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LAND TENURE, LAND INSECURITY, AND
PLANNED AGRICULTURAL DEVELOPMENT
AMONG HAITIAN PEASANTS

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I. INTRODUCTION:

The Projet de Developpement Agricole Integre ^{1/}, with the assistance of USAID, plans to embark on a number of rural development projects which (1) entail substantial investments of time, labor, and money on the part of small farmers and (2) will, if successful, increase the value of land in the project regions. These projects may, however, be affected by--and may in turn exert an impact on--the land tenure situation of the project regions. In collaboration with Mr. Joseph Thome ^{2/}, I have been asked to prepare a series of guidelines concerning possible policy and research tasks in the domain of land tenure.

A. Possible Dangers :

Existing research indicates that there is a great disparity between formal Haitian laws governing inheritance and land transactions and the actual practices which prevail in the towns and villages. It is feared by several persons responsible for program implementation that this disparity between law and practice creates a situation of widespread tenure insecurity, and that this tenure insecurity may in turn lead to unintended negative consequences upon implementation of the projects themselves. There are two dangers which appear particularly prominent:

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1. Unwillingness to invest :

Under insecure tenure conditions farmers may not be willing to invest labor and money in projects such as reforestation, terracing, irrigation, and the like. If this fear is justified, then the projects themselves may fail due to lack of cooperation. Another possible outcome is that the farmers, under pressure or rewards from outside agencies, may go through the motions of completing terracing or irrigation systems but may let them fall into disrepair when the funding or other outside pay-offs have ceased coming.

2. Loss of land :

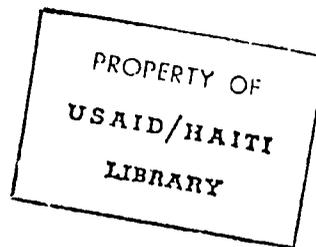
When the land value of a region is increased, land insecurity may result in the expropriation of smaller farmers and/or the concentration of holdings into the hands of a fewer larger landowners. This outcome, even less desirable than the former, is reported to have occurred in at least one region of Haiti (the Artibonite) where irrigation has been introduced.

Both of these dangers have led some observers to advocate the regularization of land tenure and the guaranteeing of the security of the holdings of small farmers as prerequisites to investment in projects such as those contemplated by PDAI.

B. Structure of This Report :

To gather information for the report several days were spent interviewing persons competent in the domain of Haitian land tenure. In addition to interviews with a lawyer, a notary, and several developmental experts in Port-au-Prince, two field trips were made in June to regions that will be affected by PDAI (Thomazeau and Marigot). Interviews were held in Thomazeau with the Director of Irrigation, with a town-based landowner, and with three small-holding villagers from a community outside of Thomazeau. In Marigot, interviews were held with one of the town notaries, with four interviewers who are in the process of completing an exhaustive socio-economic survey of the rural households affected by the project and with several residents of the town.

A shorter, preliminary version of this report was prepared in late June. In late July I returned to Haiti and made a five-day visit to Aux Cayes to gather information on yet another project region. Certain land



tenure arrangements found there led to an expansion of parts of this report.

Time pressures have prevented an incorporation of specific references to the literature in this report. The most thorough review of published and unpublished studies of Haitian peasant land tenure is the one recently done by Clarence Zuvekas (1978), who had earlier prepared an annotated bibliography on agricultural development in Haiti (Zuvekas 1977). Quantitative data lending some support to many of the generalizations made here can be found in Murray 1977. For further comments on legal aspects of Haitian peasant land tenure the reader is referred to the report by Joseph Thome (1978).

The report will proceed in the following fashion. In Part 2 I will give a brief overview of Haitian peasant land tenure, to be followed in Part 3 by a more detailed discussion of each of the many tenure relations that govern plots in rural Haiti. This will be followed by a discussion of State land in part 4 and by a brief discussion of the issue of deeds in part 5. In the Conclusion I will relate the information in the report to the specific policy questions most frequently posed by planners.

I am grateful to William Sugrue for his support throughout this project and to Michael Stapleton for his assistance in Aux Cayes and the Acul Watershed. Theodore Ahlers and Ira Lowenthal have kindly shared their insights into land tenure gleaned from their own work among Haitian peasants. I must accept sole responsibility for any errors that appear in this report.

II. OVERVIEW OF HAITIAN PEASANT LAND TENURE:

A. Unravelling the Tangle: Underlying Principles of Land Control :

During the past century and three-quarters the Haitian peasant has adopted a number of land tenure practices that endow the typical family holding with a high degree of internal complexity. The mind-boggling tenure combination of legal and extralegal arrangements that today govern the landholdings of many communities could easily mislead observers into judgments of total chaos. In reality the complexity observed is produced by the orderly operation of a number of underlying land tenure principles which derive directly from European colonial land laws which were codified into Haitian law, and which have become part and parcel of the customs and practices adhered to by the peasants themselves.

At least four of these underlying principles can be singled out.

1. Bilateral, partible inheritance :

Haitian land law, being largely modelled on French law, provides for inheritance by all children of both sexes. This legal mandate is vigorously supported by actual practice and custom.

The mating system of Haiti adds some complexity to this arrangement. Most conjugal unions in rural Haiti are entered into without benefit of legal or ecclesiastical validation. (These extralegal unions are referred to as plasaj). This creates certain "twists" in the operation of bilateral, partible inheritance.

a. Increased fragmentation : In plasaj unions the property inherited or purchased by either spouse is kept separate from that of the other spouse. Thus holdings are not consolidated on the establishment of a conjugal union and children continue to inherit from two separate sources. This dynamic may add fuel to the fragmentation process--the splitting of individual holdings into ever more pieces--even in addition to the fragmentation created by the legal inheritance system itself.

b. Partial alienation of some children : Children born in an extralegal union will inherit proportionately less if the father subsequently marries a woman other than their mother. But they nonetheless inherit. Local custom further encourages parents to make extralegal maneuvers--such as fictitious land sales--to ensure that all of their children receive a share of their holdings.

Thus, despite widespread absence of legal marriage, there appear to be few children deprived of access to parental land. To legalize the transmission of property to children born in plasaj unions, many (perhaps most) rural Haitian communities employ a legitimization process that occurs at the baptism of a child. The father has his name placed on the child's batistè, a legal piece of paper taken out as a preliminary to the baptism of the child, which usually occurs within the first few months after birth. Unless the father gives his child this certificate, the child of a plasaj union has no right to inherit property from his father. Hard data are lacking on this matter (as on so many other related matters), but there appear to be relatively few children who are not eventually legitimized in this practical sense of the word. Those few children who are not recognized by their father can still of course, inherit from their mother. But only economically powerless women would be deprived of this recognition of their child in the first place. Such cases are, however, rare. Most children have access to whatever land their parents own.

2. Alienability of land :

Another European-derived land control principle that is an intimate part of Haitian peasant land tenure concerns the right of owners to sell land. There are certain types of land which continue to be treated as undivided (and indivisible) blocs. Children inheriting a large stretch of agriculturally marginal land may keep it intact and graze their livestock in common thereon. Inheritors generally do not sell off smaller plots of this land (though they could legally force a separation if they so desired). Furthermore in some parts of Haiti people build their houses in nucleated clusters on commonly inherited land. (This appears to be more common in the lowland).

But such land that is actually used in common this way is the exception. Most land--certainly all agricultural land--is rather parcelled off and placed under the effective control of single owners. Some confusion may be created by the fact that inheritance subdivisions are frequently done informally, as siblings agree among themselves which plot will accrue to each individual. Legally, this land is common land ("indivise"). But in terms of actual community behavior, it is important to recognize that individuals treat this land as though it were theirs, even to the point of selling it. In Haiti, in fact, there are occasions when community pressure encourages, almost obliges, peasants to sell part of their land to a relative or another community member. This second European derived principle--alienability of land--is thus a central cornerstone of rural economic organization.

3. Rentability of land :

A third principle concerns the right of an owner to rent out his land to tenants. This takes two forms: rental for a fixed cash fee, payable in advance, and sharecropping, in which a stipulated portion of the harvest belongs to the landowner. One of the most astounding features of the land tenure situation in certain regions is the large percentage of plots that are being cropped on sharecropping or rental bases. As will be explained below, both landlord and tenant tend to be smallholding cultivators. But much of the internal complexity of contemporary Haitian peasant holdings stems from the operation of this principle.

4. Eminent domain of the State :

A fourth important principle, one which the French had more or less successfully implemented during the colonial era, was that of eminent domain. Land not deeded to a specific owner was considered public

property, to be disposed of by the State as it wished.

Principles of eminent domain are quite common around the world. But the Haitian government seems to have been more effective at enforcing it than many other Third World governments: I have done fieldwork in the neighboring Dominican Republic mountain in communities whose members were in effect squatting on government land. If they were in Haiti, they would have been paying rent. The more or less successful enforcement of the eminent domain principle by Haitian governments has produced a class of peasants called fermiers de l'Etat. Though they are relatively few in number their situation will warrant a special type of developmental intervention. The question of State lands will be discussed further in a later section of the report.

The four principles discussed above--bilateral, partible inheritance, alienability of land, rentability of land, and eminent domain of the state--are the four principal keys to unravelling the complexity of contemporary land tenure arrangements. As will be shown below, the tenure status of virtually all plots of ground in the regions investigated can be traced back to the application of one of these principles.

B Profile of the Contemporary Holding:

Each of the principles discussed above provides for a relatively straightforward relationship between an individual and a plot of ground. The complexity of the contemporary land tenure situation in rural Haiti, however, is produced by the simultaneous operation of several principles within the same holding. Before beginning a detailed discussion, however, it will be useful to give a brief profile of the contemporary holding that has been found to apply in all regions visited.

1. Universality of gardening :

The first programmatically relevant question is: to what degree is there a class of rural laborers who are totally outside of this land tenure system, who depend exclusively on wages for their livelihood? All relevant research appears to coincide on one answer: virtually none. The "poorest of the poor" in rural Haiti are owners of their own gardens (met jadin).

2. Widespread patterns of proprietorship :

To be an "owner of a garden" in rural Haiti is not necessarily to be "owner of the land" on which the garden stands. The next question

is: to what degree does the rural population have access to garden land exclusively through the rental or sharecropping arrangements touched on above? Again, the answer of most research points to an unusually high rate of proprietorship, perhaps as many as four out of five peasants owning at least part of their cropped holding. There are probably regional differences of a minor nature in this regard. Visits made to the Thomazeau and Marigot areas, for example, seemed to indicate a lower rate of exclusive dependency on tenancy in Thomazeau than in Marigot, though even in the latter case the figure is probably below 20%. But the absence of widespread total dependency on tenancy seems certain.

3. Multi-plot holdings :

An important twist to the rural Haitian system is provided by the generally fragmented nature of the holdings. It is rare for a household to have even all of its inherited land in one bloc. The holding rather is spread out into several smaller parcels. When the fragmentation created by land purchasing (generally only portions of plots will be sold) is added, and when widespread practices of renting and sharecropping add their own impact, the result is a system dominated by the multi-plot cropped holding.

4. Internal tenure heterogeneity :

A fourth element in the profile of the typical holding, product of elements mentioned above, is the presence of internal variety in terms of the tenure relationships governing the plots of most holdings. Attempts to classify the peasants of a region as owners, renters, sharecroppers, landlords, or other categories, are bound to run into difficulties in rural Haiti, simply because the average household crops its plots under different tenure arrangements.

The peasant holding whose profile has been briefly outlined is by no means the product of passive acquiescence to historical and demographic forces. The entire land tenure scheme is permeated rather by patterns of active maneuvers, maneuvers in which the Haitian peasants themselves have been the major protagonists. The varieties of tenure insecurities that exist have little in common with the stereotyped insecurity of the clandestine squatter hacking out a furtive mountainside living. Many of them are the products rather of open, community approved short-cuts and end-runs against burdensome or threatening regulations. The nature and extent of land insecurity can be discussed more cogently if more specific information is first presented on the details of these local peasant land maneuvers.

5. THE DISTRIBUTION OF RURAL LAND TENURE TYPES:

III. FUNCTIONAL BREAKDOWN OF RURAL HAITIAN TENURE TYPES:

Many development programs presuppose the existence of a "tenure secure" smallholding cultivator. Discussions of the matter generally point to the cultivator cropping a legally deeded plot as the epitome of security. There are extremely few Haitian gardens being cropped under this clearcut arrangement, however, and the worry of many planners is that departures from this ideal create an insecurity that could sabotage projects.

Such a construal of the insecurity issue runs the risk of making an implicit, grossly over simplified dichotomy between deeded plots and non-deeded plots. The following discussion will adopt a different strategy and categorize garden plots rather in terms of locally salient dimensions. When viewed from the perspective of the peasant himself, the presence or absence of a piece of paper is merely one among several important determinants of security. And when the local system is examined closely, it can even be argued (and will so be argued below) that a legally validated piece of paper under some circumstances might paradoxically turn out to be the ultimate undoing of a peasant household. This is not to argue against legally valid pieces of paper, but merely to advocate a careful analysis which first looks at the local system in its own internally complex terms. Program interventions will be suggested, but they will not be the same interventions that would first have occurred to the casual observer viewing the system in terms of a simple deeded/deedless dichotomy.

A functionally incisive categorization of Haitian gardens by tenure type would call for a scheme containing an embarrassingly large number of categories. The scheme to be presented here begins with no fewer than sixteen distinguishable tenure categories into which gardens have been seen to fall in different parts of Haiti. These categories, which will be the basis of subsequent discussion (and simplification), are as follows:

1. Inherited plots which have been separately surveyed and deeded subsequent to the death of the parent.
2. Inherited plots which have been permanently separated and allocated to one of the siblings without formal survey, relying rather on informal (but witnessed) agreement among the siblings.
3. Inherited plots which are cropped on a rotating occupancy basis, no sibling having permanent, exclusive access rights.
4. Family plots which a parent has "lent" to a young man before

- his death, cropped by the young man as though it were his own, but still under ultimate control of the living parent.
5. Inherited plots, marginal for agricultural purposes, which are kept intact for common pasturage or for common residence.
 6. Purchased plots that have been formally surveyed and deeded by the buyer.
 7. Purchased plots for which the buyer takes out no deed but relies solely on notarized record of the transaction.
 8. Plots to which the cultivator has access by virtue of spouse.
 9. Plots sharecropped for an absentee, non-agriculturally employed landlord.
 10. Plots sharecropped for a local peasant kinsman.
 11. Plots sharecropped for a local non-related peasant neighbor.
 12. Plots rented from an absentee, non-agriculturally employed landlord.
 13. Plots rented from a local peasant kinsman.
 14. Plots rented from a local non-related peasant neighbor.
 15. Plots rented directly from the State.
 16. Plots on land belonging to the State but subleased from a larger landlord who has first rented from the State at a lower price.

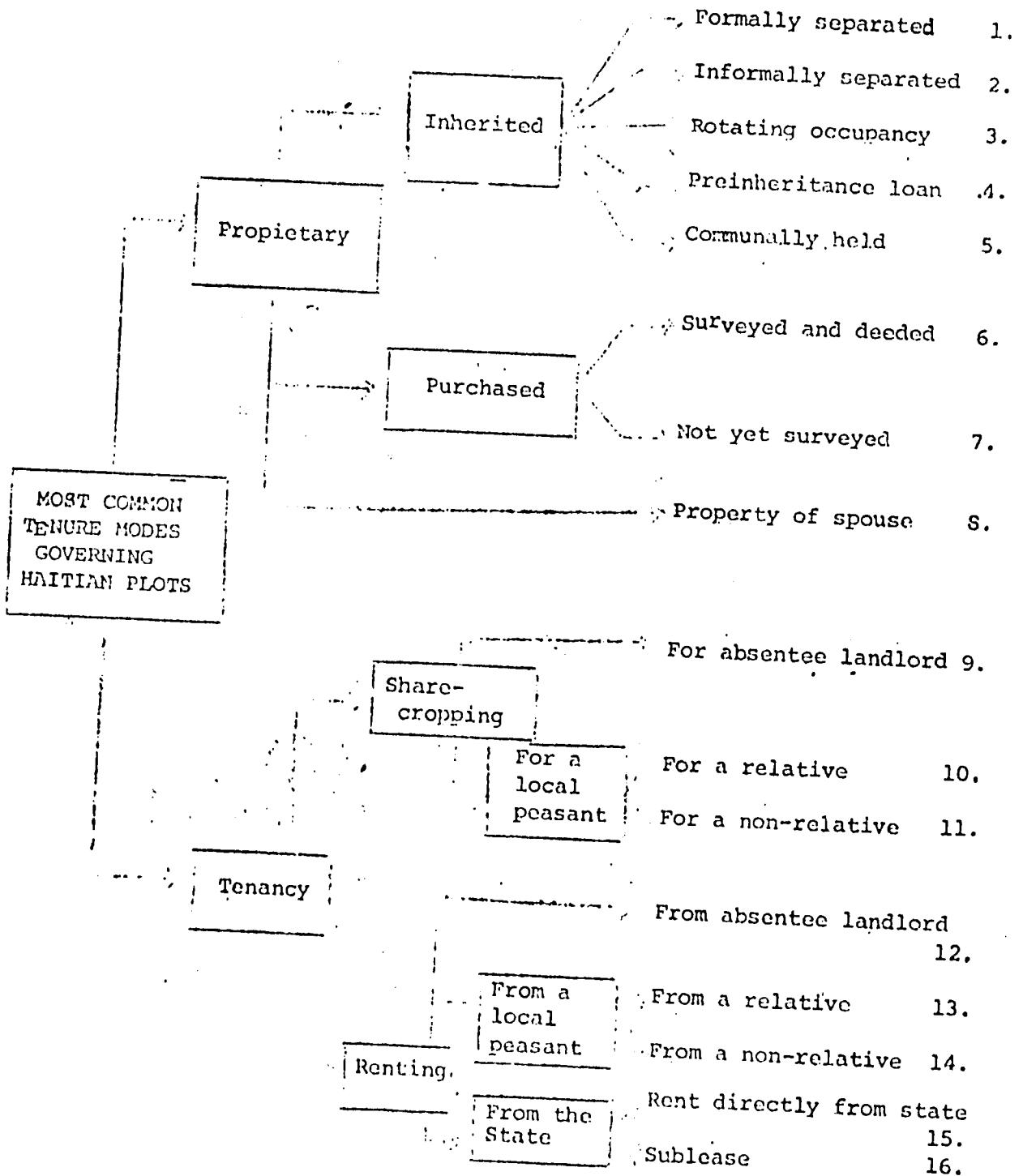
This rather complex breakdown of rural Haitian plots can eventually be collapsed, and has in fact been reduced to schematic order in Figure 1 (see following page). Other breakdowns could also be argued for. For example, the category of land worked for one's spouse had purchased or inherited the land. The purpose of this taxonomic scheme, however, is merely to isolate the major dimensions which potentially affect the tenure security of a cultivator on a plot which he is currently cropping.

The following pages will traverse this list, briefly examining the maneuvers which surround each of the tenure mode, and attempting to give

FIGURE 1

Most Common Tenure Modes

Governing Haitian Plots



some idea of the relative preponderance of the different modes.

A. The Inheritance Process: Categories 1-5 :

The bilateral, partible inheritance principle discussed earlier makes the intergenerational transmission of land from parent to child a major mechanism of land movement in rural Haiti. Nonetheless, there are a number of discrepancies between the inheritance division process that is mandated by Haitian law and the informal practices which actually prevail in most rural Haitian communities. These discrepancies are produced by a series of extralegal (not illegal) maneuvers resorted to by the rural population with respect to the transmission and control of cropping ground.

To sum up the resulting situation succinctly: these practices produce patterns of extralegal individual proprietary behavior over plots of ground that in most cases appear to be legally owned by the kin group of which the individual is a member. What is extralegal is the proprietary behavior of individuals toward plots of ground that are not yet fully theirs: but in many if not most cases, the individuals may have a true legal right to take out a separate deed for these plots. They do not avail themselves of these rights principally because of the burdensome fee structure that surrounds the use of these rights. But rarely is their occupancy in any sense illegal. The following section discusses the varieties of legal and extralegal inheritance maneuvers.

1. Inheritance plots formally separated :

After the death of a landowning parent, the siblings agree among themselves when the moment has come to divide parental holdings. The actual timing of the division may depend on the marital status of the parents. If the couple was legally married, then property was legally unified and no subdivision can be made until both parents have died. If the parents were plase, then the surviving spouse has no claim over the property of the deceased spouse. Children can, and frequently do, claim immediate access to the land of the dead parent. If the surviving parent has no land of his or her own, then a portion of the dead parent's property will be set aside for his or her sustenance. The remaining property will then be immediately divided up. On the death of the second parent, the plot that had been allocated will be subsequently divided up (that portion, that is, which has not been sold to finance funeral expenses).

Where the letter of the law is followed, the siblings will first contact a surveyor and present him with the deeds to their parents' land. The surveyor in turn will contact a governmental commissaire in a Civil Court for permission to make the division. On receiving the permission to proceed, the surveyor divides the land into equal size plots. On the basis of the surveyor's map, a notary will then be contacted to make out the new deeds, each to be held separately by the respective owners.

Comments from several knowledgeable people indicate that this procedure used to be followed with more frequency in bygone times, when holdings were larger and when the portion accruing to each child was still in the order of many carreaux of land. The surveyor would in many cases be paid, not in cash, but in land.

It is safe to say that this formal inheritance procedure is now followed in fewer than one out of a hundred cases, at least in regions for which firsthand information is available. It has been almost totally replaced by divisions of a less formal nature.

2. Inheritance plots permanently but informally separated :

Permanent subdivisions of parental land are still generally made by siblings in all regions visited. But the extralegal, informal procedure which now prevails entails the use, not of the surveyor's chain, but of other locally applied measures. In the Thomazeau area, for example, the siblings use an ordinary rope. (This is generally called simply a kòd, but is occasionally called a pòlin.) After the parent has been buried and the siblings have sold whatever land had been set aside for funeral expenses, they gather as a group on the plot of ground to be subdivided. Two community witnesses (abit) are called in to observe the process. These witnesses must be individuals who:

1. are intelligent and not afraid to speak out, in the event that they have to serve as witnesses in a dispute, and
2. are not members of the inheritance group that is subdividing the land.

It is usually the siblings themselves who divide the land with the rope, the witnesses merely looking on. (One younger informant in Marigot claimed that an old man from the community will do the actual measuring. The notary in Marigot mentioned a practice whereby the field will be divided by lining up pebbles. But the more common practice appears to be that of using a rope.)

The rope is stretched out and tied at either end to a stake. When the rope has been positioned to the satisfaction of all, the next

step is to establish a permanent boundary by digging a ditch with a hoe. (This practice was reported on the plain, where such ditches are used for irrigation purposes. It was not determined whether the same boundary fixing procedure is used in the mountains.) This use of a ditch as a boundary is recognized in Haitian law.

When the plot has been subdivided into the requisite number of subplots, the units are allocated by seniority. The eldest sibling must take the first plot in the newly created sequence. In the case of irrigated land, the order of plots is determined by the direction from which the irrigation water comes. The elder sibling thus has first access to irrigation water. In the case of unirrigated land, the first plot appears to be determined by proximity to the gate through which the plot is entered.

It is one or another variant of this extralegal subdivision process which accounts for much of the current land tenure situation in rural Haiti. This produces the phenomenon of "commonly owned land" reported in the literature. But it is important to note that the cultivator henceforth behaves toward the plot as though it were his own. Virtually never will Haitian peasants crop land in common. Following the subdivision, duly witnessed by neighbors, none of the siblings remains on his or her own plot of ground.

There is clearly a fiction involved in this process. But the nature of the fiction depends on one's point of view. From a strict legal point of view, the fiction consists in the pretense of the cultivator that the plot is now his. From a behavioral point of view, however, the fictitious element is the legal status of "undivided land". The land has been in fact divided, each cultivator uses it as his own, and with surprising frequency these plots of ground are subsequently leased out and even sold.

Why has this informal process replaced the mere formal process mandated by law? Several factors combine to discourage this sequence. Most importantly, the fees are reported to be quite high for each stage of the process. The likelihood of a peasant being willing undertake the cost of a formal survey is greater to the extent that:

1. the holding is large; and
2. the holding is concentrated in one piece.

To the degree that the holding gets smaller, it was reported that the tendency to be satisfied with informal division is greater. And to the degree that the holding becomes fragmented into disparate plots, the

cost of titling the entire holding of course rises astronomically, since separate fees are charged for each plot.

But rural Haitian history has conspired to produce precisely these two phenomena of holding diminution and holding fragmentation. The shrinkage of holding size is primarily a product of the growth of population. The fragmentation of holdings, on the other hand, is the effect of a number of combined forces.

1. Plasaj unions maintain separate property of the spouses. Parental property is not treated as a single unit, but rather as two units.

2. Siblings generally subdivide each plot into the requisite number of subplots, rather than settling for whole plots. Thus, three siblings sharing three plots will produce nine plots. This maneuver appears less common among townspeople. We observed a case in Thomazeau where a group of siblings each settled for a separate plot. It is of significance that none of these siblings themselves worked the land. They gave it out to tenants. Where the inheritors themselves work the ground, however, the tendency will be greater to insist on equal subdivision of each plot.

3. There is a great deal of land transacting. But plots are rarely sold in their entirety. Rather, a small section of the plot will be sold creating two plots where there was formerly one.

In sum, factors such as these produce a high degree of holding fragmentation, by raising the price of the legal surveying process, has led to a situation in which it is now rare for sibling groups to utilize formal land subdivision procedures in dividing up their parent's land. They permanently divide the land among each other, but without the benefit of legal (and costly) surveying.

3. Inheritance plots cropped by siblings on a rotating basis :

In the region of Aux Cayes a type of occupancy mode surfaced which had not yet been found prevalent in other parts of the country that were visited. When a plot of ground has become very small, or when a larger plot of ground contains particularly good stretches of land that cannot easily be subdivided, siblings in this region may not subdivide the plot, even informally. Instead they in effect take turns cropping the ground. Even brief interviews revealed the delicate nature of this topic and the extent to which this arrangement produces intrafamilial conflict. In some cases at least there appears to be a post-harvest scramble for rights to work the ground for the next cropping cycle. Where such an

arrangement prevails, the only permanent right an individual has is to the garden plot adjacent to his or her house.

Though we do not know what percentage of the land in the Aux Cayes region is occupied on this rotating basis, it is clear that the arrangement is quite different in its impact from the permanent (albeit informal) land separations that appear to prevail in other places.

4. Inheritance plots temporarily granted on a preinheritance basis :

There is a fourth important category of inheritance land, created by almost universal patterns of premarital economic autonomy on the part of males. Before a young man marries (or takes a plase wife) he must be an independent gardener--i.e. have his own gardens. Since most men in their early twenties have not yet received their permanent inheritance land (the parents are probably still alive), custom dictates that a young man should be granted a plot of ground by his parents to crop "as though" it were his own. The individual behaves as though he is proprietor of the plot, even to the extent of sharecropping or renting it out to another tenant. But he may not, of course, sell the plot and though this rarely occurs it may ultimately be withdrawn by the living parent and given to another child. Though demographic pressure has diminished the size of, and in some households eliminated the possibility of, these preinheritance loans, they are still at least one element in the early stages of the economic career of probably most Haitian peasant males.

The tenure of a child on this type of plot is generally secure during the life of the granting parent. But neither law nor even custom firmly obliges the remaining siblings to honor this grant after the death of the parent. The sibling may have to throw his plot back into the "pool" for redistribution. Once the siblings themselves have called in community witnesses to oversee their own informal subdivision, the arrangement is then binding (and is generally so treated by local authorities). But the tenure security which an individual has to these preinheritance plots lent him during the life of a parent is much less secure.

5. Inheritance plots kept undivided and used in common :

Very strong patterns of agricultural autonomy have prevented the emergence of collective cropping of any sort. When plots become too small to subdivide, siblings will (as was shown above) occupy it by turns rather than crop it in common and split the harvest. That is, though land may have several mèt (owners), each garden generally is described as having one mèt. Simultaneous common agricultural usage is a rare phenomenon in Haiti.

But when land is, for one reason or another, withdrawn from agriculture, true patterns of simultaneous common occupancy and usage can and do occur. Large tracts of ground may be used by sibling groups to pasture animals in common. Furthermore in some parts of the country people build their houses on commonly inherited land. Such land is quite different in occupancy mode, say, from garden plots carved out by permanent informal subdivisions. These latter plots of ground may be sold by the individual (more on this later), even before formal surveying. Not so the land of commonly inherited residential compounds, or commonly grazed pasture lands.

It is possible that some of this type of land might eventually be restorable to agriculture. But the collective tenancy mode will constitute at least a temporary obstacle. When dealing with inherited land, an individual can feel secure on a plot only when he and his siblings have subdivided the land in a public, community-witnessed context (even though no surveyors have been involved). The type of communally occupied plot discussed here has had no such subdivision. Such genuine common occupancy probably occurs more frequently on land that is agriculturally marginal. Nonetheless it adds yet another security-inhibiting twist to the entire land tenure situation.

In sum the five important subdivisions of "inheritance land" discussed above illustrate at least two important points. The first is that a label such as "inherited land" obscures programmatically important differences that require finer subdivisions within the broader category. The second point is that by far the most immediate source or perceived land insecurity among many peasant households is the danger that insiders, not outsiders, will intrude. Discussions of possible sources of land insecurity rightly point out the dangers of expropriation by outsiders. Yet in terms of day-to-day (or year-to-year) consciously perceived threats, probably a larger number of Haitian peasants are looking over their shoulders to see if their garden land is being eyed by someone from within their own kin group. In terms of development projects, many land-use decisions will be affected by these patterns of potential intrafamilial reaction against individuals who would undertake improvements on land that, even by custom, is not yet really theirs.

B. Patterns of Land Transaction: Categories 6 and 7 :

Since sibling groups in peasant communities now rarely call in surveyors to give each member a separate piece of paper, the safest and surest way to acquire a piece of ground that is truly yours is to buy one. This method of land acquisition occurs with what many observers would con-

sider to be astonishing frequency. The importance of land sales and purchases among peasants is attested to not only in the published literature, but also in terms of brief inquiries which were made as part of this report in the Thomazeau, Marigot, and Aux Cayes areas. Observation in all three places seem to have confirmed the presence of an active land market. Cropping land in all regions is fully alienable. In no region were any popular restrictions found with respect to the sale of cropping ground. Though there is, for example, a fairly strong reluctance among Thomazeau peasants to sell the communal land that has for generations been used as residential ground, in the case of cropping ground, community norms on occasion force the sale of land.

1. Intraclass nature of most land sales :

The question arises as to who is selling all of this land. Comments from informants in all three areas confirm what certain quantitative information had indicated, namely, that the sellers of the land were peasants themselves. Though it gives rise to head-shaking bewilderment on the part of many outside observers, a major motive for land sales is the need to finance one or another of the expensive funerary costs imposed by local custom on local inhabitants. The elaborate mausoleums that fill the cemeteries near Thomazeau and that are proudly erected in the front yards of innumerable village houses in the Aux Cayes area cost several hundred dollars. The money is generally raised by land sale.

In addition, Thomazeau informants also mentioned land sales for emigration, though in earlier research there I found that in fact few land sales are yet being made for that purpose. In rural areas surrounding Aux Cayes, the process of emigration to the U.S. has taken on more serious dimensions. In one community it was reported that as many as one out of three households were receiving remittances from abroad. A major source of cash to finance emigration comes through the sale of part of a family's landholdings. In some cases an individual sells his own land. In other cases the parents of an individual will finance by land sale part of the costs of emigration, in return for the regular remittances which will then be expected from abroad.

But if the sellers are in the vast majority of peasants themselves, so also are the buyers. The most important dynamic behind this process is the prohibition, enforced by local courts, against the sale of undivided family land to outsiders before coheirs have been offered the opportunity of purchase the land at the same price. For a fuller discussion of the legal status of this prohibition, see Thome (1978). The individual selling land has to contact all (available) co-

heirs and offer them the land. Only if outsiders offer a larger price can he sell to them. If a coheir, in the presence of a witness, offers a price not acceptable to the seller, then the seller is free to seek another buyer. To secure a low buying price, some relatives will try to avoid a direct interaction with the seller and wait until the outside buyer has settled on a price with the seller and deposited the money with a notary. The relative will then go to the notary, ask the price, and deposit that amount of money with the notary. The earlier purchase by the outsider is then rescinded, the money is returned to the outsider, and the relatives come into possession of the land.

National level data on this matter are of course nonexistent. In my own research I found that in fact only about 50% of the plots of ground sold were actually bought by relatives of the seller. But the remaining plots were purchased by other community members (or peasants in adjacent communities). Most of the land transacting that is occurring in Haiti, in short, continues to be intraclass in nature. Land transacting now forms an essential part of the economic career of many peasants. If it a source of cash for sellers, for buyers it is now an indispensable source of at least some tiny plots of land.

2. Purchased plots surveyed and deeded by the buyer :

As in the case of the inheritance process, the formally mandated procedure differs from the extralegal maneuvers which actually prevail. In the case of land transaction, however, the major difference consists in going only part of the legally mandated route, rather than taking a separate route, as in the case of inheritance subdivisions.

If the letter of the law is followed, the land transaction will proceed as follows. Seller and buyer agree on a price. On a stipulated day, they approach a notary, the buyer bearing his money, the seller carrying his deed. The notary records the transaction, charging a fee that is a percentage of the price of the plot of ground. With the notary's declaration, the buyer of the land then approaches a surveyor, who measures off the plot of ground and draws a new deed for the buyer.

The result of this sequence is a fully titled plot of ground. This sequence used to be followed with greater regularity, especially with large plots of ground. It is now safe to say, however, that fewer than one out of ten of the frequent land transactions occurring in rural Haiti now involve a surveyor. As in the case of inheritance subdivisions, a series of informal maneuvers are rather resorted to.

3. Purchased plots recorded only on notary's declaration :

It simply costs a great deal of money to legalize the transaction in this formal manner, using a surveyor's chain and a separate deed. Because so many of the land sales are between relatives and in so many cases the buyer is purchasing a plot that is part of a larger bloc in which he has inheritance rights on other plots, and because even the non-kin sales are generally made to members of the same community, peasants settle for a somewhat lesser degree of security: the notary's declaration witnessing the transaction.

It is important to indicate that in all cases, both buyer and seller will go to a notary and have the transaction notarized. This is as true of two siblings transacting land with each other as it is of the rarer cases of two strangers. In the case of the siblings, the fear is that the children of the seller will claim that their parent was renting, not selling, the land to the buyer and thus deprive the buyer's children of the land. That is, though surveyors are now less frequently involved in land transactions, notaries always are.

But there are a number of maneuvers which individuals use to reduce even this cost. The most common maneuver occurs before the transactants enter the notary's office. The notary's fee is a percentage of the price of the transaction. To lower the fee, transactants who know each other well will exchange part of the price beforehand, and record a lower sale price in the notary's office. This maneuver, which peasants report to occur in most land transactions, is perhaps in response to exorbitantly high notary percentages. The former fee of 10% has now been raised to an average of 20% to 25% in the Thomazeau area, some notaries being reported to charge even 30%. (The notaries would claim that their higher fees are a response to the earlier described maneuver on the part of the peasants.)

It appears that at least one other shortcut is occasionally taken, a somewhat riskier one from the point of view of the buyer. The seller of the land must in theory come with a deed to the notary's office. He will generally come with the master-deed requisitioned from the elder relative into whose safekeeping it has been entrusted. It is this requirement which on the one hand protects the buyer and on the other hand protects the ultimate legality and security of the entire system.

In our inquiries, however, we did elicit from one notary the fact that at least some sales are executed even in the absence of a mas-

ter-deed covering the plot of ground being transacted. If the deed is known to have been destroyed and the seller is well known to the notary, or if the seller has clearly been occupying the land for a long period of time, the notary may waive the requirement of the deed.

There is reason to believe, however, that this dangerous maneuver is rare. The buyer himself is exposing himself to eventual eviction. The receipt he receives from the notary, and even a deed he receives from the notary subsequent to surveying the newly acquired plot, would have no value in the presence of an older deed produced by a rival claimant. Both notaries and deeds are involved in the vast majority of land transactions.

There is yet one more important twist in the rules which are followed in the purchasing of land. A person cannot, of course, sell land until it is his. (And peasant buyers will be most reluctant to lay out money unless they are certain the land will be subsequently theirs). What happens in the case of a plot which a person has received by the informal division process described earlier? The siblings agree among themselves, and all have their own plots. Though the law does not prohibit such informal agreements, neither does it recognize them. What happens if one of the siblings has an emergency and has to sell off the land?

There is no problem if one of the other siblings is willing to pay the stipulated price. The land stays in the family. But can the person sell to an outsider? Legally the person would have to force the entire sibling group to bring in surveyors and formally subdivide the land, giving each a title. Only then could the person sell his plot to an outsider.

In actual practice, however, notaries freely execute transactions in which the seller's claim to the plot comes from the community-witnessed informal division discussed earlier. The terminology of the transaction is merely changed. The buyer is not purchasing the land per se, but rather the seller's "right and claim" (*droit et pretension*) to his share of the inheritance. The seller in this case comes to the notary with the larger master deed, since he does not have a separate deed for his plot. But he is still able to sell it.

So strong is this custom that the buyer then has the right, if he so chooses, to bring in a surveyor and permanently and legally separate the plot of droit et pretension which he has purchased, even though the siblings themselves have not yet surveyed it. What is happening is that the informal subdivision, done with ropes and community witnesses, has be-

gun to take on the de-facto status of a legally defensible subdivision.

In most cases however--even most cases in which a person purchases from a non-relative--a surveyor is not brought in. The buyer is satisfied with the declaration of the sale made at the notary's office. That is, to an increasing degree the pieces of paper which children inherit from their parents are not deeds, but rather notarized declarations stipulating the location and size of a plot purchased by the parent and the price that was paid for the plot.

Peasants generally refer to plots they have purchased as the most secure elements in their holdings. To have laid out money for a piece of ground, and to have an authorized piece of paper certifying the transaction, is described as the surest route to true proprietorship. The surveyor's map is seen as being the ultimate security, but the scores of peasants with whom I have discussed this matter in different parts of the country seem to regard the notary's paper as a rather strong guarantee--especially since it gives them the right to bring in a surveyor if they so choose. In short, though the resulting arrangements depart from conventional Western land tenure practices, the Haitian peasant has a fully Western orientation with regard to the acquirability of land via purchase and the need to secure one's purchases with legal pieces of paper.

C. Women and Land: Patterns of Subtle Exclusion :

Most discussions of the economic role of the Haitian female emphasize her highly visible participation in marketing activities, either as a seller of produce in local markets or as an itinerant madam sara, shuttling produce between regional markets and Port-au-Prince. What of her access to land?

Women inherit land equally with males, and they furthermore buy and sell land as well. But my own research, confirmed by visits to other regions of the country, suggests that they are subtly--and sometimes not so subtly--excluded from full exercise of their land rights.

Dowry practices are extremely weak throughout rural Haiti. They pertain only to legal marriages (which are a minority of conjugal unions) and even then virtually never entail the permanent grant of a plot of ground. Recall: sons get access to at least temporary plots in their teens and early twenties via the proinheritance loans mandated by custom. No such widespread arrangement has been seen to give daughters an early access to parental land. They must wait until the death of the parents.

That is, though their brothers may have been exercising de-facto control of numerous plots of parental ground, the females generally do not.

It is sometimes the case that a father will give a son-in-law temporary access to land, much as he gives his own sons. This quasi-dowry practice, however, appears very rare. And more often than not, the son-in-law will have to sharecrop the plot. As land scarcity makes these preinheritance loans increasingly difficult, it is the sons-in-law (i.e. the daughter's land) that will be first excluded and most easily retained by already land-short parents.

When the post-funeral division of land is finally made, the daughters--accompanied by their husbands in most cases--will receive their equal share of the land. If they are legally married, the husband has actual property rights in the wife's land. But even in cases of *plasaj*, where the husband has no personal right in the land, he will be present at the division of the land. After the division is made, the husband then works the plot of ground "for his wife." (This type of plot has been listed separately on the diagram presented earlier, though it is more accurately represented as a subset of inheritance plots).

But if matters truly worked this way--if, in fact, females received equal share of the land--a substantial proportion of cropped gardens would belong to the wife of the cultivator. I.e. there should be a substantial number of plots farmed under the tenure mode of "wife's property." In my own research, however, I found that few plots actually fell into this category. And there was no evidence in other regions visited that females in actuality controlled much of the land. We can suspect the operation of a number of subtle mechanisms of exclusion. If women are excluded, why do not husbands protest more vigorously? But recall: husbands also have sisters who may themselves be the objects of partial exclusion. The entire matter warrants more detailed empirical investigation.

Women also seem to be elbowed at least partially aside in the arena of land transactions. Women do acquire property independently of their husbands in many cases. As one informant in Aux Cayes put it, a woman will be reluctant to tell her husband how many cows she has. Statements such as this illustrate the property separation which continues to hold between spouses in rural Haiti. Yet in the domain of land purchasing, there is evidence that women are subtly pushed to the side.

On the one hand, in terms of frequency of land purchasing (and land selling) I found that there has been a significant decline in female

participation in transactions. Females still purchase and sell land; the decline is a trend rather than a total cessation. The plots of land which females transact were also significantly smaller than plots involving two male transactants.

Furthermore, interviewing in the Aux Cayes area exposed the dilemma in which the plasé wife finds herself. There are some women who independently amass capital, and independently purchase land. Such total independence is still looked slightly askance at, if the woman has a spouse. More women appear to follow the more conventional routine of helping build up the supply of domestic capital to the point where she and her husband together can purchase a plot of ground. But most wives are plasé wives, not married wives. One case came to light in which the husband, who handled the transaction, had his name as the only one on the notarized record. When the union broke up, the woman found herself without rights to any of the land. The only right a woman has in such cases is the "right of her children." I.e. since her children by the man will one day inherit part of the purchased land, she has a right to enjoy the fruits thereof. The woman in question, however, had no children by the man. The result was de facto exclusion.

The entire issue of the position of women vis-a-vis land is one on which virtually no empirical evidence exists. The formal rules call for equality between the sexes; the system as it operates seems to shove women at least partially aside. Conventional analyses laud the Haitian female as an unusually autonomous economic actor in the arena of the marketplace. A closer look, however, at who controls the real source of wealth--land--gives rise to the suspicion that judgments of equality in partnership may be a trifle premature.

This raises once again a point that was raised before. Discussions of tenure insecurity can be lured into single minded vigilance against the approach of outside non-peasant encroachers. Yet even in the context of the traditional system, without outside intrusions, there are numerous insecurity-generating arrangements, arrangements which in this context may weaken the position of half the members of the community.

D. Landlords and Tenants: Varieties of Sharecropping and Rental :

The insecurities discussed above are produced for the most part by intrafamilial and intracommunity maneuvers to secure a slightly larger share of the available land. Whoever wins in this or that battle, the land stays in the community. Though anecdotes of siblings taking each other to court abound, such cases in fact are extremely rare. Most of the

ambiguities discussed above are settled without going beyond the confines of the community. But analysis would do little service if it so focused on community-internal dynamics as to lose sight of the powerful outside economic interests that have also participated in the local land shuffle. The impressively large number of plots which have been found to be cropped by peasants under one or another tenancy mode raises the question of outside landlords.

Both sharecropping and renting are extremely common throughout all of the regions visited, and probably throughout most of Haiti. The national census underestimates their importance simply because it categorizes individuis rather than plots. The individual who is cropping four plots--one purchased and three sharecropped--is described as a proprietor in the census. Though large numbers of people rent and sharecrop, most people own at least some of their land and their simultaneous tenant status does not appear in the census. My own research in the Thomazeau area indicated that well over 90% of the adult male population is involved--either as landlords or tenants--in sharecropping arrangements. Even published figures indicate that at least a fourth of the nation's plots may be cropped by tenants. Even this is perhaps an underestimate. Impressionistic but reliable estimates suggest that in some regions between a third and half of the gardens are being cropped under one of these two arrangements.

There are clearly differences between regions. Whereas sharecropping appears to predominate in the Thomazeau area, renting is probably on equal footing with the sharecropping in Marigot. And whereas in the Thomazeau area, the division takes the form of allocating to the owner a part of the plot itself (which he must then himself harvest), in Marigot the tenant does the harvesting and simply gives the owner his share of the produce. In Thomazeau it appears more common for the owner to claim half of the plot. In Marigot, many owners probably claim only a third. (In both areas rental, which entails an annual cash payment to the landlord, is the much better arrangement from the point of view of the tenant).

Despite differences between the regions visited, however, a common profile emerges, in which a vast amount of land is being cropped by people who neither legally nor informally are owners of the plots on which they plant their gardens. This pattern may exert critical impact on the course of any irrigation or soil conservation project.

1. The absentee landlord in rural Haiti :

Where there are tenants, there must be landlords. In communities where a third or more of the plots are cropped by tenants, it is important to determine the identity and whereabouts of the landlords. In most of Latin America (and perhaps throughout most of the world) sharecropping and rental arrangements occur in the context of the latifundio, the enormous expanse of land owned by a (generally absentee) family or individual. The payers of rent will generally be truly landless people and their status of tenant may also be associated with patterns of social deference on the part of the peñ who removes his hat in the presence of the patrón.

One suspects underreporting on the extent and even existence of many latifundio type holdings in rural Haiti. Zuvckas' review of the evidence (1978:92-100) pinpoints obvious examples of underreporting of large holdings in national census data, including the skipping of a 100,000 acre holding and another 40,000 acre holding in the North. Visits made to the Aux Cayes region in connection with this report confirmed the existence there of several lowland holdings of several thousand carreaux each. The largest holdings in the Aux Cayes area are in valuable irrigated (or potentially irrigable) lowland zones. The same is probably true for large holdings in other regions as well. Privately owned landholdings of several hundred carreaux are rarely reported in the mountain areas, except in certain coffee producing regions. Even with this export crop, most coffee in the areas visited (Marigot and Aux Cayes) comes from groves of fewer than 10 carreaux--most substantially smaller--if the estimates of local informants can be believed.

The Haitian latifundista has the same three economic options that his counterparts elsewhere have: using wage labor, renting out land, and giving out land to sharecroppers. Reliable data--even good case study data--are lacking. One suspects that total exploitation of large tracts through wage labor alone is restricted to certain lowland plots that are irrigated. In contrast, it is almost certain that in the case of unirrigated land or mountain land, the Haitian latifundista has a predilection for the less expensive and less risky options of renting out land or having tenants sharecrop the land.

By far the more profitable of the arrangements from the point of view of the landlord is the sharecropping arrangement. Rents in the Aux Cayes area, for example, appeared to fluctuate, and in the Acul Watershed area, appeared to vary from 15 to 30 dollars per carreau per year. The landlord's profit would be much larger from his share of half the harvest.

Yet the impression emerges that, in the case of absentee landlords, the ordinary practice is to rent out lands. Sharecropping entails a larger degree of supervision, not only of cropping activities themselves, but also of the disposition of the harvest in those regions where the tenant harvests everything and gives the landlord a share of the harvested crops. Few absentee landlords become this closely involved with the goings-on on their land. Those that choose the sharecropping option generally contract with local villagers to be overseers (gerants) for their land. But the more common practice appears to be the collection of a straight forward rental fee before the cropping cycle begins.

But any discussion of the absentee landlord in rural Haiti will be misleading unless it is emphasized that his importance is quite small in comparison to his counterparts in many Latin American settings. Even if the true figures were known, it seems unquestionable that the large, absentee landowner plays a considerably reduced role in rural Haiti. There are some areas where he is stronger, as was pointed out for Aux Cayes. But interviews with knowledgeable residents in both Thomazeau and Marigot indicate that there are few large landowners. One individual was reputed to have 50 carreaux of land in the Marigot area. The next wealthiest people have 20-25 carreaux. In both the Thomazeau and Marigot areas, the average holding probably falls under two carreaux. Brief inspection of several interview schedules filled out by PDAI personnel seemed to show an even lower average holding.

In sort, the profile that emerges from the literature as well as from questioning in project areas is one of the small-holding system where

- 1) the majority of people own at least part of the land that they are cropping:
- 2) the largest landowners have holdings that are small in comparison to Latin American latifundios:
- 3) the amount of land controlled by the largest landowners is relatively small.

Five carreaux, for example, would be considered a substantial holding in either Thomazeau or Marigot or in the mountains above Aux Cayes. In these regions absentee owners control relatively little of the land. One estimate was made that as much as 30% of the land in the Marigot hinterland was owned by townspeople. Such an estimate was, in the opinion of others, exaggerated. I suspect that, if precise information were available, fewer than 25% of the sharecropped/rented gardens in these areas

would be found to have absentee owners. At least three out of four would be owned, rather, by cultivators who themselves crop other plots of ground. It is important to clarify the reason for emphasizing this point. Where he exists, the Haitian latifundista is no more virtuous nor no less a developmental problem than his counterpart elsewhere. What is being stated here is simply that an extremely small percentage of the Haitian peasants appear to fall under his control.

From a developmental perspective, this means that caution must be exercised in choosing interventions that suit the nature of the problem. Given the reality of Haitian peasant land tenure, Agrarian Reform campaigns with emphasis on land redistribution to the totally landless, so essential in other contexts, would benefit only a small minority of Haitian peasants. (The question of State land will be treated below). Given Haiti's New World location, there will be a tendency to analyze the roots of Haitian poverty with the same conceptual lenses applied to Latin America, dominated by the latifundio. Haiti's poverty, however, has grown despite the weak role of the latifundio in the rural Haitian economy and despite the presence of widespread land ownership by peasants. Wherever there is such widespread poverty, observers are well advised to be on the lookout for hidden beneficiaries. Yet analysts looking for a possible villain at the root of Haitian peasant poverty will probably have to find someone other than the private absentee landlord.

2. Patterns of intracommunity tenancy :

The absentee landlord may be a comparatively minor figure in Haiti. Nonetheless it must be recalled that between a quarter and a half of the plots in most researched or visited regions are being cropped under tenancy relationships. Who then are the landlords? Specific research carried out on the Cul-de-Sac Plain, general questioning made in the course of this project, and comments made by individuals working or researching in other parts of Haiti all seem to indicate that most, renting and sharecropping is done among members of the same social group--i. e. the peasants themselves.

Why would smallholding cultivators give out land to tenants? Despite widespread patterns of land ownership in most peasant communities, there are obvious land differentials. Either through inheritance or purchase there are individuals who acquire more land than they are able to exploit with their own labor (or that of their immediate family). The virtually total reliance on hand tools (especially hoes and picks) for groundbreaking activities reduces the amount an individual and his household can comfortably crop. (In the Plain of Aux Cayes, the use of

flows has become increasingly common. There are relatively few regions in Haiti, however, where land is prepared with the plow). Thus, paradoxically, even though Haitian peasant holding size is generally small in comparative perspective, even smallholding cultivators must secure extradomestic labor at certain times in the cropping cycle.

- Peasants rely on a combination of strategies, among which payment and exchange labor rank high in importance. But payment is generally made for only certain tasks; few peasants are willing to undertake the expense of financing an entire cropping cycle by wage payments. Exchange labor must eventually be returned--it is not really a solution to heavy labor needs.

In view of the constraints surrounding these two types of labor mobilizing strategy, very many Haitian peasants, especially perhaps as they grow older, resort to the strategies of giving out part of their land to tenants. My own questioning on the matter leads me to suspect that most cultivators with more than two carreaux of land will, in rural Haiti, almost certainly have tenants (either as sharecroppers or renters). Because of its expense and concomitant risks the use of wage labor, though becoming more common, is still, in the aggregate, a less important labor mobilizing strategy in rural Haiti than is the giving of land to tenants. Stated slightly differently, the status of rural landlord continues to be more important than the status of rural employer.

Even in the absence of hard data, then, one can tentatively state that a heavy majority of rented or sharecropped plots have owners who:

1. own fewer than five carreaux of land, and
2. are themselves cropping plots of ground

That is, though tenancy is now a very prominent element on the rural Haitian landscape, it is an intraclass variety.

It was suggested above that the absentee owner inclines more toward rental of land. The opposite appears to be the case with peasant landlords. The sharecropping option is more profitable to the landlord, and peasant landowners are close enough (and agriculturally skilled enough) to supervise carefully the goings-on on the plots of their tenants. Thus it is probably the case that they more frequently have sharecropping tenants, rather than renting tenants.

... was clearly the case in the Cul-de-Sac community where I did research. Virtually all tenancy there was intraclass--the absentee landlord was a minor figure. And virtually all tenancy was of the sharecropping type. The person who shared land out with a tenant is viewed as being in a position of strength. In contrast one rented land out only if one had a domestic emergency of some sort; it was only a slightly less unfavorable move than actually selling a plot of ground. Impressions gleaned in other parts of Haiti seem to support at least a slight predilection on the part of Haitian peasant landlords for sharecropping rather than rental arrangements.

As was mentioned earlier, the terms of the arrangement differ in different regions. But even within a region, there may be differences:

1. By kinship. Relatives are expected to give a smaller share--e.g. a third, rather than a half--than are non relatives.

2. By crop. In Aux Cayes, for example, it was reported that the tenant planting labor-demanding or risky grains would give the landlord only a third, rather than a half, of the harvest.

The intraclass nature of most Haitian peasant tenancy has important developmental implications. As suggested above, where sharecropping is principally a matter of absentee landlords, governments can turn to the issue of Agrarian Reform in the sense generally meant throughout Latin America. In rural Haiti, however, the landlord class occupies a different slot. In both Marigot and Thomazeau the landlord is frequently the father of the tenant. And in both places it is not uncommon to find a person working as a tenant on one plot and giving out land as a landlord on another plot. Thus, whereas a substantial percentage of cropped land falls under sharecropping or rental, policies of publicly instituted land distribution appear to make less sense throughout much of Haiti than in areas dominated by the traditional latifundium. I have yet to see a convincing discussion of the developmental implications of intraclass tenancy. Such a discussion might be an immediate task for those involved in development activities in Haiti.

IV. THE QUESTION OF STATE LANDS:

A. Empirical Ambiguities in State Holdings :

The preceding pages have discussed 14 of the 16 tenure modes presented earlier in Figure 1. The final two categories of plots--those leased directly from the State and those subleased by a small cultivator

from a more powerful figure who has leased the land from the State--constitute an enigma.

There is contradictory evidence concerning State lands (cf. Zuvekas 1978:88-90). On the one hand the only valid assumption is that the State is the largest single landowner in the country. From the founding of the Republic in 1804, all lands for which valid documentation could not be presented were declared to be property of the State. Despite the subsequent granting and selling of much public land, the State must continue to be the owner of enormous tracts of land in different parts of the Republic.

On the other hand, however, most specific pieces of research appear to allude to the absence or unimportance of State lands in the particular communities studied. Furthermore, national census data indicates that fewer than 5% of the nation's cultivators call themselves fermiers de l'Etat and fewer than 5% of a national sample of plots surveyed fell into this category (Zuvekas 1978:77,79).

If as we suspect the State has so much land, why are there so few renters from the State? Several possibilities suggest themselves.

1. State lands may be in general uncultivated, and would thus not have appeared in the census. This is quite likely.

2. State lands may be occupied by squatters, rather than renters. Though this may be true in some cases, we would then have to assume that large masses of squatters were either not enumerated or were falsely enumerated as "proprietors" (the largest category that emerged in the census). Neither of these seems likely. (Squatting will be further discussed below) See .

3. State lands may be leased in huge tracts. That is, enormous quantities of land may be involved, but they entail a small number of renters and a small number of "plots". This possibility is very likely, and in fact evidence emerged in Aux Cayes that large tracts of state land may be under the control of a small number of "renters." The person renting a huge tract of land from the State would still emerge in a census as merely one "fermier de l'Etat."

B. State Land as a Source of Public Revenue: Historical Precedents :

From the earliest days of the Republic the State has been extremely interested in her landholdings. Earlier governments used land to gene-

rate revenue available from no other source. At least three strategies were used.

1. National Land Grants :

Lacking revenues to pay the army, early 19th century governments began making large land grants to officers. Eventually privates in the army and other types of civil servants also were included in the grants. Though this strategy generated no new revenues, it acted as a substitute for cash that would otherwise have had to be disbursed.

2. Conditional Concessions :

A great deal of state income has always depended on taxes charged on the exportation of the major cash crops. In the 1880's a law was passed making conditional grants of land from 3 to 5 carreaux to any smallholder who would plant at least three quarters of the land in one or another of the listed cash crops. Within a four or five year period, the cultivator who had fulfilled the conditions and who had harvested cash crops would receive a permanent title to the land. Only some 800 cultivators applied. The arrangement entailed a preliminary survey of the grant at the cultivator's expense. This expense, plus general mistrust that the permanent land titles would ever materialize, served to kill the scheme.

3. Land Sales :

Though the Conditional Concessions were to fail, the use of National Land Grants had been a success. The grantees to a large degree began selling off their grants to smallholding cultivators. Impressed by the evidence of such a land market, the government itself began selling off its land, first in the form of large tracts, and then in increasingly smaller portions to peasants eager to legalize their tenure at the low prices for which land was then selling. Many contemporary holdings are descendants of these purchases from the government, or of purchases from earlier mentioned recipients of National Land Grants.

C. From Sale to Rental: A Revised Strategy :

By the turn of the century, the alienation of State land appears to have ceased. During the American Occupation, a reverse trend had in fact set in, as the State began increasing its holdings through expropriation of occupants, generally small cultivators. Laws had long ago been passed removing State land from the prescription laws granting squatters rights

to land after 20 years of occupancy. Government officials, frequently encouraged by would-be renters of land occupied by others, began challenging numerous titles, bringing the challenged land under State jurisdiction, and renting the land out to other individuals, whose initiative in many cases had instigated government intervention to start with. So serious had this situation become that the Haitian Senate succeeded in passing a law in the early 30's restricting the activities of government officials in this domain. (See Renaud 1934 for information on these matters).

The details of these governmentally initiated expropriations are lost in yet unresearched history. But the matter is of great importance in the context of current developmental plans. The switch from willing alienation of land to policies of land expropriation and intensified renting on the part of the State was quite possibly related to other economic changes that were beginning to occur in Haiti as the result of increased external involvements of which the American Occupation was a prime manifestation and cause. If these "developmental" waves triggered off public-sector/private-sector collusions and expropriations in the past, history is not adverse to repeating itself.

The visit to Aux Cayes made in connection with this report turned up evidence that, though State initiated evictions have apparently long ago ceased, there are still patterns of comfortable collusion between officials responsible for renting out the land and townspeople eager to become "tenants". Informants indicated that perhaps thirty to forty percent of the land in the Artibonite Watershed (especially in the higher subcatchments) is State land. Most of this land is rented, however, not to smallholding peasants, but to townsmen and larger landholders. A flat rate of about US\$5.00 per carreau per year is charged. These individuals in turn rent it out to peasants at prices anywhere from three to eight times the rental price they themselves are paying. In short, a totally parasitic class of "intermediary landlords" appears to have wedged itself into the niche of State landholdings.

Two justifications were heard for the arrangement, both of them rather lame. The first one states that there is a minimum size to the land that the State will rent out, and that the smallholding peasant cannot handle that much land. Since the minimum was reported to be one carreau however, and since the peasant pays the landlord much more than one carreau would cost, the argument seems weak. The second justification for the higher prices runs something like this. The townsman has to rent out entire hillsides at a flat rate of five dollars per carreau. He has to take uncultivable as well as cultivable stretches. The higher prices

which he charges to the peasants are merely to cover up for the agriculturally marginal stretches which he had to rent but from which he will get no income. One can be excused for suspecting the validity of this version as well.

The existence of this subleasing pattern creates problems of several types. The tenure of the cultivators to the plot is doubly weak: they depend not only on the will of the intermediary landlord but also on the decisions of the government officials who first lease the land to a particular individual. One suspects that the rents paid by the sublessors may be even higher than that paid by renters from a true private owner. The intermediary landlord may raise prices to cover his own investment in the five dollars per carreau paid to the State. And finally, even from an information point of view, the cultivators subleasing from an individual may describe themselves as "renters from a private individual" rather than "renters from the State." This causes an underestimation of the extent of State holdings, even when specific quantitative data is sought via surveys.

The entire question of State lands remains an issue on which information is scarce. In this case the absence of precise information may be due less to the absence of inquiry than to the presence of strong local interests best served by discrete non-information. Rents for State land are paid in the local Bureau de Contributions, and it is the local Bureau de Contributions that published the (misnamed) "Cadastrés" containing the names of the renters of State land in a given region. We can suspect that the lists contain a great deal of fiction, both in terms of quantity and prices involved. There is probably nobody in the system, either locally or in Port-au-Prince, who really knows the extent of State holdings and the amount of income actually generated by the rental thereof. And there is quite likely an unspoken agreement among individuals in different offices not to ask questions or pry in any other way.

It is unlikely that any foreign-assistance agency could undertake a rapid national-level exposé of what is occurring in the domain of State lands. Such a study would take time and firm support from the highest levels of the Haitian government. In the meantime, however, it might be easier to marshal institutional support (or acquiescence) to a localized clarification of the situation in one or two areas targeted for program intervention. The findings emerging from such a micro-study might cast insight into what would probably be found to be occurring in other regions as well.

But in any case the unresolved questions surrounding State land and the challenge of exploring this mystery-ridden topic should not be permitted to give the matter inflated importance. It is still important to recall that only a tiny minority of Haitian peasants--perhaps no more than 10%--appear to be involved in State land. If suddenly enormous tracts of unoccupied State land were opened up for resettlement, perhaps some local cases of land pressure could be alleviated. But for the vast majority of peasant communities, solutions will have to be sought in terms of the reality of the scattered, privately owned minifundia which are the true backbone of the rural Haitian economy.

V. THE QUESTION OF DEEDS :

Many observers would put the word "owned" in quotes, when dealing with Haitian peasant holdings. The final question to be discussed here concerns the matter of land titles, a topic which up till now has been purposefully avoided.

A. Contradictory Evidence: Proprietors or Squatters :

In an interview with a Port-au-Prince lawyer we were given the following version of the evolution of Haitian peasant landholdings. The version is fundamentally false, but it is worth reporting.

1. most legal land claims in Haiti today are those that can be traced back to the French colonial period;
2. most rural Haitian families today cannot trace back their claims to any valid piece of paper;
3. there rural Haitian families who do have valid titles have generally obtained them through the process of adverse possession--i.e., the application of twenty years "squatters' rights" laws.

The informal inheritance subdivisions which sibling groups make among themselves would thus be mere community fictions. If this position is correct, there are no legally valid pieces of paper in the history of most rural Haitian landholdings which would carry any weight in a court of law. In this version of events the Haitian peasant is depicted as a de-facto squatter.

This position appears to accord well with frequent references made in the literature and by knowledgeable observers concerning the fundamental land-tenure insecurity which has undermined the ultimate posi-

tion of the Haitian peasant from the earliest days of the Republic. Though the census depicts him as a smallholding proprietaire, in a much stronger position than his landless Latin American counterpart, in fact his tenure security, not backed by legally valid documents, may be a paper castle which could easily come tumbling to the ground.

This position, however, convincing as it seems, simply does not accord with what certain Haitian government officials have maintained and what one observes and hears in the field. In recent months it was reported that government officials assured inquiring advisers that in fact most land in Haiti is covered by legalized deeds. In my own inquiries, in three regions of the country, both among peasants and among notaries and town officials, I have asked, in as depersonalized, generalized, and non-threatening a fashion as possible, if any people in the particular region were cropping land that was not covered by deeds. Both notables and peasants found it hard to see how any such illegal occupation of land could take place. A frequent response to such a suggestion is "M pa konn si pou lot rejyon, m an isit tout te gin pyes-li." (I don't know about other regions, but around here every piece of land has its deed). This position merely reinforced what had been learned about the village where I had done some two years of fieldwork.

There is clearly a contradiction here, a contradiction whose definitive resolution will entail more investigation. But even with present knowledge I believe it is possible to come to a closer approximation to reality than the erroneous position taken by the above mentioned Port-au-Prince lawyer.

B. Mystery of the Hidden "Master Deeds" :

The version of the Port-au-Prince lawyer betrayed ignorance of the thousands of massive land grants and land sales that were made in the nineteenth century by the Haitian government itself, transactions which transferred an unknown but substantial percentage of the national territory into private hands. If most of the grants were made to military personnel and civilian officials, most of the sales were to smallholding cultivators. The initial grants and purchases were regularly surveyed and deeded. Furthermore, subsequent purchases were made, and the evidence is that most of these were also in those days surveyed and deeded. That is, the nineteenth century witnessed a flurry of land transacting and land registering, a process which resulted in the issuing of thousands (perhaps tens of thousands?) of legally surveyed and notarized land titles, most of them to Haitian peasants.

Beginning with this above-mentioned fact, it now becomes possible to distinguish the phenomenon of deedlessness from the quite different phenomenon of squatting--two phenomena which outside observers may erroneously equate. The descendants of these early land purchasers, for reasons described earlier in this report, ceased resorting to surveyors, either for inheritance subdivisions or for land purchases. In terms of inheritance subdivisions, siblings began using the informal methods described earlier, but had the security of the master-deed--the gran pyes--acquired by their parent (or grandparent). The individual sibling now no longer had a separate deed for his particular plot. But his right to occupy the land was fully secured by the presence of his parent's (or grandparent's) name on the old deed, kept by an older male relative. That is, though his plot has no separate deed, his social and legal position has little in common with the position of the squatter.

A question that immediately arises is: does the Haitian government recognize the land rights of a person whose plot has no separate deed but whose parent took out a (still extant) deed to the bloc of land of which the plot is a part? The answer is: definitely yes. So secure is the tenure of such a person that other peasants will quite willingly lay out hundreds of dollars to purchase the plot. There must be a master deed; few peasants are foolish enough to spend money on a plot of ground for which the buyer can produce no gran pyes from somewhere in his kin group. But given this master deed, the community-witnessed informal subdivisions take on the force of law and have been so treated in Haitian courts, which have permitted the sale of these informally subdivided plots. The conclusion must be repeated: the absence of a separate deed for a particular plot or for a particular holding is no sure sign that the tenure of the occupant is insecure. The thousands of gran-pyes, or the tens-of-thousands of notarized records of land purchases of plots covered by gran pyes, appear to have provided a satisfactory degree of security for most of those plots that are in fact so covered.

But the next logical question is somewhat difficult to answer reliably. To what degree do these master deeds truly exist? Granted that some families have them. Is this true of most families? To what degree, rather, might they not be collective fictions? That is, no peasant in his right mind will tell an inquiring outsider, no, we don't have deeds in our family. Have enough of these master deeds really been seen to assure us that in fact peasant communities are not for the most part de facto squatters? Might they not be either nonexistent or destroyed by the elements?

As for the latter problem--destruction of deeds--I can unfortunately speak only about the one community in the Cul-de-Sac Plain where I did extended research. No peasant kin-group in this community will let a deed rot without taking action. If it begins to tear seriously or it is destroyed by one of the floods that happens every decade or so, a copy will immediately be made from the master copy which is in official archives.

With respect to the question of the very existence of the deeds, there are at least two sources of indirect evidence that total deedlessness is rare.

a. Frequency of land purchases : In the community where I lived, quantitative data revealed that most peasants eventually get involved in land transacting, and the same appeared to be true when villagers in other parts of the country were queried. But buyers of land, as well as most notaries, expect the seller to come with a deed to the notary's office on the day of the transaction. Most come with a master deed. Land transacting plays a central role in the lives of peasant communities. But master deeds play a central role in the process of land transacting itself. The deeds are probably there.

b. Problem of conflicting deeds : Anecdotal evidence, which would undoubtedly be supported by precise research, indicates that it is more common for legal disputes over land to involve the problem of competing deeds rather than the total absence of deeds on the part of litigants. One comes away from tribunals with the impression that the land in rural Haiti is overdeeded rather than deedless. This situation creates its own types of insecurity. But in terms of the specific question being pursued here, it appears that someone out there has some pretty convincing master deeds.

This evidence, nonetheless, is still indirect. As for actually seeing these deeds, I personally have seen some but not many. To insist on actually seeing a family deed is generally a threatening demand which, even if complied with, could give rise to fears and suspicions about the researcher's true intentions. I know of no researcher who has attempted to see a representative sample of deeds in any community. In a research proposal handed in simultaneously with this report, I recommend that the time has come to attempt such a feat in at least one region targeted for USAID funded project intervention. But at present the extent of the master deeds remains an open question. There is no doubt that some of them exist. There is further, no doubt that the prevailing belief in the rural areas among peasants themselves is that virtually all land is co-

vered by valid master deeds. For reasons stated above, I see no reason to assume that the belief is either mistaken or contrived, but it would be most useful to have proof of this in at least a few communities.

VI. CONCLUSIONS:

This report has given a descriptive overview of certain types of land tenure dynamics in rural Haiti. The concluding pages will, on the basis of the information presented, address themselves directly to the major policy issues which motivated the research. The issues will be phrased in the form of questions which have been put to me in the course of my work.

1. Does land insecurity exist in rural Haiti? :

Discussions of insecurity will proceed more smoothly if a distinction is made between the perceptions people have about the strength of their tenure and the actual likelihood that land will be lost. People may feel very secure, but in actuality be in danger. The converse may also be true. Questions should be reformulated to distinguish between these two interpretations of the term "insecurity."

2. Do peasants in traditional communities perceive as insecure the access they have to the land they are cropping? :

The preceding pages have outlined a rather complex land tenure situation consisting of a large number of possible tenure relations between the individual and the plots he is cropping. The peasants' perception of security appears to depend on the manner in which the peasant has gained access to the plot.

The highest sense of security will be on those plots for which the peasant has a separate piece of paper. It is now rare for inheritance subdivisions to result in separately deeded plots. The few deeds taken out are generally taken out for recently purchased plots. And in every purchased plot the buyer will secure at least a notary's written declaration. For this reason peasants described purchased plots as being their securest possessions.

Next in line are those inherited plots which the person receives through an informal subdivision with the rest of his siblings, on land for which there is either a master deed or a notary's declaration of purchase. Though the individual's smaller plot has no separate piece of paper, his access to the land is guaranteed both by the larger deed

and by the public agreement among siblings, generally witnessed of other community members, to take separate plots. The individual generally fears few complications with these plots though, as will be indicated, it may be slightly harder to sell these plots to an outsider than if he did have a separate deed.

The degree of the peasant's sense of security toward a permanently but informally divided plot will depend, of course, on whether there is actually a master deed somewhere in the family. As was suggested above, many families do have these master deeds, and the family members give every evidence of feeling secure about their land. But as was also suggested, development planners have the right, and perhaps the obligation, to maintain a skepticism until more positive proof is given, in at least some sample communities, that these master deeds do in fact exist on a large scale.

Even with master deeds in the family, however, less security will be felt by individuals holding a plot under categories 3 and 4 on Figure 1 (see p. 9-10), i.e. plots temporarily loaned by parents and plots cropped on a rotating basis. Finally we can suspect that most plots being held under one or another of the listed sharecropping or rental arrangements will be perceived as being held somewhat insecurely. The peasant may know that the terms of the landlord/tenant agreement will be honored for a particular cropping cycle. But there is no guarantee that he will continue to have access to the plot for future cropping cycles.

In short, even when the system functions "normally" and without conflict, certain tenure relations have a built in insecurity about them.

3. Does the Haitian peasant generally fear outside manipulation of the system that could lead to partial or total expropriation? :

It is generally poor procedure to attempt generalizations concerning the perceptions and fears of an entire peasant sector. Nonetheless some position needs to be taken on the increasingly common assumptions being made concerning the perpetual fear and trembling that presumably takes place in peasant huts at the thought of approaching evictors accompanied by the local chef de section. Some fuel to this image is given by peddlers of radical-chic caricatures catering to the demand for cartoons in which fear-ridden peasants plead, hat in hand, with obese urban expropriators. But others, with firsthand experience in peasant villages, know that such scenes have in fact been enacted with depressing regularity in different parts of the world. There have been confirmed reports of expropriations in Haiti. As mentioned earlier, the government itself in the

late 20's had expropriated enough smallholders as to trigger off a reaction in the Haitian Senate. More recent reports involve maneuvers by larger landowners, maneuvers which, righteningly, were triggered off by land improvements of the type now being considered by USAID. (Irrigation in the Artibonite is perhaps the classic local example).

Possible countermeasures will be discussed below. At issue now is the general question: has the Haitian peasant been subjected to so many threats or so many outright expropriations as to create an atmosphere of fear and make unlikely from the start any participation in land improvement projects? The tentative answer must be no. Most observers who have had extended firsthand contact with Haitian peasants would probably agree that the average peasant goes on the working assumption that plots which he has purchased, or inherited plots which have been allocated to him by the agreement of his siblings, are in general felt to be securely his. To depict him as living in constant trembling would, I believe, be inaccurate and would border on an irresponsible capitulation to stereotypes of terrified peasants. In contrast to his counterpart across the Dominican border, I have found the Haitian peasant to be singularly untrembling and unbowing. He is alert to the dangers of possible encroachers--the major threat, as I have indicated, being generally posed by his own kin. But this alertness is maintained without elements of paralyzing fear. For "landowning" peasants, in most Haitian communities, reluctance to participate in projects will generally be a product of considerations other than those of land tenure insecurity.

4. Will land tenure considerations influence participation specifically in erosion control and irrigation projects? :

It has been hypothesized by several observers that the failure of peasants to participate in the construction or maintenance of erosion control structures is related to a perception that the advantages of such projects will accrue to others because of their insecure tenure situation. Because erosion control projects should be at the top of any well-planned priority list of needed interventions in Haiti, this hypothesis needs immediate attention.

On the basis of observations and interviews in the Acul watershed I feel compelled to propose, at least tentatively, another view of the matter. The obstacles which erosion control projects are encountering in the Acul watershed appear to be caused less by land tenure insecurities than by simple short-term cost/benefit calculations which the farmers appear to be making. The trees and retaining walls currently being raised will, in short term perspective, contribute little if anything to

annual domestic income, may in fact temporarily reduce the productivity of the land. (The payment of wages, of course, injects a new economic input into the calculus. For a detailed discussion of these matters in the context of a USAID-supported project, see Murray 1973). The impression is that even peasants with fully legalized deeds would have to be forced at machete point (or paid a decent daily wage) to sustain participation in at least some of the erosion control projects. Difficulties in the current project, and perhaps failures in past erosion control projects may be due more short-term economic calculation than to fear of long term tenure jeopardies. That is, we should avoid the pitfall of using "land tenure insecurities" as a whipping-boy to mask shortcomings in program planning, more specifically the failure to carry out simple plot-by-plot cost/benefit analyses from the point of view of peasant participants in the projects.

But there are other projects--especially the restoration and extension of irrigation systems--which would bring immediate and dramatic payoffs to participating landowners. It is important in the case of such projects to discuss the probable impacts of the project on local land tenure.

The person with a deed to his plot (or plots), or the person with a notary's declaration of a purchase, will feel eminently secure and most willing to participate in the construction and maintenance of irrigation projects. He will tend to view it as the "State's" project, it is true, but the news of irrigation restoration will be received as extremely positive and individuals will probably cooperate to the fullest. That is, nobody with a piece of paper to a plot will say, let's not do irrigation because it would be dangerous to so increase the value of the land. In all lowland areas visited, there is a clear willingness to participate in irrigation projects. In the Thomazcau area, one gets the impression that the peasants might be reluctant to do voluntarily anything else that doesn't address itself to this first need.

What about the feeling of security toward plots for which the cultivator has no separate piece of paper? There are two types here: the sharecropping or renting tenant, and the owner of a plot of inheritance land informally subdivided.

With respect to the latter arrangement, if the informal subdivision of land has been made in a public fashion, using community witnesses, the proprietor will feel a sense of security toward the plot and will treat it much as though he had a separate piece of paper for it. As has been indicated above, he can even sell it, though he would have somewhat

more difficulty selling it to an outsider than if he had a separate deed. But the point is that the informal nature of inheritance subdivisions does not in itself create feelings of insecurity toward plots of ground so subdivided. We could expect the cropper of an informally subdivided plot to react as positively to the advent of irrigation improvement as the possessor of a deed.

Some reservations may be in order. If the subdivision were made before plans for irrigation improvement had been made known, and the plot of one sibling will benefit, but the plots of other siblings by chance are not slated for improvement, there will undoubtedly be resentment and jealousy of the sibling who "lucked out." It is conceivable that the other siblings could then begin challenging the division to which they had formerly agreed. Since the subdivision was not validated by deeds, could they not have their say?

I have never heard of this happening and suspect that local courts would support the validity of the community witnessed subdivision. But this is speculation and the situation should be carefully monitored. Equally precarious is the situation on plots which siblings have not subdivided but are cropping on a rotating basis. Because of the insecurities of these matters, it is critical to have much more detailed information on the specific tenure arrangements prevailing on the plots to be affected by project intervention.

5. Will sharecroppers or renters be reluctant to participate in irrigation projects?

The insecurities discussed above revolve around intrafamilial dynamics. But I have also pointed out that there is a great deal of sharecropping and renting in rural Haiti, with some evidence pointing to a greater use of these tenure modes on lowland plots. Will the improvement of irrigation facilities jeopardize the interests of the tenants? The question is written tongue in cheek. What appears to be a perfectly natural question from the perspective of a planning desk would strike most peasants as quite ingenuous. The shortage of water on a plot is as devastating to the interests of the tenant as it is to the landlord. The sharecropper would in general much rather work a plot of irrigated ground than a dry plot.

The tenant's interests could be negatively affected in two ways: rent increases or eviction. As for rent increases it should be recalled that most landlords are themselves local peasants. Peasant landlords who currently collect only a third of the harvest because of the

riskiness of certain cash-cropping grains may, with more secure irrigation facilities, begin collecting half. (In the absence of local precedents, it is unlikely that landlords would start collecting more than half). And of course the annual rent payment for a securely irrigated plot will be higher than that of a dry plot. But it seems certain that, if the tenant remains on the land, the increases in income from irrigation will far offset any rises in rent.

In sum, discussion becomes clearer when a distinction is made between upland watershed erosion control projects, which will not, in short term perspective dramatically raise the perceived value of land, and lowland irrigation projects, which most certainly will. In these latter projects we can expect tenants as well as landlords to receive the news of irrigation repair with enthusiasm.

6. Could tenants end up being evicted from the land as a result of irrigation improvement? :

The benefits to tenants discussed above presuppose their continual access to the plots they have been cropping. There are less favorable outcomes that are also possible, however.

In the case of peasant landlords, it is unlikely that the tenant will be arbitrarily replaced by another tenant merely because of irrigation. What could happen is that, with a general increase in the flow of cash, more and more peasant landlords exploit their holdings via wage labor rather than through farming the land out to tenants. In this case, the tenant might switch from the category of cultivator to wage laborer. Most cultivators would consider this a negative, if not disastrous, outcome for themselves. It is not demeaning to be a sharecropper; it is somewhat demeaning, however, to be reduced to the status of a wage laborer on some neighbor's garden.

In this sense there is a paradoxical gap between the vision of a Haitian peasant and that of an economic planner. Most planners would probably view an increase of wage labor opportunities as a positive project outcome. The peasants would view it similarly only if it did not entail for them a loss of access to currently essential sharecropping or renting ground.

The likelihood of a widespread conversion from sharing out land to hiring only wage laborers is, in the case of peasant landlords, probably small. What may happen is the following. Many peasants who current-

ly depend on exchange labor for some aspects of the cropping cycle on their own gardens may rely more and more on paying people for those tasks. It is probably not as likely, however, that most peasants will undertake on a large scale the total cultivation of gardens--from ground clearing to harvest--only using wage laborers. They will probably continue to rely on the use of tenants. The rents will increase, but the eviction of tenants and their conversion into wage laborers will probably be resisted for a long period of time.

7. Will outsiders begin gaining access to local land? :

The preceding discussion assumed that most of the land in the area belonged to smallholding peasants who were using other peasants, as is commonly done, as tenants on part of their land. What if the landowners are themselves well to do non-peasants? Will they begin evicting tenants and turning to more highly capitalized forms of land exploitation?

Given the fact that so very much of the land in rural Haiti is in the hands of smallholding cultivators, I would consider it a poor decision and a tragic mistake for USAID to finance irrigation projects in areas where, right from the start, the beneficiaries are large landowners who already possess the land. There will be various sorts of pressures and maneuvers on the part of interested landowners to funnel developmental aid onto their own land, of course. But for purposes of this discussion, we can hopefully assume that USAID has not stumbled into the financing of improvements on the land of the rich.

What may happen, however, is that once an irrigation system has been restored, outsiders will begin maneuvering to gain access to land that was not formerly theirs. That is, even though projects are completed on the lands of smallholders, outsiders will start maneuvering for possession. In fact such movements are already in process, on small scale, in both the Thomazeau and Marigot areas. For years a well known doctor in Port-au-Prince has been involved in land litigation near l'E-tang Saumatre. This individual has already managed to secure some thirty carreaux of land. As of yet he is the only outsider who has managed to buy into the region. But there is a small clique of Thomazeau residents (outsiders but former occupants of important political positions in the town) who are attempting to secure a niche as intermediaries between outsiders and local land. The movement appears to have been brought under control by counteractions from powerful local kin groups now in positions of political power. But the existence of this process should sensitize would be benefactors of these regions to the possibility that plans could backfire and land could possibly end up in the hands of powerful outsi-

dars. Reportedly the motivation for the urban doctor's interest in Thomazeau land was inside information he had received on earlier developmental plans that had been laid out for the area.

Such maneuvering has already occurred in the Artibonite as well. There is little question that it will also occur in the case of USAID funded projects. It is less likely to occur in the case of upland watershed restoration, where improvements on the land do not, in short term perspective, dramatically increase its value. The restoration of irrigation systems, in contrast, could bring about unintended and perhaps catastrophic results from the point of view of the peasants.

It would seem that the task is not to discuss whether outsiders would begin maneuvering. Let us assume rather that such maneuvering will take place and attempt to predict the forms it will take and to erect safeguards that protect the interest of the smallholder.

One strategy that was used in the past (and discussed above) is the instigation by a private party of governmental probes into the tenure status of a piece of ground. If the owner cannot prove his title, the plot reverts to State domain. It will then be rented at a low price to the instigator of the investigation, who will then sublease it and may then end up in a landlord relation to the former occupants of the land. In view of protective legislation that was passed in the 30's and in view of governmental participation in projects that are being discussed here, this particular maneuver does not seem very likely.

Of much more concern is the problem of the fabrication of competing deeds. We can assume that the condition of deedlessness will not be an issue in the irrigated regions slated for PDAI intervention. Every square meter of ground will be covered by deeds. The problem will be with tracts that suddenly have two or more deeds covering them. The problem will further be complicated that the claims of many peasants will be supported by notary's declarations of purchases. These were presumably issued on the basis of a deed presented to the notary by the seller. But litigation then involves verifying the deed of a person who no longer has any interest in the land.

This type of land litigation has occurred in the past and will undoubtedly tend to occur. Yet I would venture to say that looking at peasants cross-culturally for every plot of ground that is lost to a powerful outsider via this type of litigation, there may be nine plots that are lost via the channel of ordinary land sale. That is, the powerful outsiders can be expected to rely much more frequently on the use of

purchase than on the costly and less secure fabrication of competing deeds. The most serious danger, then, is that large numbers of small-holding peasants will lose access to land, not through eviction, but through voluntary sales to outsiders under the inducements of high prices that local kinsmen or neighbors cannot afford to pay. The would-be purchasers can be counted on to use every form of pressure possible, including hints that maybe the owner's deeds wouldn't stand up in a court of law, so why not sell while at least some good money can be made from the plot of ground. If the farmer is at all insecure about his tenure position, the tendency to sell will be higher. I believe that of all the land insecurities facing the peasant, this is probably the most serious. That is, the serious dangers hinge less around land tenure insecurity itself than around the structural weakness of the smallholder's position which induce even legal owners to sell their land.

8. Should USAID actively attempt to become involved in the course of these land-related dynamics in project areas? :

The dynamics discussed above involve land-grabbing behavior, and the beneficiaries of land-grabs in more than one country have resisted with patriotic fervor any attempts by foreign agencies to infringe on their sovereign rights to fleece peasants. USAID can expect resistance, not only against attempts to influence the course of land tenure events, but even against efforts to gather simple information on who is doing what to whom. If resistance comes, it will of course come not from the DANRDR administrators and technicians whose commitments to the well being of Haitian peasants are deeper than is possible even to well meaning foreigners. It may come rather from private interests who may have other pipelines into the sources of local power.

It could be argued that USAID has not only a right, but also a public obligation, to follow up on the consequences of important projects to which it has given financial and technical support. In Haiti, this means without question an involvement in land tenure matters.

The first level of involvement is simply informational. The mission could take steps to inform itself not only about land tenure dynamics in general, but about the specific tenure conditions prevailing in communities affected by USAID projects. Recommendations along these lines will be made in a separate report.

In terms of intervention, as opposed to simple information, it is my belief that USAID should probably not undertake at once national level reforms or exposés, but should rather communicate to competent GOH

officials its concerns for the land drama in those specific communities affected by USAID project funding. Grass-roots interventions will be easier to undertake to the degree that they are localized and thus affect fewer higher level interests. National level reforms would be more desirable, of course. But one suspects that the options for land tenure activity open to USAID at present are to do nothing or to undertake small local interventions with higher level support.

9. Should attempts be made to facilitate the process of acquiring legal title for each plot of ground? :

If the absence of deeds is a major source of insecurity, would not the facilitation of deeds be a major service to the Haitian peasants? This would entail making available an inexpensive (or gratis) surveying and deeding procedure that would endow every inheritor or purchaser of a plot with a bona fide deed to the plot.

Paradoxically, I believe this would be an unwise move. In the first place, one only has to see stretches broken up into hundreds of tiny plots to sense the impracticality of institutionalizing formal survey procedures for each and every plot.

But there is a much more important consideration that should be discussed. An individual who receives a plot of ground in the process of an informal but publicly witnessed subdivision made by consenting siblings is insecure only if there is no parental or ancestral master deed in the family. If there is such a deed, the individual is secure on the plot of ground, despite the absence of a plot-specific deed.

The plot-specific deed, on the contrary, makes him extremely vulnerable to another peril, the danger discussed earlier of selling off his plot of ground to outsiders. We have seen that law and custom oblige a landowner to offer right of first refusal to relatives if he wishes to sell a plot of ground. But this admonition is particularly strong for these plots of inheritance ground that are part of larger blocs covered by a single deed. Kin will resist the sale of such land to outsiders. It is in this sense that peasants may say that they are truly owners only of the plots that they purchase. Because they have a separate piece of paper for these plots, they can henceforth transact them at will, with no need to consult with their kin first.

Inheritance land covered by one large deed, in contrast, can be more easily "kept in the family," even when a kingroup member has to sell a plot. Theoretically outsiders can simply offer a larger price. But

the kingroup has ways of making such external alienations at least more difficult, if not actually blocking them. A knowledgeable and concerned informant in Thomazeau explained that he was able to combat alienation of land to outsiders principally because his own kin group had not yet formally divided the land and those members who were beginning to capitulate to outside offers were able to be brought somewhat under the control of the kin group. The details of these maneuvers are not known, but the impression is convincing that communal tenure, far from jeopardizing the security of the individual cultivator, may in fact be latently functioning to prevent precipitous moves which would result in permanent alienation of valuable land.

In view of these patterns I feel it would be unwise for USAID to leap into well-intentioned efforts to document the legal possession of each and every single plots. There are safer ways to achieve the same purpose. One of them will be discussed below.

10. Should restrictions be encouraged against the sale of land in project areas? :

Another defense against alienation of land to outsiders might be the encouragement of restrictions against any sale of land within certain project areas.

Though this possibility has been suggested by some technicians, persons familiar with the economic organization of rural Haiti will see serious drawbacks to the scheme. As was pointed out earlier, most peasants depend of eventual land sales as essential elements in their holdings. The land is made available because people habitually sell off small plots of ground during their lifetimes to meet certain expenses that arise, principally around funerary matters. To legislatively freeze this process in an area would cut off a currently essential supply of land for aspiring younger peasants and to remove a currently essential supply of cash from the community at large.

11. What types of interventions might USAID consider in the domain of land tenure? :

The preceding two questions dealt with common-sense suggestions that should probably not be entertained. There are a number of moves which USAID could profitably consider.

a. Verification and validation of familial master deeds : A major pillar of the security of contemporary "proprietors" is the presence

of a master deed in the family. It would be most useful on an experimental pilot scale to begin exploring the possibilities of validating the master deeds in one project region. This would have the advantage of fortifying the position of all the members of the kin group whose land is covered by the deeds. And it would avoid the logistical difficulties of trying to survey each separate parcel and the above-discussed danger of facile alienation which such plot-by-plot titling might bring. The validation of the master deeds would be a strengthening of the security of peasants within the context of the present system. It would be a legitimization not only of the kin group's right to be there, but of the traditional communal ownership patterns which in their own way may have been acting as a latent protector of the land interests of peasant kin groups.

This should be done on a pilot basis. Not only would governmental collaboration have to be secured for this plan. But an attempt to break the mystery surrounding the master deeds could quite possibly give rise to all sorts of unanticipated intrafamilial and intracommunity land maneuvers in the communities where the plan was implemented. It is time to attempt some intervention, but we must be ready to alter plans immediately if seriously negative dynamics begin surfacing. If things go as planned, kin groups with validated master titles should enjoy a new sense of heightened security and look with trust on the intentions of the program planners. But if matters take a different course, planning should make immediate corrections. A small scale pilot program is the proper context for such probes.

It should be noted that such a validation of the master deeds will involve no new surveying in the normal course of events. It will merely entail searching in the community for titles covering blocs of land which have been surveyed long ago, and the validation and perhaps restoration of these titles.

b. Reinstituting prescription rights for kin groups whose master deeds cannot be found : Though this is very unlikely to happen on the lowlands, we must prepare for the eventuality of finding a kin group which cannot produce any document proving ownership of the land which it has been treating as its own. It would be most tragic if a kin group which had been enjoying secure access to its land were suddenly exposed by the probings of a project which had the intention of strengthening the security of the smallholders.

In such eventualities it would be useful to have the authority to grant a master deed by virtue of prescription rights written into Haitian law. We were informed by both a lawyer and a notary that neither

type of prescription rights--neither the 20 year or 10 year rights--are currently admitted in Haitian courts. It should be possible, at least in project regions, to revive these rights.

There are several possible types of occurrences, each of which could be covered.

(1) plots which were uncontested before the validation process and which remain uncontested.

(2) plots which were uncontested before the validation process but which become contested by outsiders during the process of project probing.

(3) plots which were uncontested before the validation process but which become contested by other local peasants as a result of project probing.

(4) plots which were contested before the arrival of the project.

Plots in category (1) present no problem. Hopefully most plots or blocs of land will fall into this category. The process of title validation will be smooth.

Plots in category (2) will also presumably present no problem. Outsiders who suddenly produce a deed for land that a peasant kin group has been farming for years would be discouraged from pushing their case. The cards would be stacked in favor of granting a master deed to the group who have been living and farming uncontested for more than ten years on a bloc of land. This card-stacking would protect local peasants against sudden encroachments by outsiders.

Categories (3) and (4), in which either peasants begin making claims to land which other peasants have been farming, or in which plots are already under litigation when the project begins, are somewhat more difficult to plan for at this point. Here it will suffice to say that special arrangements will have to be made for processing such cases.

It might be desirable to have the entire validation and conflict resolution process in the project areas transferred to the jurisdiction of the special Tribunal Terrien d'Haiti first created to deal with land conflicts in the Artibonite (cf. Thome 1978:4).

c. Encourage the concept of restricting land transactions to within community associations : An added measure for protecting against the voluntary alienation of land to outsiders would be to create a mechanism whereby, after the right of first refusal by a relative had been exercised, a person selling land would then have to offer it to someone in the Subcouncil or Groupment of which he is a member. This would avoid freezing the critical land circulation which local land transacting creates, and at the same time strengthen the identity of the local group. Presumably the groups would be composed of individuals owning or farming contiguous blocs of land. An effective implementation of this would create a situation in which land that is not kept in the family is at least kept in the local group. The concept of right of first refusal by family members should not be tampered with, as it is one of the most important foundations to the modicum of security which the Haitian peasant has been able to carve out.

d. Encourage the elimination of absentee renters of State land : There seems to be no justification for permitting a small number of wealthier individuals to establish quasi-permanent dibs on the rental of State land which they will subsequently sublease to peasants at higher prices. It is unlikely that this abuse can be attacked at national level, but it might be feasible to do so in the context of localized project areas, such as the Acul Watershed. If USAID could encourage the abolition of this practice in such regions, not only would rent burdens of thousands of cultivators be eased, but the way would be opened for new types of development projects on the land that has been thus released.

e. Initiate the design of policy relevant land tenure research : The mission has already performed an invaluable service by commissioning a thorough review of the literature on Haitian peasant land tenure (Zuvekas 1978:77-101). There is now need, however, for the immediate collection of primary data on specific land tenure arrangements in certain areas where projects are in progress or will soon be begun. Analysis of PDAI survey data (yet to be initiated) will throw some light on land tenure patterns in PDAI project regions, but ambiguities in the instrument and failure to incorporate certain questions means that on certain critical topics we will be just as much in the dark after analysis of survey results as before. Data collection should be much more modest in scope, not on the scale of the massive survey. But some more information on a number of topics will be needed.

In a separate report (Murray 1978b) I outline a possible first step in the collection of urgently needed primary data and suggest a number of other research projects which could be profitably undertaken

in the near future. Some of the topics are in line with research proposed in memos by William Sugrue and by Clarence Zuvekas (1978). Among the topics are :

- title security in areas of ongoing projects;
- the impact of past irrigation projects on land tenure arrangements (suggested areas: Artibonite and Bas Boen);
- land tenure correlates of successful and unsuccessful attempts at soil conservation;
- the mechanisms of expropriation which have been used in Haiti, and the general mechanisms of conflict resolution in land disputes.
- maneuvers surrounding the leasing and subleasing of State lands.

It will be useful to conclude by suggesting a modification in what appears to be the current institutional stance of the mission with respect to the gathering of primary data on land tenure (and other matters). Judging from the conduct of the PDAI survey, the mission's policy is to delegate total information gathering responsibility to host country counterpart institutions. As far as could be determined the mission made no direct inputs into the content or conduct of the critical baseline survey conducted by PDAI.

It is critical that the research capacity of counterpart institutions be strengthened, and the survey will hopefully have contributed to this objective. But the type of land tenure data desperately needed will call for innovative, professionally directed explorations into sensitive, hard-to-explore areas. Such research goes far beyond the mandate or logistical capacities of PDAI personnel, already overburdened with project tasks. The mission will have to make special arrangements if truly incisive information is to be gathered.

One option is to bring in consultants, either Haitian or foreign, to carry out research. A much more promising alternative, however, would be to have one or two permanent members of the mission assigned full time to the task of information gathering, grass-roots monitoring, and general trouble shooting with respect to the progress and impact of development projects. Not everyone in the mission need know the names of specific peasants, their land tenure condition, and their true

stance toward this or that development project. But it would certainly help professionalize operations if at least one or two people in the mission did know this and were assigned the full time role of systematically staying in touch with village level events.

There currently appears to be no institutional allowance for such a role. It strikes a researcher as unfortunate that though some sections of the Embassy appear to underwrite full-time information gathering roles, virtually all expatriate AID staff, in contrast, are designed other tasks incompatible with the serious pursuit of grass-roots project-relevant information. The creation of niches for at least one or two full-time gatherers of such information would be an important step in many senses. It would not only permit a more careful monitoring of actual field operations, to insure that assistance funds are truly reaching those target groups for whom they were slated; it would also permit more carefully supervised organization of research into important issues such as the land tenure ambiguities discussed in this report.

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