility and be adaptable as conditions change, without losing the overall framework. Unfortunately, many national tourism plans have been produced but few have been implemented – Maldives is one example, however, where the government has implemented the recommendations over three plans. Madagascar, on the other hand, had master plans in 1990 and 1997; neither was adopted. Under current WB financing, however, master plans have been adopted for Nosy Be and Fort Dauphin. Planning at the national level is useful for setting strategic goals and indicating which regions should be considered for tourism development; detailed planning makes more sense at the regional or local level with indications of current land uses, proposed zoning and analysis of feasibility. By now, most planning efforts are participatory in name at least but more needs to make them to involve all stakeholders in design of the plan. Plans are often preceded by sector work to inventory assets and identify areas of comparative advantage. While every plan will be different the steps are as follows:

1. Analysis of current situation/ situational analysis
 - Depending on site, can be very complex:
 - i. Population, or demographic, (and social) analysis
 - ii. Resource inventory
 - iii. Environmental analysis
 - iv. Economic analysis
 - Include projections of growth in lodging capacity
2. Goals and vision – setting desired social and resource conditions
3. Development and discussion of alternatives and options
 - Scenarios and product development, including comparing existing with desired)
 - Market research for analysis and product development
4. Institutions, Policies and Regulation, for example:
 - Zoning, subdivision and other “incentives”
 - Public investment: funding and implementation
 - Private investment and investment promotion
 - Destination marketing
5. Evaluating costs and benefits
6. Implementation, monitoring and evaluation

A typical plan includes maps and is accompanied by regulations that can take various formats. Regulations will vary with each plan where detailed drawings accompany the plan the list can be extensive and might include the following performance standards

Which are often supplementary to the zoning and subdivision ordinances:

- Density (and density bonuses)
- Floor area ratios (FARs)
- Height
- Environmental conditions (protection against pollution of water, noise pollutions etc.)
- Setbacks
- Building standards, including coverage of the site
- Utilities and infrastructure standards and specifications
- Landscaping
- Architectural standards
- Signage
- Viewscapes
- Parking

Annex 2: Lodging Development Standards & Beach densities

Beaches

In the Mediterranean, beaches are used a lot

In tropical areas, people tend to use the pool – not the least because of harassment.

Netherlands:	1.7 m2
Spain:	3.0 m2
Tropics	30.0 m2

Overall average:	10.0 m2 and one meter of beach front per guest
Beach turnover	1.5 –3.0 persons per day, fewer than 25% swim in sea.

Rural recreation

Activity	Persons per hectare
Forest park	Up to 15
Suburban nature park	15-70
High density picnicking	300-600
Low-density picnicking	60-200
Sports/team games	100-200
Golf	10-15
Fishing/ sailing	5-30
Speed boating	5-10
Water skiing	5-10
Hiking	40
Horse riding	25-80
Ski resorts	100 (per hectare or trail)

Lodging Unit Densities

Units:	Per acre	Per hectare	Observation
Low-density	5-10	12-25	Chalets, or connected with a lot of landscaping
Low - medium	10-30	25-75	Two story buildings; or higher buildings with space
High-density	30- 60	75-150	At least four stories
Urban	Up to 300		

Source: Inskeep, Edward, Tourism Planning, John Wiley & Sons, 1991

Annex 3: Dominican Republic: Evolution of Tourism

The first major tourism development zone was close to Puerto Plata – Playa Dorada (a second site, Playa Grande, with a championship golf course and a deluxe hotel, was less successful but was recently sold to a private investor). Playa Dorada was a public development with sites for 11 hotels in a resort complex (with a golf course and good beach). At first, the land was all owned by the state. Hotel investors were slow to take up the serviced land plots – the first was a US investment (Jack Tar Hotel, ultimately absorbed by other groups) and others quickly followed. The project waxed and waned but was ultimately successful. The site and improvements were finally acquired by the on-site hotel owners and set up as a separate company. While this was a public investment at the outset, it has become completely private, through private initiative. The second larger north coast development was Punta Cana – this was developed almost entirely by the private sector that slowly acquired sites and finally put a package together – this included development of the airport, water supply and sanitation. Plots were made available to hotel investors (and their managers); Punta Cana now has over 40 hotels. In both Playa Dorada and Punta Cana, the market served was originally a mid-priced market with all-inclusive rates. The third development in the north is Cap Cana – this is more a real estate development but with boutique hotels and well-known top-end hotel investors (Marriott, Trump, etc.) In this case, land was also acquired over time by the principle investor and infrastructure is being developed by private sources. Two problems have arisen in most of these developments. The first is environmental – sanitation and sewerage, an important issue for all but one that is attracting controls by the European Union. The second is staff housing – a problem that occurs in many destinations around the world. Both are being addressed – the Bank is funding a sanitation project and the private sector is searching for a solution to staffing and staff housing.

There are other similar projects in the DR – a big question is how many such developments the DR can absorb, without becoming too dependent on a single sector.

When the Playa Dorada project started in the 1970s, it was under the Directorate of Tourism Infrastructure in the Central Bank (INFRATUR) – an odd location for a tourism development project but one that proved reliable as an organization for seeding the growth of tourism. It was supposed to focus only on infrastructure but had to intervene in hotel finance when lack of sources of finance became a deterrent to investment. It also supervised the Punta Cana (and other projects) but after that, the government decided to close INFRATUR, as the private sector was now playing its part fully in the growth of tourism. – Important functions were transferred to the Secretary of Tourism.

Annex 4: Land in Selected WB Tourism Projects

In Sousse Nord, an early IFC real estate development project in Tunisia, the land was attributed to the executing agency – the Sousse Nord Development Company. The trunk infrastructure was provided by the state to the property line, internal network infrastructure was at the expense of the owning company – a company that had private sector players and some public sector institutions operating under private law. The company sells both hotels and apartments;

Again in Tunisia, the *Agence foncière touristique* is a publicly-owned real estate developer focused on large resort developments. It acquires land in advance, sets up development zones and invests in infrastructure. Lots are then sold to the private sector for hotel construction and AFT maintains the common facilities. Private hotel developers lease lots for their projects;

Mexico has a public fund (Fonatur, a fund of the Ministry of Finance) for investment in tourism development that were supposed to invest only in land and infrastructure but they have occasionally invested in hotels and other tourism activities as a spur to investment. Fonatur has been very successful; but so has Mexico been successful in nurturing entrepreneurship to the point where there are many private real estate developers. This raises the question of how necessary is Fonatur now. It certainly was central to launching tourism in Mexico but it may have outlived its mandate – this should be seen as the ultimate compliment!

The Indonesian Government set up a separate organization, the Bali Tourism Development Corporation, to build Nusa Dua as a hub for high standard hotels – the first hotel investment was by the publicly-owned Air Garuda, as an anchor project. This public investment was the first of over a dozen hotels all privately financed;

Senegal also set up a public real estate developer, SAPCO, to create the tourism resort of Portudal/Saly that has developed substantially for a summer season clientele from Europe, as well as being a warm destination when it is winter in the north. The focal points were a local fishing village an hotel whose client base is open ocean sports fishing.

In Turkey, the South Antalya Tourism development was a purely public investment that required dealing with almost every department of government – at the central and provincial level. Ultimately, its anchor project (a marina and associated hotel) were concessioned to the private sector; a whole town has developed around Kemer, the focal point for the development, which has since evolved into a municipality. The South Antalya project is perhaps the one that epitomizes public investment in developing land and infrastructure;

In the Maldives, islands are leased under competitive conditions. Among the conditions are that each island has to provide all infrastructure at their cost – and some very modern technology has been employed. This suggests that resorts can in the right conditions support infrastructure.

In its early days, Tanzania not only created one of the largest reserves of publicly protected areas in the world but also built the hotels inside the various national parks that it leased (after many years of public management) to private operators

In Zambia, two national parks are receiving WB funding to improve management and support biodiversity conservation. While no private activity is envisaged inside the national parks, community development in the peripheral zone around the parks are expected to generate investments, where community land will be brought as local residents' participation in joint ventures – structuring JVs where community interests are protected.

Annex 5: Export Processing Zones (EPZ) and Tourism

(Based on presentation by Andrew Singer, May 2006)

The basic concept of an EPZ¹¹ is to boost export earnings, create jobs and attract foreign direct investment (FDI) in manufacturing using high quality, imported, duty free inputs, which were then re-exported. As they have evolved and grown, new incentives were built in – less red tape; tax concessions; and better infrastructure. In 1970, there were only a handful of EZPs. By 2002, there were over 3,000 zones spread out over 116 countries. While early models were state-run, newer entries tend to be private sector, the state's role to provide the enabling legislation and a supervisory mechanism to regulate the zone and ensure compliance.

International tourism operates in a framework not far removed from an EPZ and according EPZ benefits to tourism would be an incentive for growth, job and wealth creation – and also provide the incentive to create infrastructure that might also be shared by local communities. For example, a number of developers in the Middle East now promote sites that include import/export distribution points, on-site processing, real estate development and a tourism destination all in one site.

EPZs make no sense in a liberal, open economy and indeed in any economy the incentives they enjoy in theory at least should expire when the country's macro policy is liberalized. They have been used as a distributive device to create employment in non-traditional areas of industrial activity. Often they are considered as “second best” solutions to anti-export bias (to acquire quality imports) and to by-pass customs (via sealed containers).

In the early days, EPZs were enclaves but Mauritius showed that unfenced areas (*points francs*) were much more flexible. For tourism, this is the issue of an individual hotel versus a resort development, exclusively for foreigners.

It is claimed, as in tourism, that such EPZs exclude local investors – however, the objective is to attract FDI and if local investors can do that, there is no reason to exclude them. In general, in encouraging FDI, it makes sense to offer incentives to *all* investors to encourage entrepreneurship.

As EPZs expand the question of sales to local investors arises (the comparison for tourism is sale of bednights to locals). Singer sights the fact that EPZs generate waste that are treated outside the EPZ in the country – domestic sales could easily generate resources to pay for disposal of such waste.

The argument that EPZs provide all clearances, permits and approvals as a “one stop shop” is losing currency as the usual reality is that other authorities refuse to delegate

¹¹ The nomenclature is variable: single-industry zones; single-factory zones, special economic zones, and more.

their full approval powers to the EPZ authority. The result is “one more stop”, as investors learn there the centers of power are.

In conclusion, Singer argues that EPZs are a mixed blessing – they are useful for countries with comparative advantages to break into export markets; later they can be used as arguments for avoiding further liberalization. Industrialization and FDI should be addressed as separate issues. If there are tax breaks for exporters, allow these for all exporters, including tourism businesses. He also argues for cleaning up procedures to reduce bureaucracy and unpredictable rules of the game – who wouldn't!

Annex 6: Mozambican Land Law

Mozambique introduced a new Land Law, whose principles include¹²: state ownership of land, as set out in the Constitution; guaranteed access to land for investors, while recognizing customary rights; guaranteed access to and use of land for women; promotion of private investment -- national and foreign – without prejudicing the resident population and ensuring that both they and the public treasury benefit; active participation of nationals in private investment; definition and regulation of basic guidelines for the transfer of land use rights; and the sustainable use of natural resources. Rights for use are given for varying periods but cannot exceed 50 years, renewable once; rights can be inherited and transfer with the sale of real property (at least in urban areas.) While there is a market in land use rights, it is not clear if the law's ambitious principles can be realized in practice. One concern is the so-called temporary right to use land for two years, to be confirmed upon completion of the investment. There are no effective procedures for following up on these temporary assignments, nor any disincentives/penalties for non-performance. In many places urban and beach land seems already to be in private hands, with little option for acquiring the rights over larger parcels. And, while it should be noted that regulation of land issues is controlled by DINAGECA¹³, the national land agency, provincial and local officials are the front line in dealing with communities and investors. With the backlog of cases, it is not evident that DINEGECA is on top of all projects and some seem not to follow industry standards.

Pressure for land for tourism started about the mid-1990s and is still strong and the mission has the impression that much of the land suitable for tourism is already the subject of use rights, with many holding titles as a speculative device and often sub-letting illegally. This will make it very difficult to assemble parcels of land for tourism investment with clear title over use. However, Articles 7-9 of the new Tourism Law recognize two types of activity: land for conservation and land for tourism development. Articles 8,9 cover sustainable development and national parks, reserves, hunting preserves, and trans-frontier parks; Article 9 has led to the creation of some 18 Priority Areas for Tourism Investment (PATIs). It is recommended to: (a) find a mechanism for following temporary awards for tourism closely to ensure that projects are executed within terms of the agreement; (b) define ways of securing effective use in these instruments to permit long-term financing of projects; and (c) develop models of joint ventures (and other forms of incorporation) between investors and communities which ensure participation of communities, protect their use rights and permit effective decision-making and productive investment. Of course, it would also be very useful to have an inventory of all land available for tourism but this is unlikely to be forthcoming in the near future – in its place, each selected site will be subject to rigorous research to determine its status.

¹² See, for example, Tanner, Christopher: Law Making in an African Context: the 1997 Mozambican Land Law. FAO, March 2002.

¹³ National Directorate of Geographic and Cadastral Services.

Annex 7: Land tenure system in Maldives

(derived from UN report on small islands, summarized)

One of the most important tools for tourist capacity control in the Maldives is the land tenure system. As all lands belong to the Government, resorts are developed on the islands allocated by the government for tourism development. However, before institutionalisation of the industry, resorts were developed on islands allocated for agricultural use; such practices have now been ceased.

Allocation of islands for resort development is made after an extensive study on its potential use for other activities, proximity to inhabited islands and airport, natural state and its ecological carrying capacity. Under the First Master Plan, in 1983, the Government selected 16 islands and leased them to private parties for resort development. The 16 islands selected under this phase of tourism expansion, completed construction of their resorts in around late 1997. In the mid-1990s a second Master Plan was formulated and under this plan another 14 islands, to host a total of 10,000 beds, were selected to be developed as resorts, out of which the Government has allocated 14 resorts with a capacity of about 3,000 beds to private parties; some of these are now operational. [*Now, there are over 100 resorts – author*]

Islands are awarded for resort development, through a public bidding system. For the selection of potential developers, the proposals submitted are evaluated using a merit point system where points are allocated for development concept, environmental aspects and employment. In the area of development concept, higher points are given to proposals that have Maldivian qualities and to ones that are unique in design. In the area of environment, higher points are given to proposals that suggest environmental protection and conservation measures over and above the legal requirements. Proposals that aim to attract local labor by providing improved physical facilities, or better incentives for staff and staff training, are also accorded higher points. Through this process the government is able to select projects that positively contribute to the tourism development goals. Hence, land tenure system helps to guide tourism along sustainable lines by:

- Ensuring that islands that are environmentally suitable are selected for resort development, and that such selections do not impinge on the productive capacity of other traditional, economic and social activities of the people;
- Using environmental criteria for evaluation of bids for proposed resort development. This way developers who wish to develop and operate resorts along environmentally friendly lines will be selected, and thus the tourism industry will expand guided by environmental principles;

- Ensuring that islands are allocated for developers who propose development of products that have ‘local color’. This way the industry can develop an identity and make it more diverse and product differentiated. In addition, it ensures that tourism facilities are not duplication of products in other destinations.

The second wave of the Government's intervention was the adoption of laws governing resort construction and operation in the early 1980s. Hence to date, the Tourism Ministry imposes strict regulations and guidelines for resort construction and operation. Some of the regulations include:

- a) Limiting the maximum built-up area to 20% of the total land area;
- b) The maximum height of the building has been limited to two stories provided that there is vegetation in the island to conceal these buildings;
- c) In construction of tourist accommodation, all rooms should face the beach and 5 linear meters of beach line has to be allocated to each tourist in front of their rooms. Only 68% of the beach length can be allocated to guest rooms as 20% has to be allocated to public use and 12% left as open space; and
- d) Construction on reef flats and lagoons are discouraged. However, as over-water bungalows are very popular among tourists they are permitted construction provided equal open space is left on the land for each building developed on the lagoon;
- e) Control and mandatory replacement for each tree that is cut down (certain rare and large trees have to be avoided when constructing a building). All buildings have to be located well away from the peripheral vegetation – at least 5 meters away from the shoreline to ensure that the peripheral vegetation most important for coastal protection is preserved;
- f) Allocating space for vegetation between each building. This is to ensure that substantial areas of indigenous vegetation are left untouched;
- g) All coastal works and larger projects have to be commenced after a thorough environmental impact assessment. Hard engineering solutions for dynamic coastlines are discouraged;
- h) Construction of rock-filled jetties and groynes are controlled. Design of boat piers and jetties should be in such a way that they do not obstruct the original flow of currents or disrupt the wave climate within the lagoon;
- i) Construction of seawalls, detached and submerged breakwaters are restricted. Instead, promotion of greater coral colonization on the peripheral reefs and other natural methods to protect shorelines are encouraged;
- j) Coral and sand mining from resorts and inhabited islands and from their house reefs are

strictly prohibited. More recently certain specific locations have been allocated for sand and coral mining. Construction of structures with coral is now being controlled;

k) Spearing, poisoning and dynamiting fishing are strictly prohibited. Net and trap fishing are controlled and confined to certain areas. Removal of shells, fishing of turtles and tortoise, juvenile and gravid lobsters are strictly prohibited;

l) All resorts are required to have incinerators, bottle crushes and compactors. Solid waste has to be burnt, metal cans compacted and bottles crushed before disposal. Some of the resorts are now using organic waste as fertilizers; [*More modern techniques have now been adopted and incineration is discouraged – ed.*]

m) Sewage disposal through soak pits into the aquifer is discouraged (permission to do so is determined by the size of the island and amount of use of the aquifer). Sewage disposed should be below government approved standard of biological oxygen demand less than 20 mg/l; Ammonia nitrogen 2-4 mg/l and suspended solids 20 mg/l. [*Now treatment plans are required – ed.*] [*Islands are now required to have efficient, environmentally sound, power plants and desalination plants --ed.*]

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