



# The Global Reach of Land Trust Organizations

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Peter Stein

The Lyme Timber Company LP

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## **Abstract**

This paper is a summary of the author's reflections gained from the many interactions he has had over the past 18 months with land trust practitioners, academics and government agency leaders on several continents. His purpose in connecting with experienced land conservation professionals all over the world was to try to better understand the scale and scope of activities undertaken by land conservation NGOs internationally. The author is fortunate to have had the opportunity to engage with a truly responsive, insightful and helpful network of people studying and working for such organizations. This investigation and research was supported by author's Kingsbury Browne Fellowship at the Lincoln Institute of Land Policy.

Keywords: conservation, international conservation, land conservation

## **About the Author(s)**

Peter R. Stein is a Managing Director of The Lyme Timber Company, based in Hanover, New Hampshire. He leads the company's conservation investment strategies, which have resulted in more than a million acres of private forestland permanently conserved through the use of working forest conservation easements. The company has completed more than one hundred separate conservation investments with more than 30 land trust organizations and public agencies in the U.S. and Canada. Peter is a former Chair of The Land Trust Alliance Board of Directors; served as an inaugural Commissioner for the Land Trust Accreditation Commission; and is currently a board member of the National Alliance of Forestland Owners, the Forest History Society, and the Hubbard Brook Research Foundation. Peter earned B.A. with highest honors from the University of California at Santa Cruz in 1975 and was the recipient of a Loeb Fellowship at Harvard University's Graduate School of Design in 1981. He was honored by the Land Trust Alliance with its Kingsbury Browne Award in 2012 plus the Kingsbury Browne Fellowship from the Lincoln Institute of Land Policy that same year. Peter hopes to remain engaged with the community of land trusts operating around the globe for the years to come.

The Lyme Timber Company LP  
23 South Main Street  
Hanover, NH 03755  
[peterstein@lymetimber.com](mailto:peterstein@lymetimber.com)

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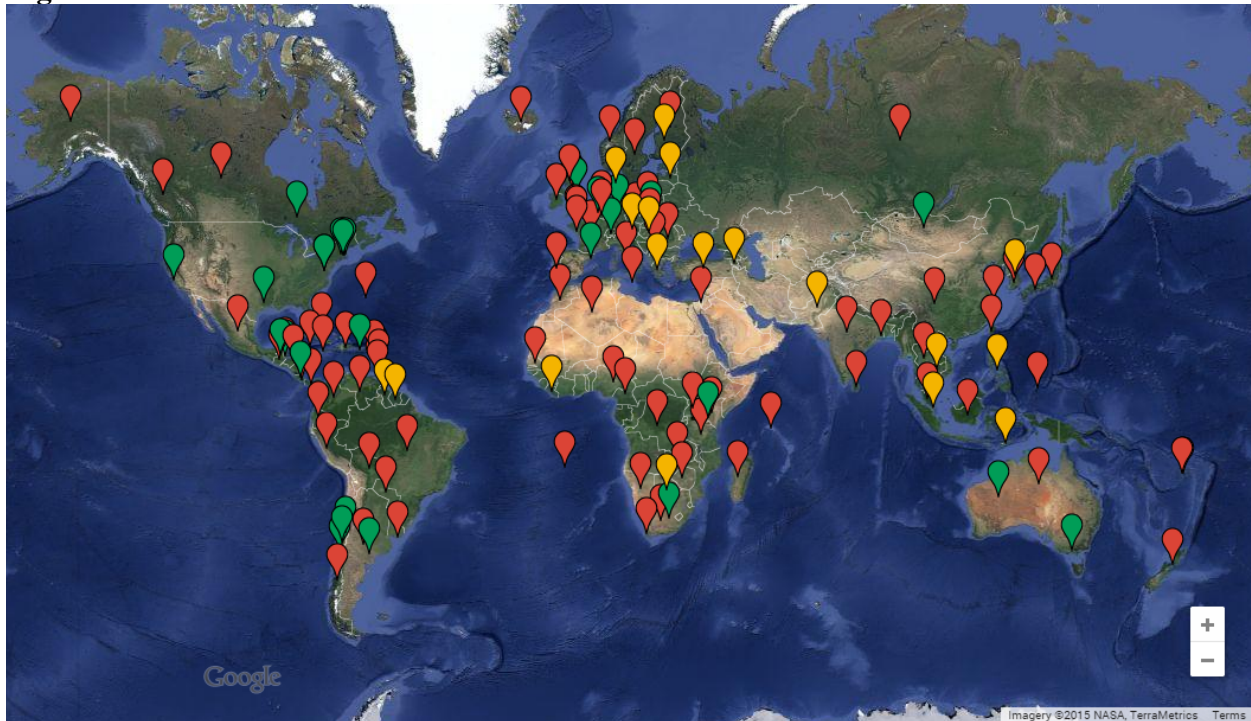
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## The Global Reach of Land Trust Organizations

While many non-governmental organizations (NGOs) that perform land conservation activities have their foundational roots in the United States, NGO land trust, land stewardship, land securement, and/or land restoration groups are now found in more than 100 countries (see Figure 1) across the globe. These are private non-profit organizations, typically organized as charitable institutions, sometimes benefiting from tax exemption status or special government tax incentives. Their collective energies are focused on delivering tangible land conservation benefits to local communities in North America, South America, Europe, Oceania, and in portions of Africa and Asia. The work of these NGOs differs dramatically from formal government agency programs, such as efforts associated with national parks or national wildlife refuges. Most of these NGOs focus their energies primarily on the conservation of private land.

**Figure 1: Representative sample of the presence of civic and private land conservation organizations worldwide.**



Note that in the United States there are more than 1,700 such organizations, only a few of which are represented here. Green pins represent organizations engaged with the International Land Conservation Network as of January 2015. Red pins other selected land conservation organizations elsewhere in the world. Yellow dots represent local offices or affiliates of global land conservation organizations. Map prepared by Isabella Gambill, Lincoln Institute of Land Policy.

The beginnings of the regional land trust movement in the United States can be traced back to 1891, when Charles Eliot launched an inspired campaign to create The Trustees of Public Reservations, now known as the Trustees of Reservations, or TTOR, to protect prime pieces of the disappearing natural landscape in Massachusetts. TTOR's birth coincided with the first efforts at metropolitan and regional planning in the waning years of the nineteenth century. Regional land protection efforts spread west in 1899 with the establishment of the Sempervirens

Fund to protect redwoods in California's Santa Cruz mountains and the creation of its somewhat younger sibling, the Save the Redwoods League in 1918. By the 1950s, there were an estimated 53 land trusts spread across 26 states. But the real growth spurt for American land trusts came in the 1970s through 1990s when land trust numbers in the U.S. increased dramatically, spreading from clusters in New England and coastal states to every state in the Union. Towards the end of that growth spurt there was a dramatic increase in the professional staffing of land trusts, the utilization of more complex financing mechanisms to achieve conservation, and an ambition to work at the watershed or landscape scale and the greater use of conservation biology and conservation science to dictate priorities for land conservation actions. Also during the last decade of the twentieth century and the early years of the twenty-first century, land trusts have played larger roles as partners and collaborators with public natural resource agencies in the U.S.

Even in the U.S., there is no such thing as a typical land trust. The 1,700 existing land trusts in the U.S. are highly differentiated due to the unique land forms that they conserve, their cultural and historical roots, and the community leadership that helps them endure as civil institutions. In the highly individualized U.S. land trust movement, independent land trust efforts typically self-organize at the scale of political units, with territories that cover towns or counties (such as the Yolo Land Trust in California), states (such as the Montana Land Reliance), regions (such as the New England Forestry Foundation) and, in a few cases, the entire nation and beyond (such as The Nature Conservancy). Connecticut has more than 150 land trusts, most of which work within a specific town's geographic jurisdiction. A great deal of the success of these land trusts is attributable to their ability to engage opinion leaders and citizens at the local or regional level. However, that means that there are 1,700 separate and independent entities working in conservation using federal policy and tax incentives to achieve their mission. While such a disaggregated approach is beneficial at one level—specifically local credibility and access to local decision makers—it means that absent a unifying intermediary, there would be very little coordination or national strategy to protect existing federal policy incentives and seek additional incentives and assistance from the federal government.

Fortunately for the land trust movement, a unifying national entity did come into being at a critical time. Under the auspices of the Lincoln Institute of Land Policy and the Harvard Law School, Kingsbury Browne, a legal practitioner with a keen interest in the emerging U.S. land trust movement, had the opportunity to travel the country to interview leaders of some of the nation's leading land trusts in the early 1980s. Browne was interested in how the several hundred land trust organizations clustered on the east and west coasts could combine interests and share best practices, particularly regarding tax law relevant to conservation easements.

Following his journey, Browne convened at the Lincoln Institute's offices in Cambridge, Massachusetts, a National Consultation on Land Conservation in 1981. As a result of that meeting, attended by about 40 pioneers in the movement, a new organization dubbed the Land Trust Exchange—today known as the Land Trust Alliance—was created in 1982. The Alliance, coordinated first by Alan Spader in Boston and then Ben Emory in Maine, experienced rapid growth in both membership and prominence as it developed deep roots in Washington, DC under Jean Hocker's leadership between 1987 and 2002. Since 2002, LTA President Rand Wentworth has guided the Alliance through several critical developments, including the establishment of an accreditation process and the birth of TerraFirma, the insurance carrier now bolstering the legal

defense of easements across the nation. Indeed, based on Kingsbury Browne's early work, a truly representative intermediary does exist that can advocate on behalf of local and regional institutions by leveraging their collective political contacts and membership to influence both the executive branch and Congress on matters critical to the work of U.S. land trusts.

A large number of the NGO land conservation entities outside the U.S. have modeled portions of their structure and operations on the U.S. land trust experience. In recent years there has been increasing interaction and communication between U.S. and non-U.S. land trust organizations. This interaction is based on solid foundations. In fact, almost 125 years ago Octavia Hill and her associates based their conception of The National Trust in the United Kingdom on the example set by Charles Eliot and The Trustees in metropolitan Boston. That led to the creation over the next 50 plus years of non-governmental National Trust entities in more than 35 countries. These include the National Trust for Historic Preservation in the U.S., the Queen Elizabeth II Trust in New Zealand, the Japan National Trust, the Israeli National Trust, and many others. In addition to those organizations that refer to themselves as National Trusts, there are land trusts and land trust-like organizations conserving natural open spaces, working lands, sites of cultural significance and historic landmarks at local and regional levels in scores of nations, ranging from Chile and Argentina to Spain, Kenya, India, and Indonesia.

While perhaps half of the National Trust organizations spread around the globe are focused primarily on cultural and historic sites, the focus of my Kingsbury Browne Fellowship research has been on those groups whose principal aim is the private and civic-sector protection of natural landscapes and habitats, and of working farms and forests. It is important to note that while North American models may have influenced the design of many of these land conservation, stewardship and restoration groups, many have developed without influence from that model. They were designed to fit into the unique cultural and legal frameworks that are far different than what exists elsewhere. Some have created unique structures totally dictated by the specific legal and cultural norms found in their country.

For example, Brazil has more than a dozen such NGOs almost all of which are focused on private land preserves that result from a unique land set-aside requirement by their federal government for large forestland and agricultural landowners. In New Zealand, the land trust model has been utilized for land redistribution purposes when former Maori lands are being repatriated by the New Zealand Federal Government to the Maori people. For land trusts in most of western Europe, there is much more alignment with the emerging land trust models in Chile, Argentina and Brazil than the U.S., due to their shared legal traditions, based in Civil Code (sometimes referred to as Napoleonic Code), as opposed to English common law.

The land trust model is beginning to gain traction even in countries with robust national or regional land use planning laws and policies. Nations such as Armenia, for example, that have emerged from the dissolution of the Soviet Union and the Eastern Bloc are now allowing organizations such as the World Land Trust (based in Great Britain), in partnership with the local Armenian NGO, Foundation for the Preservation of Wildlife and Cultural Assets, to create a reserve that offers critical habitat for the endangered Caucasian leopard. Across Germany, civic sector organizations are engaged in the protection of a Green Belt composed of lands formerly part of the demilitarized zone stretching from the Baltic Sea to the Czech Republic. Even in

China, where private interests are generally not allowed to take permanent title to land, officials are considering methods for offering incentives to protect terrestrial resources managed by private farmers and business enterprises.

The U.S. land trust model has achieved a great deal of success, due in part to federal and, in some cases, state tax incentives that encourage land donations and conservation easement donations (a conservation easement is a partial real property interest that defines permitted and restricted uses on a specific parcel of private land). There is an international proliferation of somewhat comparable land conservation tools and mechanisms, including conservation covenants, conservation agreements, conservation servitudes and conservation usufructs. In many of the places where such tools are now being used, no national, state or provincial tax credits are available that would serve to encourage private landowners to use such tools and mechanisms..

The lack of tax incentives has not stopped the conservation of private land in these nations. However, should such incentives be made available by governments hoping to encourage such activity, the pace of land conservation in such provinces and nations would undoubtedly increase. Such incentives would, of course, need to be geared to the cultural norms and legal systems of those places. Efforts to establish such incentives in places such as Chile, where the Congress is currently considering such measures, require patient and persistent work, but may well prove themselves to be well worth the effort.

Some coordination of disparate organizations focused on land conservation efforts in the civic and private sectors at the national and international levels is now occurring. A handful of these are developing ongoing relationships with the Land Trust Alliance in the U.S. In Germany, for example, there is a Nationales Netzwerk Natur (National Network for Nature) that describes itself (roughly translated) as “an association of non-profit and public land owners that have made permanent land protection a priority.”<sup>1</sup> Their website lists 27 cooperating organizational members, including public, private, non-profit and academic institutions. In a similar fashion, the Australian Council of National Trusts provides a similar set of services for the 20 plus independent conservation NGOs in that country. Beyond individual country collaborations/umbrella organizations, this is a network of NGO conservation groups in 10 countries in eastern Europe known as the “Environmental Partnership;” and in Central and South America, there is a continent wide association that meets every year or two to share best practices and emerging innovations known as the “Latin American Congress of Private and Indigenous Nature Reserves.”

All of this international activity regarding NGO and private land conservation is being noticed in important places. With encouragement from the burgeoning non-governmental conservation community, the International Union for the Conservation of Nature (IUCN) will consider the role of private land conservation in global conservation efforts at its November 2014 World Parks Congress to be held in Sydney, Australia. One of the things that IUCN delegates will consider is whether the emergence of private and civic land conservation can, in a strategically significant and measurably effective way, advance international aspirations expressed in such agreements as the Convention on Biological Diversity (CBD). A related challenge will be to figure out how

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<sup>1</sup> Original text can be found at the following website: [http://www.nationales-netzwerk-natur.de/2091ibook69744\\_33788\\_.html](http://www.nationales-netzwerk-natur.de/2091ibook69744_33788_.html)



privately protected land can be accounted for in global databases and Geographic Information Systems.

What I am convinced of as I complete my Kingsbury Browne fellowship and research into the global emergence of private land conservation is that, like the U.S. land trust community convened to share ideas in the 1980s, a present-day convening and ongoing exchange of ideas among international private and civic land conservation groups would allow us all to learn a great deal from one another. The exchanges of ideas and inspiration will of course go in many directions and be voiced in many languages and vernaculars. All the better. In the age of global climate change, conservationists really have little choice but to work together across sectors, jurisdictions, national boundaries, and continents.

Accordingly, I am working with colleagues at the Land Trust Alliance, at the Lincoln Institute, and at land conservation organizations spread across six continents to arrange an organizational meeting of what may become an international alliance of groups promoting land protection across six continents. Given the chance that I have had over the past year to think about how powerful such a group might become, and the fact that I personally attended the original 1981 meeting convened by Kingsbury Browne, I owe at least that to future generations of Kingsbury Browne fellows.

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