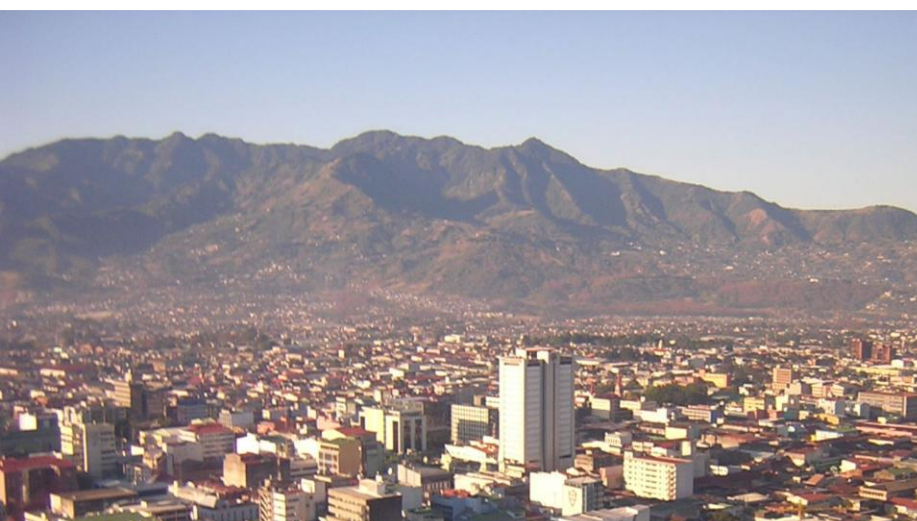




Ministerio de Vivienda
y Asentamientos Humanos
República de Costa Rica

CONSTRUIMOS UN PAÍS SEGURO

Lead Agency for Land management and Housing



National Land Management Policy

2012 to 2040

November, 2012

National Land Management Policy

2012 to 2040

This document was prepared with the participation of the following institutions from the Land Management and Housing sector:

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National Bureau of Housing and Urban Development
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Acronyms and abbreviations

- **AyA:** Costa Rican Water and Sewerage Service
- **BANHVI:** Housing Mortgage Bank
- **WB:** World Bank
- **CNE:** National Emergency Commission
- **CYMA:** Program for Competitiveness and the Environment
- **EIA:** Environmental Impact Assessment
- **GHG:** Greenhouse Gases
- **ICE:** Costa Rican Electric Service
- **ICT:** Costa Rican Tourist Bureau
- **IDA:** Agrarian Development Bureau
- **IFAM:** Bureau for Municipal Development and Support
- **IGN:** National Geographic Service
- **INDER:** National Rural Development Bureau
- **INTA:** National Bureau of Agricultural Technology Innovation and Transfer
- **INVU:** National Bureau of Housing and Urban Development
- **MAG:** Ministry of Agriculture and Livestock
- **MEIC:** Ministry of the Economy, Industry and Trade
- **MH:** Ministry of Finance
- **MIDEPLAN:** National Planning Ministry
- **MINAET:** Ministry of the Environment, Energy and Telecommunications
- **MIVAH:** Ministry of Housing and Human Settlements
- **MOPT:** Ministry of Public Works and Transportation
- **UN:** United Nations
- **PIEG:** National Policy for Equality and Gender Equity
- **PND:** National Development Plan
- **PLANOT:** National Land Management Plan
- **PRESOL:** Solid Waste Plan for Costa Rica
- **PNOT:** National Land Management Policy
- **RN:** National Archive
- **SENARA:** National Groundwater, Irrigation and Drainage Service
- **SETENA:** Environmental Technical Secretariat
- **SINAC:** National System of Conservation Areas
- **SISE-PNOT:** System of PNOT Monitoring and Evaluation Indicators
- **SNOT:** National Land Management System
- **USEG:** Socio-environmental Management Units
- **EEZ:** Exclusive Economic Zone
- **ZMT:** Coastal Region



1. Introduction

In keeping with the goals and actions set forth in the National Development Plan 2011-2014, María Teresa Obregón Zamora, Minister of Housing and Human Settlements (MIVAH), who by virtue of her ministerial post serves as the lead sectoral authority for land management and housing, hereby submits the National Land Management Policy (PNOT) for consideration by State institutions and civil society.

Land management processes hold strategic importance for Costa Rica's development as the country approaches its bicentennial. Current developments in the world dynamic are affecting Costa Rica and cannot be overlooked, including competitive positioning on the global market, climate change and the development of inclusive, sustainable human settlements.

This document has been written to serve as a combined framework of common objectives held by a variety of institutional stakeholders, and at the same time, provide guidance for strategic planning of Costa Rica's land, with a long-term perspective and a focus on inter-institutional coordination.

These common objectives reflect a number of "country goals" for the short, medium and long term. The country goals, in turn, target multiple issues that have been framed as strategic guidelines and that can ultimately become a "**country vision**" given operational expression in the **National Land Management Plan (PLANOT)**. The PLANOT will serve as an inter-institutional instrument for coordinating legal, administrative and financial agendas and actions.

The initial premise in building the PNOT is that many broadly valid inputs already exist and are currently available, associated with each different issue. They have contributed to national development at different times and have made major contributions to planning. A key process in developing this proposal was to identify them and document them. These inputs are many and varied, including earlier policy proposals and draft bills, national and sectoral strategic plans, regional land management projects and numerous current laws and regulations.

This same process of policy formation is also interwoven with the project undertaken by the MIVAH in 2006 to identify a National Policy for Housing and Human Settlements. The two related processes address the need to define a long-term working horizon for establishing multi-functional, inclusive and competitive human settlements in the framework of a push for national development in balance with the environment.

2. Legal and institutional framework

Costa Rica has a very diverse regulatory framework for land management that assigns both direct and indirect authority to different government institutions at different planning levels. This regulatory framework reflects different visions of planning and different national circumstances. Today this panoply of laws and all their conceptual inconsistencies have become a barrier to coordinated, expeditious land management.

The first step toward land management under Costa Rican law was the political-administrative division of the nation as defined in article 168 of the **National Constitution**, which reads: "...for purposes of public management, the country's territory is divided into provinces, which in turn are divided into cantons and then districts. The law may set up special distributions." Article 169 then grants municipal governments the power to manage local goods and services; these local governments are ideally placed to serve as the first-tier entities for land management. Article 50 of the Constitution recognizes the people's right to a healthy, environmentally balanced environment and articulates the government's duty to guarantee, protect and safeguard this right.

The **Urban Planning Law** (Law 4240, 1968) sets general guidelines for developing the National Urban Development Plan, regional plans and canton-level plans for the purpose of promoting the orderly expansion of urban centers, striking a balance between urban and rural areas and ensuring efficient urban development. It also grants specific authority for urban planning to various entities at different levels of action, including the National Bureau of Housing and Urban Development (INVU), the National Planning Office (now known as the Ministry of National Planning and Economic Policy, MIDEPLAN) and the 81 municipal governments contained within Costa Rican territory, through the Land Use Plan.

The **Law on Coastal Regions** (Law 6043, 1977) sets guidelines for planning and management of lands located within 200 meters of the high-tide line along the entire length of the country's coastal belt. The Coastal Land Use Plan is the land management tool for the Coastal Regions (ZMT). This law bestows special powers on the Costa Rican Tourist Bureau (ICT), INVU and the municipal governments.

The **Basic Law on the Environment** (Law 7554, 1995) was a milestone in regulatory development for Costa Rican land because it sets forth a body of general principles for conceptualizing land management in reference to sustainable development and serves as the starting point for a new stage of environmental legislation that has positioned the country in this field. The law grants special powers to the Executive Branch through the Ministry of the Environment, Energy and Telecommunications (MINAET), the Environmental Technical Secretariat (SETENA), the Ministry of Agriculture and Livestock (MAG) and the municipal governments. When the Basic Law on the Environment was enacted, the country began a process of introducing more stringent environment requirements, and the outcome has been a body of specific laws on different facets of environmental management. One example is the **Forestry Act** (Law 7575, 1996), whose objective is to safeguard the conservation, protection and management of natural forests and the production, use, industrialization and development of forest resources earmarked for such use. This law assigns MINAET to be the lead agency for forests and forestry and divides up the country into forestry regions.



The **Land Use, Management and Conservation Act** (Law 7779, 1998) is designed essentially to protect, conserve and improve land through sustainable management integrated with other natural resources. This law assigns joint powers and responsibilities to MINAET and MAG. One of the most significant provisions of this law is the requirement to develop national plans for land management, protection and conservation based on watersheds or subwatersheds as the basic unit.

The next step was the **Biodiversity Act** (Law 7788, 1998) whose objective is to conserve biodiversity and foster the sustainable use of natural resources. This law introduces the concept of sharing the burdens and benefits involved in using the factors of biodiversity. It also recognizes requires real property to provide certain environmental services and creates the National System of Conservation Areas (SINAC).

The **National Emergencies and Disaster Preparedness Act** (Law 8488, 2006) sets a major precedent for land management in Costa Rica by defining the National Policy for Disaster Management and the National Plan for Disaster Management as the focal point around which all the work of the Costa Rican State must revolve. It also defines the National Disaster Management System, creating it as a multi-institutional program at every level of the Costa Rican State under the leadership of the National Emergency Commission (CNE).

The **Costa Rican Indigenous Act** (Law 6172, 1977) sets the boundaries of Indigenous Territories and grants native peoples the right to full management of their lands. This is particularly significant in view of the fact that over six percent of Costa Rica's land is considered Indigenous Territory.

The **Bill to transform the Agrarian Development Bureau (IDA) into the Rural Development Bureau (INDER)** (Law, 2012) created an institutional framework for sustainable rural development in the country and paved the way for developing, planning, implementing, monitoring and evaluating State policies on this subject, as well as identifying and legally establishing rural territories. This new law adopted a concept of integrated development for the country's rural areas and empowered INDER to develop territorial rural development plans in conjunction with public and private rural stakeholders.

The **Municipal Code** (Law 7794, 1998) provided for each local canton, headed by the municipal government, to hold territorial jurisdiction in the municipality. The rule and management of the canton's interests and services are to be in the hands of the municipal government.

This great diversity of laws and regulations has now created the need to build convergence among all the different visions of traditional urban development, mostly expressed in the Urban Planning Law and the new generation of environmental legislation that the country has been promoting since the 1990s.

3. Conceptual Framework

Land management is the spatial expression of social, environmental and economic policies. It is also an administrative exercise and State policy based on coordinated, orchestrated decision-making that seeks appropriate development of human settlements, integrated natural resource management and economic development in the territory. Article VI of the Basic Law on the Environment clearly asserts the importance of managing the land to meet the following goals:

- To determine the optimal placement within national borders for production activities, human settlements, areas assigned to public and recreational use, communication and transportation networks, wildlands and such critical infrastructure projects as energy units and irrigation and drainage districts.
- To guide the sustainable use of the factors in the environment.
- To balance sustainable development of the country's different areas.
- To promote the active participation of the population and organized society in developing and implementing land management plans and urban land use plans.

This law also sets the following criteria for land management in Costa Rica:

- • Respect for the cultural, historical and social features of human populations involved and their current distribution in the territory.
- Population and resource projections.
- The features of each ecosystem.
- Renewable and nonrenewable natural resources, prevailing economic activities, land use potential and zoning for agricultural products and activities, based on environmental and production criteria.
- The effect on the environment of human activities and natural phenomena.
- The balance between human settlements and environmental conditions.
- Landscape diversity.
- Currently existing infrastructure.

The practice of land management is understood as an inherent duty of the State that, by assigning specific institutions for this purpose, must write and implement national land management policies that will promote the common good and protect the environment over and above private interests. These powers of the State cannot be delegated or transferred and are based on laws and regulations designed to defend affairs of national interest such as social justice, environmental protection and the social welfare of the population. This means that land management is understood simultaneously as both a need and a tool ideally suited to improve the quality of life for the people living in a country by promoting multi-functional human settlements that provide access to housing, services (basic facilities and ecosystem services) and production functions that pave the way for competitive social development in the territory.



4. Principles

1.Comprehensiveness:

The policy addresses the entire national territory in all its dimensions: social, environmental and productive, and within the geographic and sociocultural contexts where the country's people live. It seeks a framework of policies, plans, programs and projects that are well coordinated and complementary and that provide for balanced national development free of regional disparities. The PNOT will foster implementation of a comprehensive approach to the territory.

2.Coordination:

This is an action principle for bringing into convergence a variety of competencies by all the stakeholders in a process, targeting a single purpose. It acknowledges the autonomy and independence of each one, while at the same time directing them as a synchronized system toward shared goals. The PNOT will foster inter-sectoral participation for the purpose of achieving integrated management of the country's territory.

3.Solidarity:

The State is responsible for smoothing out regional disparities through the use of instruments that redistribute the burdens and benefits associated with land management. The State and civil society also share responsibility to facilitate joint work, cooperate in improving the habitat, and ensure that the use of the territory and the land performs both social and environmental functions.

4.Sustainable Development:

This is a development model that seeks to preserve the environmental, social and economic balance without compromising the ability of future generation to meet their own needs. Development in the country's territory should reflect a sustainable model that will allow the different regions to draw on their various strategic advantages, encouraging on long-term development and generating human settlements whose residents can enjoy a healthy, environmentally balanced environment.

5.Subsidiarity:

The principle of subsidiarity states that any matter should be resolved by the authority (regulatory, political or economic) located nearest to the object of concern. This means that decision-making takes place at a level closer to the people and the territory where they live, promoting transparency and the shouldering of responsibility for actions performed.

5. Strategic Orientation

The PNOT should lay the foundation for coordinating and meshing the actions of the State, private businesses and civil society, a process that will combine national development with a consistent drive for territorial development and reflect the country's long-term goals.

The PNOT also seeks out common efforts that will bring about sustainable development in the territory. An essential step in this is to recognize initiatives already being undertaken by the State or being proposed for development, so as to merge them into a process that seeks the achievement of national objectives.

The PNOT is therefore **an instrument for strategic planning to guide State actions, over the long term, through the different National Development Plans (NDPs)**, and its ultimate purpose is to meet a set of pre-identified shared objectives that comprise a vision for the country. Once the policy is approved, MIDEPLAN and MIVAH will see that it is incorporated into all future NDPs.

The PNOT is charged with outlining a **conceptual framework** for any land management processes that the country may undertake. It should also set out **general guidelines** for developing a National Land Management Plan to include a detailed framework for inter-institutional coordination, fields of action, the roles and scope of institutional action and the strategic administrative, legal and financial actions to be implemented over the short, medium and long term.





6. Focal Points

6.1 Risk Management and Climate Change

Risk management as a focal point of public policies is grounded in the **National Emergencies and Disaster Preparedness Act** (Law 8488, 2006) and is based on making Costa Rica's population less vulnerable, eliminating causes for loss of human life, and lessening the social, economic and environmental consequences brought about by the onslaught of both natural and man-made disasters affecting Costa Rica's national territory.

Risk is present when two conditions converge: **vulnerability** and **threat**. Preventive measures can be applied in different spheres of development, thus reducing conditions of vulnerability and lessening the negative impact of all kinds of events, both predictable and unpredictable.

Land management is a vitally important tool for providing the minimum conditions necessary for human settlements--that they be safe and habitable. Land management processes are a tool for taking planned action beforehand to lessen the kind of vulnerability that exposes human settlements to risk conditions. An approach based on **prevention or preparedness** can minimize the occurrence of disasters.

The main factors of vulnerability are unplanned land use and unplanned human activities. Both of these raise the risk for human settlements, undermining the right to safe housing and exposing the country to repeated losses of infrastructure and services. The prevention approach in land management calls for the inclusion of measures for preparedness and mitigation, from the processes of planning and developing plans and projects to the incorporation of measures designed to build resilience in human settlements currently exposed to situations of recurring risk.

The country's actions to address current threats from climate change revolve around the five pillars of the **National Climate Change Strategy**, which constitute a list of important issues to be addressed and tackled by the Costa Rican government.

- Mitigation
- Adaptation
- Measurement
- Capacity building and technology transfer
- Education, culture and awareness raising

Two matters of particular concern for land management arise in this strategic framework: mitigation and reduction of greenhouse gas emissions, the primary causal agents of global warming, and adaptation to changes in physical systems, which have an impact on increasing vulnerability to natural threats.

6.2 Gender Approach

The concept of gender can be useful for understanding and evaluating socially constructed meanings, relationships and identities resulting from the biological differences between the sexes. Gender thus address different kinds of social constructs (practices, standards, values and symbols) associated with male and female.

Because gender practice has traditionally converted differences into inequalities, the gender approach is extremely useful for understanding the differential social status of men and women and the impact it has on the organization of social institutions. This is why achieving equality also calls for a move to establish equal conditions and encourage every individual to acquire the capacity of “agency” and political advocacy, especially women. An essential part of this is to consolidate and promote a range of affirmative actions and regulatory principles. Such an approach reminds us to examine any social situation or intervention program from a perspective that casts light on the specific needs of women and men, in addition to the differential effects that every situation can have on them. An analysis of this kind, based on the gender approach, demands an understanding of the practical needs and strategies, the constraints, opportunities and options that women and men have in any given social setting.

Along the same lines, the **principle of equality** is not defined by the criterion of sameness, but instead seeks fairness: all the different people who make up a society are given the same value. Equality is important most specifically among those who are different from one another, serving as a social convention or pact that recognizes as equals those belonging to different sexes, ethnic groups and social classes. The idea of equality in the framework of women’s rights does not mean that women are the same as men, but that they have the same opportunities, and are recognized and treated as equals, acknowledging and respecting the differences in their identities and human conditions.

6.3 Rights Approach

Everyone in the country is the subject of universally recognized rights. Land planning processes must therefore consider individuals as bearers of these rights, and the State’s duty is to guarantee, promote, protect and enforce individual and collective rights without distinction for sex, ethnic group, age or social condition.

One of the uppermost precepts in land management to promote a **solidarity-based right to property**, that is, understanding that **property performs a social function** such that private interest yields to social concerns when the two clash for reasons of public interest. Property should be useful not only to the owner, but to the community. Land management functions is a form of strategic plan, offering tools to guide development of the territory and regulate the use, transformation and occupation of space in accordance with socioeconomic development strategies and in harmony with the environment and historic and cultural traditions; to purpose of all this is to orchestrate and complement economic and social planning, with physical/territorial panning.



Land management must also promote equality and make sure that the benefits of development are never denied to any population group based on gender, culture, ethnic identity, age or other demographic qualities. It also provides a means to identify which land holds potential for providing networks of high-quality public services and the facilities and infrastructure needed for local development, ensuring ideal living conditions.

The **right to a healthy environment** is a collective right, and the State enforces this right by conserving areas that hold environmental importance, fostering environmental education and protecting the diversity and integrity of the environment. The State uses land management to guarantee environmental protection when it plans the use and exploitation of natural resources in the framework of national and regional competencies and conditions.

The State also needs to guarantee the **right to citizen participation**, promoting the active involvement of individuals and communities in processes of local, regional and national development and, when it is in the interest of society, adopting proposals offered by communities and individuals to meet some of the challenges of land management.

El Estado deberá generar estrategias para hacer efectivo el **derecho a tener una vivienda digna** promoviendo el desarrollo de vivienda de interés social, tanto en el área rural como en la urbana. This effort should target the most vulnerable households and even focus on protecting the lives of at-risk populations. Such populations need to be identified in accordance with their location in the territory and the potential dangers of this location.

Other rights are also essential for the population's socioeconomic development, including: **the right to work, to receive a minimum wage, to overcome poverty, and the right to health and nutrition**. Even though these rights are not a function of land management, the strategic plan should generate opportunities suitable to land-use potential and the capabilities of the population and making siting decisions for economic activities that will provide employment and skills building for men and women.

Additional concerns apply in indigenous territories including the need to consolidate and strengthen the **right of native peoples to develop with autonomy**, availing themselves of the right to own, develop, control and use their lands and tap into their natural resources while conserving their culture, historical identity and way of life.



Image 4: San Isidro, Perez Zeledón. MIVAH, 2010.



Image 5: Aerial view, Greater Metropolitan Area. PRUGAM, 2004.

7. Considering:

1. That article 50 of the Constitution of Costa Rica obliges the State to procure “the greatest welfare for all the country’s inhabitants, organizing and stimulating production and the most appropriate distribution of wealth. All people have the right to a healthy environment.”
2. That article 169 of the Constitution of Costa Rica states, “local interests and services in each canton shall be administered by the Municipal Government made up of a deliberative body comprised by popularly elected town aldermen and an executive officer designated by law.”
3. That article 170 of the Constitution of Costa Rica obliges municipal governments and other State institutions to coordinate with one another when local and national interests overlap or coincide, always within the strictest framework of principles based on legality, equality and absolute respect for the principle of municipal autonomy.
4. That the Basic Law on the Environment stipulates that the conservation and sustainable use of water is a matter of social interest and can be achieved by maintaining balance in the water system, protecting all the the components of watersheds.
5. That the Urban Planning Law and constitutional case law hold that functions requiring national or regional urban planning fall under the jurisdiction of the Costa Rican State.
6. That the Constitutional Court held, in Decision 5906-99 dated July 28, 1999, that “the rights to life and health, as well as the right to enjoy a healthy environment, are all understood to be fundamentally guaranteed by the Constitution, such that any economic consideration that could be applied in a specific case must take second place to them. The rights to work and to perform productive activities must therefore be framed within respect for other fundamental rights such as the right to a healthy environment and the right to health.”
7. That article 46 of the Basic Law on the Environment stipulates that the State’s duty is to exercise sovereignty over biological diversity, as part of its natural heritage.
8. That article 28 of the Basic Law on the Environment states, “...the State, the municipal governments and other public entities are responsible for adopting and implementing national land management policies to regulate and promote human settlements and economic and social activities for the population, as well a physical-spatial development, for the purpose of achieving harmony between greater welfare for the population, use of natural resources and conservation of the environment.”
9. That article 17 of the Basic Law on the Environment requires an environmental impact assessment for human activities that could alter or destroy features of the environment; moreover, Executive Order 31849 – MINAE – MOPT – MAG – MEIC, dated June 24, 2004, General Regulations on Procedures for the Environmental Impact Assessment (EIA), includes a specific chapter on Strategic Environmental Assessment and on incorporating environmental impact as a variable for land use planning.
10. That the right to the city is and issue currently under discussion worldwide. This discussion is being fostered to a great extent by the United Nations (UN), based on three fundamental principles: a) the full exercise of citizenship, understood as of realization of all human rights and fundamental liberties, assuring the dignity and collective well-being of city dwellers in conditions of equality and justice, as well as full respect for production and social management of the habitat; b) democratic management of the city, meaning that society has control and participation, through direct and representative forms, in planning and governing cities, with an emphasis on stronger, more autonomous local public administrations and popular organizations, and c) social function of the city and of urban property, understood as the implementation of urban policies in which the collective interest



should prevail above individual property rights, which entails socially just and environmentally balanced uses of urban space.

11. That the State is required to safeguard compliance with the National Policy for Equality and Gender Equity (PIECG), thus ensuring full socioeconomic and cultural development for all women.
12. That one of the stated objectives of the PIEG is to strengthen the institutional framework for gender equality and equity, and therefore the introduction of gender as a cross-cutting theme in the PNOT contributes to meeting this goal.
13. That one of the stated objectives of the PIEG is to strengthen the political participation of women and achieve parity democracy; therefore, the PNOT considers citizen participation with a gender perspective as one of the building blocks for managing territorial and urban development.
14. That Habitat II, the Second United Nations Conference on Human Settlements, set two objectives for territorial management: “Adequate shelter for all” and “Sustainable human settlements development in an urbanizing world;” the PNOT holds and develops both themes as focal points from a population perspective, meaning that the human being is placed at the center of planning and intervention.
15. That the National Emergencies and Disaster Preparedness Act states that the National Policy for Disaster Management is a cross-cutting theme in all the work of the Costa Rican State; it brings together the instruments, programs and public resources for all actions, both common and unusual, institutional and sectoral, oriented toward preventing the occurrence of disasters and serving emergencies at every stage, and this is the view adopted by the PNOT.
16. That the MIVAH, under order 001-MIDEPLAN in 2010, is the Lead Agency for the land management and housing sector, which also includes the following centralized and decentralized institutions: Housing Mortgage Bank (BANHVI), National Emergency Commission (CNE), National Bureau of Housing and Urban Development (INVU), Bureau for Municipal Development and Support (IFAM), Agrarian Development Bureau (IDA), Ministry of National Planning and Economic Policy (MIDEPLAN), Costa Rican Tourist Bureau (ICT), Ministry of Agriculture and Livestock (MAG), National Bureau of Agricultural Technology Innovation and Transfer (INTA), Ministry of the Environment, Energy and Telecommunications (MINAET), National System of Conservation Areas (SINAC) and National Environmental Technical Secretariat (SETENA).
17. That the “María Teresa Obregón Zamora” National Development Plan 2011-2014 , calls for development of a PNOT that will define a common frame of action and objectives for long-term development of Costa Rica’ territory.
18. That the National Climate Change Strategy outlines five pillars of action under the principle of shared but differential responsibility, that guide measures for responding to climate change.

8. Development objective

Achieve human development for the population in Costa Rica in a way that is balanced, equitable and competitive through proper management of human settlements and the responsible, sustainable use of natural resources to ensure a healthy, ecologically balanced environment for present and future generations.

9. Structural pillars

The PNOT is structured on three pillars: **Habitat Quality, Environmental Protection and Management and Territorial Competitiveness**. These pillars, in turn, are made up of several different issues, as follows:

Habitat Quality	Planning of human settlements
	Housing
	Infrastructure and networks
	Mobilization and transportation
	Citizen participation
	Landscape, green spaces, recreational areas and public lands
Environmental Protection and Management	Watershed and water resources management
	Land use and management
	Biological diversity
	Carbon neutrality
	Environmental education
Territorial Competitiveness	Tourism potential
	Technological innovation
	Infrastructure
	Public management



9.1 Structural pillar: Habitat Quality

The main challenge of land management in Costa Rica is to use planned, balanced allocation of the resources needed for human development to narrow the economic and social development gap that has historically existed among regions. The population has always been concentrated in the Central Valley, resulting in centralized sources of employment and little planning to develop other regions and guarantee equitable economic development. Regions such as Chorotega, Brunca and the Atlantic Huetaar have seen decades of lower social and economic development and higher poverty rates than the country's central region.

This historical trend means that regional imbalances in social and economic development are closely associated with cultural and ethnic differences. For example, the Brunca and Atlantic Huetaar regions are home to the majority of the indigenous population and are also the regions with the greatest concentrations of poverty, the least access to the Internet and the scarcest supply of safe drinking water.

Poverty indicators reveal 20 years of stagnation; there are no signs that poverty is being overcome, although admittedly, the population living in poverty and extreme poverty is no longer growing. Certain selective programs, while providing assistance to lift the poorest from below the poverty line, are not sufficient to protect them from conditions of unrelenting vulnerability in which even slight changes in their living and economic conditions can push them back into poverty and extreme poverty.

Objective of the pillar

To guarantee that human settlements are allocated and given access to the infrastructure, services, networks, mobilization and production activities they need to enable residents to development in environments of physical, social and environmental quality, with a standard of gender equality and the rights approach.

Goals of the pillar

- Fewer human settlements in precarious conditions and less housing in high-risk areas, especially places exposed to known environmental threats.
- Less residential segregation for socioeconomic reasons.
- Fewer shortfalls of infrastructure, health and education services and other social facilities, especially in the more disadvantaged areas of the country that have a greater concentration of poor, female-headed households.
- More people and areas of the country that have access to water, electricity, sewers and Internet, especially in remote locations with lower rates of coverage.
- More people using public transportation, and shorter commute times in the city, especially on the outskirts.
- An average of 10m² per person of public space.

Planning of Human Settlements



This addresses the people's right to live in human settlements that serve residential and production needs and offer services in a safe, risk-free environment, in the framework of promoting compact, sustainable cities.

Guideline 0:

The State uses various land planning instruments to safeguard the right to life and safety in a healthy, environmentally balanced setting.

Guideline 1:

Promote the reordering of cities by making intensive use of urban spaces, establishing a hierarchy of cities and adopting planned distribution of human settlements and population. This planning will be conducted through the active, equitable participation of women and men. The State will work to eradicate makeshift settlements or shantytowns, as well as residential areas located in areas at high risk of environmental problems, while promoting the development of compact, sustainable cities.

Housing



This addresses the State's responsibility to safeguard access to housing and multifunctional human settlements for everyone in Costa Rica.

Guideline 2:

The State will guarantee access to housing in safe human settlements with a high quality of life for the entire population, based on criteria of gender equity. It will also promote access to urban land and housing for different socioeconomic classes and different types of family, based on demographic changes.



Image 6: Aerial view, Greater Metropolitan Area, PRUGAM, 2004.



Image 7: Central Avenue, San José. MIVAH, 2011.



Infrastructure and networks

This addresses the full range of infrastructure and services necessary to equip the population with the conditions in which to develop their activities and sustain their living conditions.¹

Guideline 3:

Target public institutions will see that social facilities are constructed and located to ensure accessibility for the entire population and provide equal coverage in more disadvantaged communities, promoting the compact city model.

Guideline 4:

Provide the entire population and human settlements with services over the infrastructure network, especially in areas that are socially disadvantaged or populated by large numbers of women at risk. Basic services will be provided following the general guidelines of current land management plans, promoting the compact city model.



Mobilization and transportation

This addresses the development of public transportation and roads, based on the compact city model that seeks more intensive use of the land and roadways, discouraging the use of private vehicles and improving access to mobilization for the entire population.

Guideline 5:

Promote comprehensive mass transit systems to shorten commute times, especially for people living in the city outskirts or outlying areas.

¹ This paragraph was struck from Executive Order 37623-PLAN-MINAET-MIVAH

Citizen participation

This addresses the population's right to participate, to be heard and to know that their opinions will receive serious consideration in land management processes.



Guideline 6:

Strengthen public consultation and participation when land development plans are introduced for people's communities, and adopt stronger regulations for citizen participation in zoning and land use plans.

Landscape, green spaces, recreational areas and public lands

This addresses striking a balance between constructed area and the natural environment. It recognizes that landscape is made up of three essential factors: the physical dimension (the land itself), the subjective and cultural dimension (the population attributes subjective values to the land) and finally, the temporal/causal dimension (landscape as a result of the human/nature interaction).



Guideline 7:

Foster the identification, study, recovery, protection and conservation of urban, rural and natural landscapes as drivers of health and well-being and as a promising source of development, and ensure that men and women are able to participate in this process.

Guideline 8:

Encourage the development of more green space, public lands and recreational areas in human settlements, up to an average of ten square meters per inhabitant. A top priority for this public land should be universal access and enjoyment by the entire population.



9.2 Structural pillar: Environmental Protection and Management

Costa Rica's environmental tradition is a constantly evolving process that grew and developed throughout the 20th century. As the decades have gone by, the country has actively sought to build a sustainable form of national development within a framework of rational use of natural resources and the protection and conservation of the environment.

Land use in Costa Rica over much of the last century favored the expansion of agricultural activities and urban growth, producing abrupt changes in overall land use over a very short time. This use of soil resources led to many consequences, including an expanded agricultural frontier (understood as the use of "virgin" forest lands for production activities or urban growth, broadening the boundaries of human activities), loss of forest cover and overuse of soils beyond their true carrying capacity.

Global warming, associated with an increase in greenhouse gas emissions (GHG) due to human activities, is producing visible changes in the climate, including: rising temperatures, changing patterns of rainfall, thinning of sea ice, rising sea levels and changing patterns of extreme climate events. The main cause of this phenomenon is the use of fossil fuels, combined with other high-impact factors such as changing land use and agricultural activities. It should be emphasized here that Costa Rica has embraced the goal of achieving carbon neutrality by 2021; this means that many land-use processes that currently contribute to GHG emissions will need to be rethought.

By setting up protected wildlands and bolstering its environmental regulations, the country has already recovered much of the forest mass it had lost; however, much remains to be done for effectively protecting ecosystems and the processes for their development.

The country signed a number of legally binding agreements in the 1990s in the framework of the Earth Summit in Rio de Janeiro, Brazil. These instruments outline global goals and guidelines for three of the planet's most pressing issues:

- The Biodiversity Convention
- The United Nations Framework Convention on Climate Change
- The United Nations Convention to Combat Desertification

Costa Rica currently has a legal and administrative platform for the environment that has positioned the country at the forefront of environmental management. A looming challenge for the future is therefore to consolidate the achievements made so far, while at the same time pushing forward the critical items still pending for national development, such as water resources management, watershed management, protection of biodiversity and lowering of emissions (GHG).

A variety of additional legal and planning instruments can also be singled out as signs of major progress in recent years. One example is the National Strategy for the Conservation and Sustainable Use of Biodiversity and its program of action, a planning instrument developed in the framework of the Biodiversity Convention. Other clear examples are the land planning and research process that culminated in the Socio-environmental Management Units (USEG), as an innovative way of organizing the country's territory, and the National Soil Management and Conservation Plan.

On another front, the environment has now been added as one of the variables for all Costa Rican land planning. The purpose of this measure was to make environmental development compatible with the development of human settlements in the country.

This growing list of achievements, however, stands in contrast to the reality of Costa Rica's land-use problems. For example, far too little planning goes into Costa Rica's human settlements, which strongly diminishes biological diversity and exacerbates climate change processes along with the loss of land-use potential.

Protection and management of marine ecosystems is another challenge that will require serious attention in the future. Very few marine areas are part of Costa Rica's system of protected lands, even though they are home to significant biodiversity and, due to their conditions, are highly vulnerable.

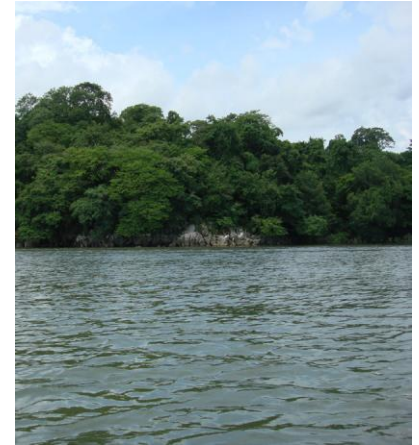


Image 8: Tempisque River, MIVAH, 2011.

Objective of the pillar

To achieve national development on a sustainable footing throughout Costa Rican territory so as to protect its natural resources, biological diversity, natural heritage and landscapes, consolidating the country's reputation for environmental performance.

- A gradual reduction in the country's environmental footprint.
- One hundred percent of Costa Rica's protected wildlands covered by a natural resources management plan.
- Fewer greenhouse gas emissions associated with public transportation systems.
- One hundred percent of the country's land management plans contain the environmental variable and take the watershed planning approach.
- Reduce the amount of the country's land being used inappropriately.



Biological diversity

This addresses "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems."² Costa Rica in particular possesses enormous biodiversity wealth and "is ranked among the most biodiversity-rich countries per unit of land area; it shares nearly 80 percent of its biological wealth with the other countries of Central America, a megadiverse region classified as a biodiversity hotspot."³

Guideline 9:

Promote the conservation and responsible management of Costa Rica's biological diversity by means of land management plans at the different scales of planning.

Guideline 10:

Plans or authorizations for using natural resources and introducing any kind of human activities should consider biodiversity and how to manage it sustainably, especially when such plans or authorizations affect either inland or marine biodiversity.

Guideline 11:

Promote land planning instruments in the Exclusive Economic Zone (EEZ) and coastal areas, to revolve around the following focal points: a) efficient, effective management and planning of marine and coastal resources, b) safety at sea, c) ratified international agreements.

Guideline 12:

Encourage the sustainable management of marine resources in the interest of conservation and seeking to minimize overexploitation.



Carbon neutrality

This addresses actions to reduce greenhouse gases.

Guideline 13:

Promote the use of alternative transportation systems and the reorganization of public transport to reduce the release of GHG emissions into the atmosphere.

² Convention on Biological Diversity, p. 3. United Nations, 1992.

³ Fourth Country Report to the CDB, p.8. SINAC-MINAET, 2009.

Watershed and water resources management

This addresses comprehensive management practices in watersheds so that people can use, conserve and restore water resources and obtain optimal, sustainable production.



Guideline 14:

The State will promote comprehensive management of watersheds in land management plans in order to reduce risks to human settlements, minimize the impact on coastal regions and ensure that natural resources are conserved, used and developed responsibly, paying special attention to water resources as an essential ingredient for development. Encourage partnerships among municipalities and with more State entities for joint management of watersheds as a strategy to protect and conserve water resources in the interest of adapting to climate change.

Environmental education

This addresses the dynamic, participatory process of raising public awareness so that people can identify with environmental issues both at the world level and locally, and promote a harmonious relationship between the natural environment and human activities through sustainable development.



Guideline 15:

Encourage processes, build knowledge and raise awareness among government institutions and the men and women of Costa Rica concerning the importance and use of land management tools and current environmental legislation.

Land use and management

This addresses all actions intended to reverse processes of soil degradation associated with agricultural practices, food security and watershed management.



Guideline 16:

Promote soil conservation and management that is both comprehensive and sustainable. Part of this management will be to rein in the absorption of rural lands by urban real-estate expansion, and this will require more robust agro-ecological zoning processes and a fight against soil degradation.



9.3 Structural Pillar: Territorial Competitiveness

Territorial competitiveness is the ability to produce goods and services over the long term, at least matching other providers' efficiency standards for product quality and factor use, while maximizing profits and increasing real income for the population in a climate of macroeconomic stability.

Costa Rica currently has a number of strengths that make it competitive: quality of education, high life expectancy, low impact of certain diseases, tourism potential, international market penetration (in 25 years, the country's exports increased from four basic products to over 140) and strategic position.

At the same time, other factors tend to undermine Costa Rica's ability to compete: macroeconomic instability, poor infrastructure, excessive and inefficient bureaucratic processes, too little technological innovation, difficulty obtaining credit, high costs of financial intermediation, high rates of crime and violence, and low matriculation rates in secondary and tertiary education. Add to this the fact that the country's main challenge is not penetrating foreign markets, but continuing to uphold standards of international export competitiveness (high attrition rates by exporters).

Costa Rica has made major efforts to become more competitive by signing international agreements. For example, in 2006 it launched the Program for Competitiveness and the Environment (CYMA) to be carried out over two consecutive three-year stages ending in 2012. This program was set up under the 1965 Costa Rica-Germany Technical Cooperation Agreement. Part of this program, in conjunction with the Solid Waste Plan for Costa Rica (PRESOL), is to promote comprehensive waste management and, when possible, reuse of waste. Another is to instill environmentally-friendly behavior in the private sector by means of technology transfer and the building of public-private partnerships.

As another example, the Costa Rican Ministry of the Economy, Industry and Trade (MEIC) and the Council of Presidents of National Graduate Schools of Mexico signed a technical cooperation agreement in 2011 to apply a model developed by the Technology Institute of Monterrey (based on economic performance, government efficiency, business efficiency and infrastructure) to make the states of Mexico more competitive; the idea was to apply it in the Costa Rican Brunca region and then expand to the rest of the country. That same year, the MEIC signed a cooperation partnership with the World Bank (WB) to improve the local investment environment and achieve a higher competitiveness score in the "Doing Business" ranking. The project has an 18-month time frame and focuses on three high-priority areas of action: digital government, construction permits and cross-border paperwork, all in the interest of reducing response time and simplifying government procedures and cutting red tape.

The Territorial Competitiveness pillar therefore takes both a general view and a regional perspective to tackle the main issues in this field by proposing a series of appropriate guidelines that will govern Costa Rica's action for the next three decades.



Image 9: Moin Dock, MIVAH, 2008.

Objective of the pillar

To promote on-going improvement of the variables involved in providing men and women with a competitive territory through joint action of the State, private enterprise and civil society, in order to raise standards of production efficiency and quality, while improving living conditions for the population.

Goals

- Boost the development and implementation of up-to-date regulatory land use plans in the 81 municipalities of Costa Rica.
- Boost the development and implementation of land management plans in the six regions of Costa Rica.
- Bring about significant reductions in annual losses associated with the impact of disasters on the country's infrastructure.
- Boost the development and implementation of land use plans for all the coastal regions with tourism potential in Costa Rica.
- Reduce the average amount of time required to review, process and update land management plans.
- See that one hundred percent of the municipal governments in Costa Rica have up-to-date records of land survey and real-estate values.



Public management

This addresses the implementation of all the public sector's processes, methods and administrative tools that are necessary for meeting strategic objectives and achieving well-being for the population. It covers such factors as: the institutional framework, legal certainty (land ownership), bureaucracy, corruption, the number and effectiveness of procedural steps and red tape, approval of construction permits, quality of public services, digital government, and the like.

Guideline 17:

Foster skills building in municipal governments and the introduction of legal, administrative and financial mechanisms that the local government can use, in the exercise of its autonomy, to achieve land management in its territory; also improve land management at the regional level.

Guideline 18:

Apply a strategy to simplify the processing of land management plans so they can be approved and updated expeditiously, systematically and on a regular basis, thus placing these instruments in the hands of local governments for use in administering the land under their jurisdiction.

Guideline 19:

Undertake actions to update Costa Rica's legislation on land planning and management with the idea of harmonizing current rules and regulations, assigning jurisdictions and creating coordination among institutions and among sectors, and promote joint participation by the State and the private sector.

Guideline 20:

Follow the guidelines given in current land management plans in all planning and development of government public investment projects, along with technical analysis of associated risk factors and applicable environmental impact studies. In cases where no such plans exist, set up any necessary coordination with institutions responsible for regional and local urban development.

Guideline 21:

Promote the development of land management plans along a cascading hierarchical system from national to regional to local, strengthen the National Cities Plan and follow the guidelines created for this purpose in the National Urban Development Plan.

Guideline 22:

Promote relationships with other land management stakeholders in Central America and Mesoamerica and remain involved in development processes of the Central American Land Management Agenda and the Mesoamerica Project.

Tourism potential

This addresses a country's full range of goods and services, along with its historical and natural heritage, that can be developed into a sufficiently attractive tourism product to entice people into leaving home and traveling to a particular place where they can satisfy needs for recreation, relaxation, rest, culture, scientific knowledge, nutrition, health, and the like.



Image 10: La Cangreja National Park. MIVAH, 2011.

Guideline 23:

The State will reinforce sustainable management of tourism, community tourism and agrotourism to transform environmental and landscape values into a competitive strategy for developing tourism in Costa Rica.

Guideline 24:

Promote coordination among sectors so that infrastructure development can interact directly with the development of Costa Rican tourism, thus consolidating the current supply and demand the diversifying tourism options in the country.

Technological innovation

This addresses the relationship between actual production and the resources used to obtain it. Productivity is understood as the indicator that associates the amount of output obtained with the amount of resources used, and this metric shows that productivity is closely tied to the cycle of on-going improvement. Generally speaking, then, as a country becomes more productive, it will be better positioned to compete.



Guideline 25:

Improve the production and availability of information for land management and make it universally accessible, so as to improve legal certainty and standardize baseline territorial information; as a result, decision-making will become more technical and effective, while simplifying and streamlining procedural formalities.

Guideline 26:

Encourage practices of research and innovation for land planning by the population, bearing in mind the standards of gender equity and risk management, to support institutions and entities that hold technical responsibilities in this field.



10. Land Management Plans

POTs

Land Management Plans (LMPs) are ideal planning tools. They are managed at the national, regional and local levels and are developed and implemented by the institutions specified in current legislation.

Building an LMP calls for close coordination among the different institutions responsible for administering and assigning different land uses. Municipal governments are responsible for planning urban and rural areas at the local level if such lands are not covered by any special land-use program. The guidelines given in the Urban Planning Law and the Land Use, Management and Conservation Act will apply for this purpose, so long as the legally mandated environmental variable has been introduced.

The legal framework for land management, and specifically with regard to POTs at the canton level, is in need of revision to ensure that its scope, complexity and required formalities with relevant national entities are suited to the scale and number of people living in the different municipalities.

Management of municipal lands will be fitted to the relationships among municipal, metropolitan and regional governments, and should take account of ethnic and cultural diversity while recognizing pluralism and respect for differences.

The POTs must go beyond mere land-use zoning exercises to become true instruments of development for the main features of local and regional concern, such as the structure of environment, housing, infrastructure, networks, public transportation, socioeconomic composition and the like. POTs at the local level will be strictly linked to the Municipal Development Plans and should have a time horizon clearly marked by specific 12-year objectives, thus extending exceeding the electoral terms of municipal officers.



Image 11: Aerial view, Greater Metropolitan Area. PRUGAM, 2004.

LMPs at the regional level will define development structures for consideration by municipal governments based on guidelines for relative priority and national interest. These structures will be determined according to the purposes set forth in article 29 of the Basic Law on the Environment: • "To determine the optimal placement within national borders for production activities, human settlements, areas assigned to public and recreational use, communication and transportation networks, wildlands and such critical infrastructure projects as energy units and irrigation and drainage districts."

Regional development objectives defined in the LMPs should reflect official long-term national policies that are being monitored by MIDEPLAN. This means the LMPs should include any relevant actions needed for meeting the objectives of the PNOT.

The LMPs should particularly focus on identifying and locating high-risk areas not suitable for human settlements, whether because they are vulnerable to environmental hazards, or for health reasons.

The LMPs, generally speaking, should develop strategic planning for the entire urban and rural territory under their jurisdiction and should respect the guidelines for any special-treatment land use system in their area, as follows:

- **Coastal regions** are governed by the Law on Coastal Regions and any urban legislation associated with this special land-use system. Coastal POTs should be conceptually and strategically grounded in the canton development plan and the local land management plan.
- **Areas declared under any special soil protection category** are governed by the guidelines of the Land Use, Management and Conservation Act administered by the MAG.
- **Protected wildlands and natural heritage sites** in any category, if created under current legislation and covered by the Basic Law on the Environment and the Biodiversity Act and administered by the SINAC, are governed by the terms of these and related laws.
- **Indigenous lands** are governed by the Costa Rican Indigenous Act. These lands are to be managed by the native communities, which must take an active part in developing local or regional land management plans for their territories.
- **Rural territories** are governed by INDER regulations, which prescribe key processes in the development of rural territorial development plans, under the terms of chapter 13 of Law No. 9036.



11. Management mechanisms

MIDEPLAN is responsible for many of the goals set forth in the PNOT and will make sure that the strategic issues given in the policy are systematically and continuously included in the National Development Plans of future government administrations.

The PLANOT will outline strategic actions, programs and projects to be included on the planning table for the land management and housing sector, or in its absence, on the sectoral table most closely related to the strategic action being defined. The PLANOT will have a four-year horizon and will be reviewed and updated as progress is made toward the goals set for each pillar of the PNOT. This review will take place two years after presidential elections so that the actions proposed for the different National Development Plans follow a line of continuity over time and are not rewritten by every new administration.

For purposes of coordination, the **National Land Management System (SNOT)** will be introduced as a policy advisory body for the **National Land Management Council**. The council, in turn, will be built on the foundation of the National Urban Planning Council and will head up the NLMS.

The council will be responsible for implementing and managing the National Land Management Policy, and its task will be to build up the work of municipal governments for meeting regional and local goals.

The Ministry of Housing and Human Settlements will preside over the National Land Management Council and provide it with technical support. The Ministry of Housing and Human Settlements will be responsible for convening and leading sessions of the council in close coordination with MIDEPLAN.

The National Land Management Council will be made up of the following officials:

- Minister of Housing and Human Settlements (MIVAH)
- Minister of National Planning and Economic Policy (MIDEPLAN)
- Minister of the Environment, Energy and Telecommunications (MINAET)
- Minister of Agriculture and Livestock (MAG)
- Minister of Public Works and Transportation (MOPT)
- Minister of Decentralization and Local Development
- Minister of Finance (MH)

The executive presidents of the following institutions will also sit on the council:

- National Bureau of Housing and Urban Development (INVU)
- National Emergency Commission (CNE)
- Costa Rican Tourist Bureau (ICT)
- Bureau for Municipal Development and Support (IFAM)
- Costa Rican Electric Service (ICE)
- Costa Rican Water and Sewerage Service (AyA)
- National Geographic Service (IGN)
- Rural Development Bureau (IDA/INDER)
- National Archive (RN)
- National Bureau of Agricultural Technology Innovation and Transfer (INTA)
- National Groundwater, Irrigation and Drainage Service (SENARA)
- Municipal federations and any inter-municipal entity created for regional planning.

Other ministries, quasi-State institutions, municipal governments or further stakeholders may also be added to the National Land Management Council if their duties could have an impact on meeting the goals of the PNOT. This council will also work in conjunction with the institutions responsible for managing Costa Rica's marine coastal territory, to design appropriate mechanisms for effectively managing the country's continental shelf.

The first step toward achieving the goals of the PNOT, with an eye toward allocating more resources to local governments for managing their lands and in general to all the institutions of the NLMS, will be to create mechanisms for **administrative, legal and financial decentralization toward of local governments, and for strengthening inter-municipal federations and entities to conduct planning in the country's different regions.**

The **System of Indicators for Monitoring and Evaluation of the PNOT (SISE-PNOT)** will be implemented for **measuring the impact of the PNOT and monitoring any territorial, environmental and social changes.** This instrument will provide a means to compile and analyze up-to-date indicators on the different thematic areas covered by the PNOT.



The SISE-PNOT is based on the goals listed under the different pillars of the PNOT; it starts with a baseline for assessment and tracks changes being made from that starting point. At the same time, the system will equip the institutions of the sector to monitor their own actions so they can verify the degree to which the goals of the PNOT are being met in their own areas of interest.

Finally, it should be emphasized that a key part of the mechanisms for moving toward the goals of the PNOT will be to promote the implementation of instruments that favor local governments in the following fields:

1. FINANCIAL INSTRUMENTS

The State will receive a share of the profits that result from land management and investment in infrastructure.

This will be done by promoting the principle of fair distribution of both burdens and benefits and by creating new mechanisms for capturing value. These mechanisms will mainly produce investment in infrastructure, housing and strengthening the institutional framework that governs land planning and management.

2. LAND MANAGEMENT INSTRUMENTS

The State will have a preferential right to obtain and manage urban land.

This will be done by implementing new instruments that provide incentives to maximize the use of urban land through progressive real estate taxes on idle land, declaring certain strategic areas as public interest land, and readjustment or reconfiguration of zones and quadrants particularly important for urban development.

Transfer of construction potential.

This tool will allow the local government to manage the desirable city model by providing incentives for higher-density processes, expansion, and protection of heritage sites and environmentally fragile lands.

3. PUBLIC-PRIVATE PARTNERSHIPS

Instruments will be developed to allow for strategic partnerships between the government and the private sector for producing high-priority transformations and urban developments.

Legal mechanisms will be created as necessary for creating public-private partnerships and consortium-based urban operations for the goal of asserting the common good over private interests through urban renewal, construction of public infrastructure, creation of more and better public spaces, investment in public transportation and mobilization, basic services, and the like.

Local governments wishing to avail themselves of the management instruments derived from the PNOT will need to have Land Use Plans or LMPs that are current with relevant national legislation.

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