

SYMPOSIUM: LEGAL ISSUES AND URBANIZATION IN DEVELOPING COUNTRIES

FOREWORD

Profound changes in patterns of human settlement during the last few decades have gone largely unnoticed by international lawyers. This oversight reflects a lack of awareness of the scope of difficulties and opportunities presented by urbanization. The pervasive consequences of urbanization, especially in developing countries, promise to alter the manner in which a substantial portion of the world's population lives, interacts, works and plays. Furthermore, rapid urbanization will affect the international political milieu as well as worldwide trading and economic policies for years to come. The problems of urbanization concern everyone. However, the solution to problems engendered by rapid city growth depends to a large degree upon the efficacy of planners, administrators, economists, businessmen and lawyers, both domestic and international. Until recently, little has been done to address the problems and to consider solutions. This is particularly true in the field of law.

The Habitat conference of the United Nations in June of 1976 represented a significant beginning to international cooperation regarding the problems of urbanization. However, the focus of the conference and of subsequent work of the United Nations centered upon urban planning and administration, with law remaining only a tangential topic. The following Symposium is a response to the void in legal writing on the subject of urbanization. Comparative in nature, the Symposium examines typical urban problems on either a national or regional basis. The papers are organized topically rather than geographically to facilitate in-depth analyses of issues. The Symposium, consisting entirely of student Notes, is the culmination of a year-long research project by the *Georgia Journal*.

The first Note considers the causes of city growth and apparent patterns of urbanization. The implications of city growth are stressed. Following a discussion of general problems, a comparative study of various governmental solutions is presented. Among national responses compared are those of Mexico, India and Korea. The paper then presents a topical analysis of the effects of urban population growth on the quality and availability of public services, such as transportation, health care, and education.

The second Note concerns legal issues involved in the provision of serviced land and shelter for the urban poor. Burgeoning slums and squatter settlements, which accommodate the influx of rural to urban migrants as well as their progeny, represent a tremendous challenge for urban centers in developing countries. The Note analyzes the deficiencies of current approaches to land use planning and housing and suggests new directions in housing policies and urban land law. Planning and zoning laws, building codes, subdivision controls, and property taxation policies are examined. Public land acquisition and land tenure policies are discussed in the context of direct governmental intervention.

A Note on the financial aspects of urbanization follows the papers on public services and housing. Urbanization is not free; in fact, its costs exceed locally available funds in almost all developing countries. The Note discusses the involvement in urban development of various international organizations, including the World Bank, the International Development Association, the International Finance Corporation, and the International Monetary Fund. The organizations' visions of optimal urban development as well as the extent and types of loans made available to financially-pressed nations are analyzed. The Note traces the roles of these institutions in financing transportation, education and housing projects. The effect of private foreign investment on urban development in developing countries is also considered. Finally, a comparative view of property tax policies of Brazil, Colombia and Mexico is presented.

The Symposium concludes with a Note that focuses upon a unique urban problem—the difficulties of urban life in cities that span international borders. The cities on the United States/Mexico border are examined from an administrative problem-solving viewpoint. Common urban problems, including population growth, economic development, finance, and health care are discussed in this special setting. The need to provide services for a metropolis transcends the fact that it has overlapping political and jurisdictional boundaries. Because of the transnational nature of the paper, it serves as an important point of comparison to the other, more nationally-oriented Notes. The Note concludes with a comprehensive discussion of joint administrative solutions to the problems of border cities.

It is hoped that this Symposium stimulates additional research into comparative urban law. Certainly, the phenomenon of urbanization and its awesome implications are real. Of equal certainty is

that concrete legal responses of an informed nature are needed urgently to ameliorate a rapidly deteriorating situation.

The Editors

