

LAND ADMINISTRATION IN THE OECS

MEETING THE NEEDS OF RURAL AND INFORMAL COMMUNITIES
THROUGH EFFECTIVE CADASTRAL SYSTEMS & SUSTAINABLE
INTERVENTIONS

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ABSTRACT

The British Colonial Reports from as early as the late 1800s – on the economic and social activities carried out within the Windward Islands – present sufficient evidence of the material, legal, cultural and economic importance of land within the territories. Unfortunately, the colonial and early political experiences of these territories (and the extended OECS) have resulted in ambiguities in land use (due to tenure insecurity and inadequate management practices) in rural communities; inappropriate cadastral systems and designs; and the widespread informal occupation/ squatting of Government lands. Many attempts have been made to create more effective public land management and human settlement systems in recent times. Many of these initiatives have fallen significantly short of their result indicators, and many have failed to get past the technical assistance phase due to lack of local funding.

Through practical experience in recent draft national land policy formulation exercises, technical assistance for the proposed National Land Titling and Registration Project, and in the design and execution of major cadastral projects in rural and informal communities in St. Vincent, I have been able to identify critical elements in creating effective, sustainable, and economically viable national cadastral and squatting intervention systems.

Combining a sustainable squatter rationalization/ regularization programme, a parcel-based deeds registration system, and a highly efficient land management machinery – it becomes possible to analyse technical processes, human response to design and tenure elements, and a wide variety of non-static land management sub-systems from different points of view, over time, which ultimately facilitates a healthier, more viable, and sustainable land administration system.

Key Words:

Land Administration, land management, squatting, regularization, land registration.

BACKGROUND

The Colonial Experience in Land Administration

Examining the historical land experience of St. Vincent & the Grenadines – colonial and post-colonial – has revealed a wide range of scenarios and truths. These circumstances are however by no means unique to St. Vincent & the Grenadines, but can be considered generic throughout the Windward Islands and most OECS member countries.

Case in point – in 1901 – after grappling for nearly a decade with the non-payment of outstanding arrears of purchase money on Crown Lands, the colonial administration of the Windward Islands was able to collect over £500 in St. Vincent. It should also be noted that this amount was for lands far up in the mountains with poor access according to the Colonial Report for 1901. Today, this amount collected (in 1901) carries a retail price index of approximately £40,000 and approximately £200,000 when considering average earnings in the UK today. A similar amount (£528) was collected for the fiscal year 1904/5.

The figures stated above are rather remarkable when considering the relatively primal nature of the market conditions and available technology of that period. What is most striking about the success of the colonial administration was not necessarily the amount of monies collected, but the effectiveness and social relevance of the policies and systems employed – wherein lies the actual lesson to be learnt.

The Crown Lands Department was able to devise a systematic scheme for collecting outstanding arrears that proved effective on all accounts. The approach taken proved to have been effective in its day. It was for the most part able to move the hands of defaulting land owners, and pump well-needed revenue into the colonial treasury – meeting the colonial economic demands of the day. However, as the island obtained increased political autonomy over subsequent decades, and as “Creole/ Local Politics” grew increasingly popular, so did the benevolence of local politicians – who approached squatting and delinquency with far less austerity.

Resultantly, the Lands & Surveys Department of St. Vincent & the Grenadines is today confronted with a challenge of far greater proportions to that of the Crown Lands Department of the late 1800s/ early 1900s. The department has for many years been unable to sufficiently meet the cadastral demands of the state as regards the regularization of informal occupation of Crown lands. Similarly, given the disregard and hostile responses of individuals in possession of Crown lands (particularly in rural areas) to any effort at collecting outstanding payments on their respective arrangements, there has been much hesitance at all levels to move ahead on such an agenda.

The approach taken by the colonial administration was noted to be systematic in nature. This afforded them the convenience of keeping checks and balances on previously collected arrears and those which remained outstanding; while allowing the effective, orderly and streamlined utilization of their available resources – human and otherwise.

Questions may however be raised in relation to the manner in which the collection programme was administered. Was the approach a heavy-handed one which forced delinquent lessees to pay their dues or face eviction? Or was it an approach which saw officials effectively approaching such individuals – possibly on a consultative basis? Whatever the approach, they were able to effectively manage and administer land – though provisionally – as a highly marketable commodity.

In the Colonial Report for 1904/5, Governor Sir R. B. Llewellyn is quoted as reporting: *“Arrears were steadily dealt with, and this evil has now been in large measure arrested.”*

What was considered an evil over a century ago may still be regarded an evil today. The continued occupation of Crown lands by delinquent/ defaulting individuals should on all accounts be deemed unacceptable. However, the reality is that delinquency with regards to payments on Crown lands and the informal occupation thereof have become entrenched, and are today very much the norm. Additionally, government policy continues to fall short of attending to the problem in a comprehensive manner.

Generations of defaulting individuals have come and gone, and the culture of delinquency has persisted. New cohorts of rural residents are now being held accountable for the delinquency of their fore-parents, while the informal occupation of lands (state and private) is a truly complex phenomenon.

Any approach taken with individuals in proxy (in the place of the original defaulters) should be less heavy-handed, but more methodical and strategic than previous approaches. We must always be able to keep the original goals of 100% regularization/ rationalization, and 100% revenue collection in clear sight. To achieve this, we are required to consider a composite of variables – economic, social, cultural, environmental, and political – setting measurable goals and objectives and formulating the most robust methodology achievable with the resources available to us.

Contemporary Institutional Agenda

The Lands and Surveys Department of St. Vincent & the Grenadines has been commissioned to provide the foundation for the sustainable growth and economic development of St. Vincent & the Grenadines through effective management, proper utilization and timely delivery of land-related information and services. This commission coincides with that of the colonial Crown Lands Department as discussed earlier.

The Situational Analysis as presented in the Advance Proposals for the period 2008 – 2011 indicate the department’s commitment to becoming the country’s single most effective agent in the development of land and land-based resources – this is with the aim of satisfying the land development and land information needs of the entire country (*Page 60: Advance Proposals – Triennium Budget 2008 – 2011*). The Lands & Surveys Department’s programme has a number of specific objectives relevant to this study. These include:

- Preventing further squatting on Crown Lands to ensure that development of Crown Lands are in accordance with the Government's overall objectives;
- Development of a Land Information System utilizing new Geographic Information System Databases;
- Improvement in the revenue collection and accounting system for Crown Land rentals and Leases;
- The encouragement of freehold ownership of lands distributed under the land reform programme (administered by the now dissolved Agricultural Rural Diversification Project – ARDP);
- The discouragement of parcelation and the promotion of the consolidation of holdings so as to encourage better farm management;
- Development and strengthening of legislations governing Crown Lands in order to assist in the management of these lands (with specific focus on controlling squatting and vandalism);
- The surveying of Crown Lands for allocation/ distribution to applicants;
- The production of new maps and the updating of existing maps; The re-adjustment of private property boundaries; surveying of estates; and the surveying of individual units; and
- The subdivision of estates owned by the Government of St. Vincent & the Grenadines/ the State.

These objectives have all found great merit from a conceptual standpoint. Unfortunately, a continuum of threats and weaknesses continue to overshadow those strengths and opportunities that validate these objectives.

A REVISED LAND DEVELOPMENT AGENDA FOR THE OECS

Land development has been an age old challenge for civilizations far and wide. From Europe to the Americas, Africa to the Pacific, success in land development initiatives has been anything but an assurance. Countries continue to grapple with the fallout of highly evolved complex commodities in land, and many clamour to address the traditional burdens of squatting, and rural degeneration.

This paper seeks to present a fresh perspective on approaching the land question as it pertains to rural land and squatting communities within the developing economies of The Organization of Eastern Caribbean States (OECS) – thereby chartering a new course for land development in rural and informal communities across the member countries of The OECS.

Topping the agenda should be the revision of the objectives specific to the land development initiative in question. Practical experience has revealed a number of strides which must be taken in order to obtain an improved land administration system for rural and informal communities. The relevance and effectiveness of these efforts are heavily dependent on a carefully devised set of logical objectives.

For starters, one must endeavour to accurately demonstrate the status quo of squatter rationalization and regularization within the given territory – outlining the strengths and weaknesses of the cognate initiatives per territory, e.g. Programme for the Rationalization of Unplanned Development – PROUD (St. Lucia, April 2000). We can then seek to extract the more practicable aspects of traditional settlement up-gradation and sites-and-services approaches to solving conventional squatting problems.

The point at which one diverges from the convention, is in attempting to substantiate the need for squatter rationalization and regularization to go beyond the simple provision of title for informal occupants (through Crown Grants/ Deeds). This is seen as being paradoxical in the sense that persons are being granted legally recognized rights in land (that has very little marketable value in its current state), but are left oblivious to the social, cultural and basic economic requirements for upward mobility. One can easily suggest that their oblivion is as a result of their remoteness from the socio-economic inclinations of a dynamic socio-economic space.

With this in mind, it would be a major oversight for any study that does not present a case for the active involvement of both state and non-state actors in support of the establishment of Community-based organizations or any such initiative. The experiences of other regions have revealed that this can help in the promotion of a community-based approach towards improving the overall lifestyle and living conditions of community members. Ongoing Government and statutory projects are hereby expected to be in greater support of ongoing squatter rationalization and regularization programmes. The Low Income and No-Income Housing Programmes coordinated by The Housing & Land Development Corporation of St. Vincent & the Grenadines, and the Shelter Development Programme of The Government of St. Lucia, are two such projects.

The more technical and analytical objectives to be considered include:

1. To present a case advocating for the change of use of typical agricultural lands (through the removal of restrictive covenants) for housing development purposes with the aim of providing affordable housing lots within rural areas, e.g. South Rivers, St. Vincent. It would present apt justification for taking into consideration factors such as: Those particular agricultural estates that should be considered for purchase by state entities; the subdivision design; and lot sizes (based on the income-bracket of potential purchasers). This is all in keeping with the official requirements of the existing Town and Country Planning legislation per territory – which in all instances provides for the orderly development of land through preparation of land use plans and a development control system. Consideration must also be given for the relocation of informal occupants into these areas on a no/ very low income basis;

2. To demonstrate that a parcel-based deeds registration system for OECS countries is both an economically viable and sustainable means of removing the disincentives to investment in rural land, while granting land-owners long-term security/ collateral for investment purposes (e.g. business development, education, and home improvement);
3. To illustrate the multiple benefits/ ripple-effect of parcel-based deeds registration in informal and rural communities within the OECS;
4. To justify the cost of a parcel-based deeds registration system by assessing the present value of the future net benefits;
5. To present a framework for the long-term maintenance of the cadastre – post-project (titling and registration) implementation; and
6. To incorporate the use of systems such as the Social Fabric Matrix in assessing the complexities of informal human occupation, and sluggish development/ degeneration of rural communities.

It is also very important to distinguish between the individual who is likely to remain within the community versus the individual likely to be drawn into a traditionally more up-scale community while leaving a mark/ model of socio-economic advancement in the form of a moderately/ highly developed property with a greatly improved market value. Both individuals play a critical role in the overall development of the community (in substantiating the liveability of the community – post-intervention) – consequently lending much value to such an assessment.

These objectives constitute a scheme that envisages a future where all informal human settlements across St. Vincent & the Grenadines/ The OECS can be rationalized/ regularized to the point that they become fully integrated into the typical activities/ business processes of the local property market. The system also envisages, increased tenure security in rural areas in support of increased productivity, and environmental preservation through increased investments.

ACHIEVING OUR OBJECTIVES

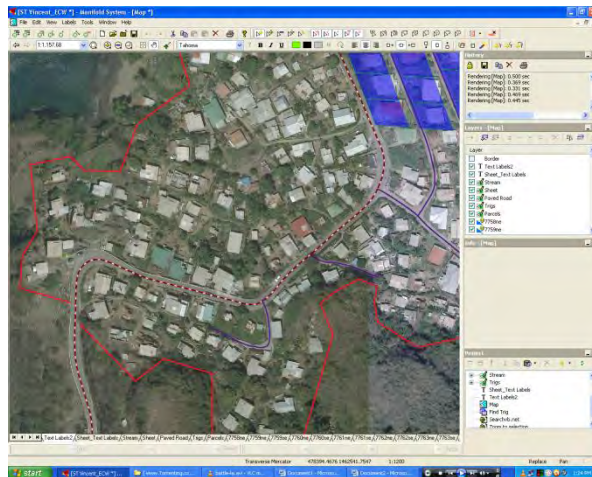
Monday April 11th, 2011, marked the commencement of a new tenure regularization drive within the Central Leeward town of Barraoullie in St. Vincent. This thriving fishing center located several miles north of capital city Kingstown – along St. Vincent's western coastline – is known to have a distinctive land tenure history.

The lands earmarked to be surveyed are currently owned by the local Anglican Church, and the local Christian Council. Interestingly, there are individual parcels throughout the area that were previously surveyed and purchased by those in actual possession – these

are traditionally called “Buy Lands”. In a number of instances, the lands were surveyed (at a cost to the occupants – EC\$500/ EC\$600 each) and the survey plans lodged, but sixteen or more years later, transactions are yet to commence, and deeds are yet to be issued.

This aerial photo illustrates a section of the land currently being surveyed in Glebe Hill Barrouallie.

Having previously toured Glebe Hill (Barrouallie) with the area’s political representative and having been in extensive discussions on the tenure, infrastructure, and social aspects of the project, it is now apparent that there is an increased political will and appreciation for more comprehensive and sustainable approaches to rural regeneration and tenure regularization and rationalization efforts – such as that put forward in this paper.



It is now understandable that in these complex scenarios, traditional analytical methods are inadequate, and greater emphasis must be placed on gaining comprehensive and accurate points of reference. This is believed to be achievable through the implementation of a number of initiatives. These include:

1. The use of interviews, discussions, and community consultations with various stakeholders, including:
 - a. Residents;
 - b. Persons engaged in commercial activities;
 - c. Technical officials such as:
 - i. Surveyors
 - ii. Planners
 - iii. Policy-makers;
 - d. Investors/ Prospective Inventors such as:
 - i. Private land & property developers
 - ii. Banks & Cooperatives
 - iii. National Insurance Services, etc.;
 - e. Environmental agencies, such as:
 - i. Solid waste management authorities
 - ii. Ministries of Health & Environment
 - iii. Environmental NGOs; and
 - f. Utility companies.

These events are expected to reveal the greatest challenges confronting individual stakeholders, while identifying the opportunities, strengths and weaknesses of current intervention methods.

Technical caucuses and community consultations are expected to lay the groundwork for consensus building and future joint ventures.

- g. Comprehensive evaluations of previous studies and project inception reports for similar ventures would reveal:
 - i. Common areas of interest and particular concern;
 - ii. Considerations that may have been overlooked in preliminary studies; and
 - iii. Common misconceptions.
2. There must be an understanding of and appreciation for the historical context of the general land question per territory, along with those challenges specific to rural and informal communities.
 3. Factors which constitute „robust’ and „weak’ cadastral intervention systems must be identified to allow for the establishment of technical benchmarks and specifications.
 4. It is advised that there be an evaluation of previous cadastral work within rural and informal communities to determine what areas of weakness or strength may have caused failure or success respectively.
 5. Basic statistical analysis methods can be used to complete the analysis and presentation of statistical data on the demographic, economic, and social variables common to all communities in question.
 6. A review of the „Social Fabric Matrix’ – its scope, relevance, and accuracy – gives it a passing grade in its capacity for evaluating the demographic, economic, social and other variables relevant to land.
 7. Utilizing modern Cost/ Benefit formulae, the net cost and benefit of a parcel based deeds registration system per territory can be readily evaluated.
 8. Spatial analysis in GIS has proven to be a powerful tool in modelling real life scenarios – in this particular case, the evolution (past-current-future) of rural lands.
 9. Various graphical methods can be used in representing economic, social and other relevant data, while helping to identify the cross-variable correlations which exist.

As previously indicated, it is apparent that the current land question for St. Vincent, and the rest of the OECS, has its roots in the colonial and early political experiences of these

territories. This has resulted in a number of cadastral, land use, tenure, and management challenges.

With the inadequacy/ outright failure of previous attempts at creating more effective public land management and human settlement systems, it is strongly believed, that a combination of a sustainable squatter rationalization/ regularization programme, a parcel-based deeds registration system, and a highly efficient land management machinery, makes it possible to analyse technical processes, human response to design and tenure components, and a wide range of non-static land management sub-systems from different standpoints, over time, which ultimately facilitates a healthier, more viable, and sustainable land administration system.

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