



Land Tenure Center
Country Experience in Land Issues

GUYANA

by

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1. INTRODUCTION

1.1. Geography

Guyana is situated on the northeast coast of South America in the Caribbean and is bordered by Venezuela to the west, Surinam to the East and Brazil to the south. With more than 400 km of Atlantic coastline, the territory extends from 1° to 9° Latitude and 57° to 61° Longitude.

1.2. Population

Guyana is a mainly rural and sparsely populated country. It has a total population of 770,000 (2001 Guyana Bureau of Statistics), on 215,000 sq. km of land. 90% of the population live on the narrow coastal strip and 20% live in the capital Georgetown. The people of Guyana come from diverse social and cultural backgrounds, with the population being comprised of three main ethnic groups: Indo-Guyanese (51%), Afro-Guyanese (42%) and Amerindians (6%).

1.3. Land

Its area of 215,000 square kilometers can broadly be divided into three physiographic regions: the coastal plain in the north, the (rain) forest spanning the central and southern regions and savannas in the southwest. The coastal plain is by far the most fertile, productive and populous of these regions.

1.4. Natural Resources & Economy

Agriculture is the single most important sector of the Guyanese economy. With rice and sugar as major export crops, agriculture is the major source of employment in Guyana and accounts for 28% of GDP. The mining sector accounts for some 15% of GDP, with gold and bauxite accounting for 40% of export earnings. Despite its considerable natural resources Guyana remains a poor Caribbean country, with a per capita income of US\$ 690.

2. PROFILE OF GUYANA LAND RESOURCES AND MAJOR LAND USE PATTERNS

2.1. Introduction

“Guyana has frequently been touted as the bread basket of the English-speaking Caribbean. This is mainly due to vast land area (approximately 216,000 km²), suitable climatic conditions, abundance of natural water resources, adequate topographic and pedographic characteristics, and the opportunity for the development of large-scale agricultural production systems.”
(Guyana National Development Strategy 1996)

Guyana is a large country with only a small population. Only a fraction of its land is populated and/or put to productive use, with the vast majority of the interior being uninhabited and uncultivated. Approximately 77 per cent of Guyana's land is comprised of forests, with a further 15 per cent being savannah lands. While Guyana's coastal plain accounts for just eight per cent of the national territory, it is also the most developed, agriculturally productive, and populous area, and so it is this region this report will focus.

2.2. Land Use

Fed by the nutrient rich rivers flowing from the interior, agricultural land on the coastal plain is in the main fertile and relatively good in supply. However, much of the coastal plain lies below sea level and its development, (indeed existence) has only been made possible by the construction of a sea wall and a system of dams and canals. These dams are positioned up to 10 miles from the sea and are designed to trap and hold back the water draining from the south. The complex system of canals irrigates and drains the entire coastal plain. This network of canals and drains, along with Guyana's numerous rivers and creeks, has determined the pattern of land development, which is orthogonal in relation to the coast.

Agricultural land on the coastal plain is dominated by two crops, rice and sugar, in which Guyana has a comparative (if not yet fully realized) advantage. Cultivation of these crops is currently undertaken at two scales of operation. On the one hand, there is estate agriculture, most notably the large sugar estates managed by the parastatal, GUYSUCO, and the larger rice producing units. On the other hand are the smallholder producers, a majority of whom cultivate less than 20 acres. There are relatively few medium scale operations.

2.2.1. Rice

The production of rice expanded rapidly during the 1990's in response to the Economic Reform Programme. The cultivated acreage of rice land roughly doubled between 1991 and 1997 and today occupies approximately 190,000 acres (*source; SES*). Excluding the sugar estates run by the parastatal GUYSUCO, rice land accounts for just less than 90 per cent of the land under cultivation on the coastal plain. Rice is entirely grown by private farmers and is the principal crop for a large majority (68 percent) of the estimated 11,000 farm households (*source; SES*). The value of most agricultural land is directly linked to the profitability of rice production. Although there are some large rice farms, the majority are small, being approximately 15 acres or less.

2.2.2. Sugar & Other Crops

Sugar in Guyana is produced mainly by GUYSUCO, although some private farmers supply the Corporation with cane under contract. As was the case with rice, the production of sugar grew substantially during the early 1990's, by some 54 percent between 1991 and 1994. Today sugar accounts for an

estimated 115,000 acres of cultivated land (*source; SES*). Agricultural land not cultivated by sugar or rice crops is used for producing other crops such as vegetables, coconuts, and citrus fruits, or for the grazing of livestock. Cash crops and provisions occupy a much smaller percentage of the coastal plain, but are an important area of crop diversification especially given the recent down-turn in the markets for rice and sugar.

Agriculture on the coastal plain is highly mechanised with tractors and combines used by many. There is however a considerable area of uncultivated land held by farmers on the coastal plain frequently used for grazing. In total, this land, most of which is unlikely to be cultivable in its present state, is estimated to amount to around half a million acres.

2.2.3. Urban and Commercial Land

In the residential sector land is divided between a small proportion of the population who own large properties and a majority who own small housing plots. Similarly, in the commercial sector there is a clear divide between those enterprises with international backing that own large plots of land and much smaller informal enterprises that occupy considerably smaller plots.

Both urban and commercial development along the coast has followed the ribbon development pattern along the main road artery that runs parallel to the coastline from Charity in the north- west to Corriverton in the south- east. The majority of Guyana's population therefore live in close proximity to this road. Others have settled along some of the main river banks close to the coastal plain.

Aside from those commercial activities, such as mining and forestry, that exploit Guyana's natural resources in the interior, the majority of commercial land is also to be found close to the highways or at ports.

2.2.4. Farm Size

Excluding farms over 100 acres in size, the average farm size on the coastal plain is 17 acres. The average size of rice farms is just over 19 acres, while the average size of non-rice farms is less than 6 acres.

In consequence, around 90 per cent of the cultivated area is under rice. Non-rice farmers constitute almost a third of all farmers but cultivate only 11% of the land. Similar disparities exist between rice farmers. Average holdings for rice farmers are 60 per cent greater for those on government land (25 acres) compared with those on private land (16 acres). Furthermore, over half the rice land on the coastal plain is farmed by less than a quarter of the farmers whereas over half of the farmers who farm up to 15 acres cultivate less than 20 per cent of the land.

2.2.5. Fragmentation

An important feature of farm holdings in Guyana is their fragmented nature. From a survey of 771 farming households on the coastal plain conducted in 1998, it is clear that approximately 60 per cent of rice farmers and a third of non-rice farmers have more than one plot and 18 per cent of rice farmers have more than four plots. Furthermore, around 40 per cent have plots in different locations, while 11 per cent -- the majority of whom are rice farmers -- cultivate both private and public land.

2.3. Land Tenure

The land tenure system defines who has access to land and its resources, and under what conditions.

There are three broad categories of land in Guyana:

- Public land (including both State and Government Lands)
- Private land
- Amerindian land

2.3.1. Land Tenure on Public Land

The proportion of public land on the coastal plain, excluding GUYSUCO land, accounts for approximately of 70 per cent (100,000 acres) of the cultivated area of the coastal plain. Holdings are generally larger on public leasehold land than on privately held land. At least 60 percent of cultivated land falls in the leasehold sector. However, just less than 60 percent of farmers have private, freehold land.

Public land comprises several different forms of land tenure, which include leasehold land, proprietor estates, land schemes, land co-operatives/communal land, sublet land, squatter land and unused or abandoned land. The standard 50 year lease is the main instrument for land tenure on public land.

As of 1998, as much as 70 per cent of public land on the coastal plain was unregistered, though this is now being significantly reduced through a programme of land tenure regularisation (LTR) (see Section 5). Field data from LTR generally supports the original estimates obtained from a detailed analysis of public land records that less than 20 percent of occupants of public land possess a full valid lease.

Fieldwork has also confirmed that outside the formal system a complex set of informal tenure arrangements are in use. These arrangements can be classified into two groups: those that have some links with the formal system (e.g. an application for a lease) and those that work totally outside the system such as squatting. Within the informal sector two main transactions are completed – subletting and sale/transfer of public land. The existence of formal title documents does not usually play a role in these transactions.

Proprietor Estates have long histories of land use and occupation by tenants and may have changed hands from one private owner to another or from a private owner to the state. Where land is held privately, proprietors typically wish to rid themselves of the tenants, and so insecurity tends to be high.

There are between 4,000 to 6,000 members of 120 Cooperative Societies in Guyana. Co-ops occupy tens of thousands of acres of public land which are generally held under expired or provisional leases. Many are barely functioning as co-ops, and co-op members are interested in dissolving the co-op and obtaining individual leases.

2.3.2. Land Tenure Patterns on the Coastal Plain

Land on the coastal plain was originally allocated to settlers in rectangular plots, roughly at right angles to the coastline. Plots could be several hundred yards wide by several miles deep. The initial depth of one to two miles inland from the sea was granted freehold and is known as the 'first depth' or 'transported land'. The area behind the first depth was then allocated by Licence or on 99- year lease on request and subject to the satisfactory development of the first depth; this is known as the 'second depth' land.

The remaining land up to dams and canals controlling the conservancies has until the advent of the 50 year lease in 1998 been allocated on 20-25 year leases. With few exceptions, the overall pattern of land tenure, proceeding inland from the coast is therefore as follows:

- initially private transported land on either side of the main road
- licence/long lease state land, second depth
- short lease land and land schemes in land third depth, .

A crucial feature of the tenure situation on public land is the extent to which land is unregularised, with many owners, tenants and lessees not possessing a formal title or lease. *Overall, approximately one third of all land does not have any lease or title. The proportion of public land that is unregularised is much higher than that of private land and stands at an estimated 47 per cent.*

2.4. Land Transactions

2.4.1. Purchases of Land

Only three per cent of farmers purchased land in the last five years. The proportion of farmers making purchases varies considerably with the type of land. Nine per cent of those with mixed ownership made a purchase compared with only two per cent for those with private or state land outside

the land schemes. A large proportion of transactions involves persons from overseas or by farmers currently renting their land.

2.4.2. Applications for Land

Overall around 20 per cent of farmers are currently in the process of making an application for leasehold land. The proportion for farmers in land schemes is much higher at 40 per cent. In contrast only six per cent of those with private land are making an application. Just under a half of applicants have an application outstanding, while ten per cent have 4 or more applications outstanding. As of 1998, some 38 per cent of applications date from before 1980 and 30 per cent date from the previous three years. Two thirds of applications are for new lease or title. Of the remaining third, 30 per cent of applications are for transfers between family members and five per cent are for renewals.

2.4.3. Land Disputes

Overall, the incidence of disputes is low, with less than eight per cent of farmers reported being involved in a dispute in the last 5 years. The proportion of farmers with state land reporting disputes (8-12 %) was higher than the equivalent proportion of farmers on private land. The implication is that the high level of unregularised tenure increases the likelihood of disputes occurring.

With respect to tenure, there is little variation apart from the fact that squatters inevitably are much more likely to be involved in disputes. Additionally, small farmers are less likely to be involved in disputes than larger ones. The most common cause of disputes is boundary problems (26%) with the majority of these disputes being on/over government land. The use of vacant land and inheritance (15%) are key causes of disputes as are problems with leases, disputes over ownership and problems with landlords which occur in over 10 % of cases. Some 80% of disputes are with other family members, neighbours or other farmers.

Table 1 : Ownership Public / Private

	Public	Private	Total
# Parcels	46,054	25,131	71,185
Acres	1,682,675	481,153	2,163,828

Source: GLSC - Public Land Inventory (2002)

Note: For private land, only Region 2,3,4,5 & 6 data is represented

Table 2 : Public Land Titles

Leases Approved 2002	Leases Recorded 2002	Total leases On database	Total parcels	Regularisation Ratio
3089	940	12,353	46,054	28.6%

Source: GLSC database

Table 3: General Data Profile 1996-2000

	1996	2000
POPULATION		
Population, total (mid year) ('000)	770.1	772.2
Population growth (annual %)	0.5	0.5
Population density (people per square km)	3.58	3.59
Urban population (% of total)	36.0	38.2
Rural population density (per sq. km of arable land)	111.6	105.0
Household (000)	154	(1991)
ECONOMY		
GNI Atlas method (current US\$ million)		
GNI per capita, Atlas method (current US\$)		
GDP (current US\$)	510.9	552.6
GDP growth (annual %)	750	750
Inflation	590.1	596.9
Agriculture, value added (% of GDP)	7.9	0.8
Industry value added (% of GDP)	4.5	5.9
Services, etc., value added (% of GDP)	38.9	31.1
Foreign direct investment (US\$ million)	33.8	29.0
Aid per capita (current US\$)	27.3	39.9
	93.0	67.1
HEALTH	169.5	47.8
Fertility rate, total (births per women)		
Infant mortality rate (per 1,000 live births)	2.4	2.3
	56	57
EDUCATION		
School enrolment, primary (% of net)		
School enrolment, secondary (% of net)		
	94.7	96.6
ENVIRONMENT		
Surface area (sq. km) ('000)	52.0	53.0
Forest area (sq. km) ('000)		
Annual deforestation (% of change)	215	215
Freshwater resources per capita (cubic meters) ('000)	169.0	168.8
Improved water source, urban (% of urban population with access)	0.1	0.3
	281.6	281.6
	90	92

Sources: Ministry of Finance; Bureau of statistics; Bank of Guyana

Table 4 : GDP by Sector (G\$M)

Year	Agriculture	Forestry	Fishing	Mining	Services	Engineering & Construction	Manufacturing
1991	9,811	327	2,765	5,252	9,956	1,170	4,341
2000	24,130	2,232	7,240	17,235	43,101	5,335	8,813

Source: Bureau of Statistics and Bank of Guyana

Table 5: Distribution of crops by region of the coastal plain (percentage)

REGION	CROP							
	Rice	Sugar	Vegetables	Ground Provision	Coconut	Citrus	Pineapples	Others
Essequibo	98.5	0.0	0.1	0.8	0.6	0.0	0.0	0.0
West Demerara	65.6	13.1	4.8	7.4	0.6	6.1	1.4	0.9
East Coast Demerara	55.9	0.0	17.3	6.0	11.3	4.8	0.6	4.1
West Berbice	97.2	0.0	1.7	0.4	0.4	0.0	0.0	0.3
Corentyne	88.0	0.6	3.8	1.8	1.6	3.6	0.0	0.5
TOTAL	87.1	1.9	3.8	2.2	1.6	2.6	0.2	0.6

Source: GLASP SES results. Results have been weighted to be fully representative.

Table 6: Land type by region of the coastal plain

REGION	LAND TYPE			
	Private	Public	Land Scheme	ALL
Essequibo	45.5	21.8	32.7	100.0
West Demerara	68.5	15.9	15.6	100.0
East Coast	48.6	15.5	36.0	100.0
West Berbice	43.2	25.7	31.0	100.0
Corentyne	23.8	45.8	30.4	100.0
TOTAL	38.2	32.5	29.3	100.0

Table 7: Crop by Land Type (acres)

CROP	Private	Public	Land Scheme	ALL
Rice	4002	3919	3784	11705
Other	1021	350	61	1433
ALL	5023	4269	3845	13138
Percentages by Crop				
Rice	34.2	33.5	32.3	100.0
Other	71.3	24.5	4.3	100.0
Percentages by Land Type				
Rice	79.7	91.8	98.4	89.1
Other	20.3	8.2	1.6	10.9

3. SOCIO-ECONOMIC BASELINE CONDITIONS

3.1. *Introduction*

This section documents those social and economic conditions that pertain to land tenure in Guyana. The land tenure system influences the conditions of access to land and its resources. The issues surrounding land tenure in Guyana include tenure security, access to information, land rights, access to land and access to credit.

3.2. *Security of Tenure*

Security of tenure is the most important output of any land administration system. Clear laws and simple, effective, and transparent administration are the crucial components in supporting the system. Guyana has inherited land legislation from Roman Dutch Law, English Common Law and Colonial Statute, and elements of all three continue to apply. The current situation on the ground is therefore complex.

Both leasehold and freehold tenure arrangements are rendered insecure by the failings of the respective registers and by a history of administrative delays in issuing leases. Informal arrangements and violations of lease terms are common place and leave many in a legally precarious position. All land users who do not possess a valid title experience the risk and uncertainty of not having secured land rights to some degree. Those who are most vulnerable are the groups with weakest tenure rights or with constraints to accessing the formal land administration system. Some farmers operate under provisional leases with annual renewals. Others have failed to convert a lease into their own name upon the death of the leaseholder. Other farmers never obtain leases despite years of occupation. Without a valid lease, or with a lease inherited from a long dead relative, farmers cannot gain access to credit and are vulnerable to eviction.

Perhaps the most vulnerable persons in terms of tenure security are squatters. Squatting cuts across all tenure sectors. Determining who is a squatter in Guyana is not straightforward, as many 'squatters' claim to owe their status to defects in the system which render them with land rights for prolonged periods. Other groups with insecure tenure rights are those who are subletting land without any legal provision, and those on short-term leases.

Despite the many problems listed above tenure security is still recognised by Guyanese farmers as an important livelihood asset. Having rights that are properly listed on the land register, with confirmed boundaries and a valid title remain a high priority for most farmers, providing improved access to credit and ownership of a transferable / inheritable asset. This fact is important since any attempt to formalise the current informal arrangements will require their full participation. This subject is covered in more details in Section 5.

3.3. *Access to Information*

Access to reliable information on land and administrative procedures is of key importance if full participation of land users in the formal system is to be sustained. Land users require a range of information on which to base rational decisions such as whether to buy, sell, rent, or mortgage land and whether or not to apply for leasehold land.

The poor condition of the Guyanese land administration over the last 20 years and the limited communication networks with which to publicise information have limited the scope for an effective PR campaign on all of these issues.

Records were often out of date, incomplete, or difficult to retrieve and frequently failed to reflect the reality of the situation on the ground. The database of land information was therefore inadequate as a result of unreliable and limited availability of land data. Against this background it was difficult for Government to formulate policy and provide consistently reliable information to the public. This now resulted in a general erosion of confidence in the system.

There is a clear need for all details of land allocations and leasing arrangements to be in the public domain and regularly updated. Clear policy guidelines on tenure situations, qualification criteria, and procedural issues should be available to public and administrators alike for the system to work effectively.

3.4. *Access to Credit*

Access to credit is often cited as one of the aspects of improved security of tenure that is most likely to have a positive impact on agricultural production. This operates principally through use of property as collateral. Table 3.4 shows the use of credit according to the differing classes of land tenure from a sample (taken in 1998) of 771 farming households on the coastal plain.

Table 8: *Use of Credit and Land Tenure*

Class of Tenure	Per cent using Seasonal Credit	Mean G\$ '000 Per Acre	Per cent using Medium-Term Credit	Mean G\$ '000 Per Acre
Squatted	9.3	7.50	23.9	34.80
Private Freehold	28.5	7.60	10.8	41.10
Private Sublet	16.2	12.20	18.1	116.10
Public Leasehold	38.4	7.80	12.0	55.70
Public Sublet	22.5	9.60	17.6	41.30
Freehold + Leasehold	36.5	4.90	19.4	37.70
Freehold + Sublet	15.0	10.10	16.1	30.10
Leasehold + Sublet	38.0	7.60	22.3	28.20
Overall	29.6	7.70	15.0	47.00

At present land is rarely pledged as collateral for credit and levels of credit usage are low, with only 30 per cent of farmers using seasonal credit and 15 percent medium term credit. Only seven per cent of farmers reported pledged land title as collateral for the loans they held. Personal assets of the borrower figured as the most common form of collateral. Over a third of seasonal loans were granted without collateral.

The most frequently cited advantage of freehold land tenure systems is that farmers can pledge their land as collateral and raise credit finance and so are not discouraged from investing for the long term. However, contrary to what might have been expected, it is clear that farmers on public leasehold land are more likely to use credit than farmers with private freehold land. It seems that land is not considered an effective form of security for borrowing either with private or public land, but that the latter, perhaps through closer contact with government services, are better able to establish credit in other ways.

The fact that farmers on public land have substantially larger holdings is also almost certainly a factor. Operations over 10 acres are almost twice as likely to use seasonal credit as those under 10 acres, though the amount borrowed per acre falls as farm size increases. Non-rice farmers appear to require less credit because of the stronger economies of their crops and more stable cash flow. Female-headed households are only slightly less likely to use seasonal credit than male headed households. Only 12 per cent of farmers in the survey stated that they had at some time been refused credit. The large majority of refusals came from banks, and the main reasons were a lack of collateral, or indebtedness. It could be reasoned that it is not the class of tenure that is a barrier to credit, but rather the efficacy of the land administration system.

3.5. *Access to Land*

Informal transactions in the land market in Guyana are substantial. In the formal system, the sale/sub-lease/sub-division of leasehold land are all restricted under the terms of the lease. In practice, however, there is an active informal market in the sub-letting of both leasehold and freehold land. As much as 40 per cent of leasehold land is estimated to be sub-let informally.

Although outright sales of land in the informal market are less frequent, they do occur. Furthermore, the 'formal' market has, to a degree, undergone a process of 'de-formalization', whereby land originally allocated, transferred and documented formally and legally has over time undergone successive rounds of informal, undocumented transfers or sub-divisions. Therefore, to speak of two *separate* markets, one formal and the other informal, distorts reality by oversimplifying it.

The formal mechanisms for the exchange or lease of land are widely perceived as being either too costly, unfair, or lengthy as to be either practical or affordable. Consequently, though the sale of freehold land is legal, it is expensive and slow.

Sub-division is possible only on freehold land, but again this is expensive and slow and it is not permitted to change the use of leasehold land.

This general inflexibility of the formal procedures for the sale, rental and sub-division of land has reduced access to land for members of the public through the main formal mechanisms. The informal market has responded to this by providing ways of accessing land more quickly and cheaply, though at the expense of security.

Although Guyana is rich in land and has a comparatively small population, access to productive agricultural land is limited on the coastal belt. In many cases, access is limited by a lack of necessary infrastructure (especially drainage and irrigation) rather than a shortage of land itself. The problem of the limited access to land on the coastal plain is made more acute because of the different demands for land (urban, rural and commercial). Many small-scale farmers have insufficient land to support their family units based on the quantity/quality of land they have access to. In response, they have diversified and meet their needs through secondary non-farm incomes. Urbanisation along the coastal strip and the growth of Georgetown have further increased pressure on land in this region.

Access to land is also limited by the number of persons willing to sell or let their land in the various regions of Guyana. Following the high rice and sugar prices of the early 1990s there has been a reluctance to sell land. However, in recent years the international markets in these crops have become depressed, and so has the land market in general.

The proper functioning of a freehold market in land depends on there being a comprehensive registry of property rights as well as transparent and effective planning procedures, legal provisions governing sale and rental and professional survey and valuation services. There is a great deal of work to be done in Guyana to ensure that these provisions are met. Administrative delays and Guyana's failure to maintain both the freehold and leasehold registers can be identified as key barriers to the free transfer and access to agricultural land in either sector.

3.6. Rents and Rates

Land is a factor of production. As such, its price reflects the demand for it, which is itself derived from the demand for the goods which it is used to produce. Much of the Guyanese coastal plain is highly adapted to rice and sugar production, but less well suited to other crops. This situation has meant that the value of the land is to a large extent determined by the value of rice land which in turn is tied to the price of rice and the fluctuations in the international and domestic markets for these crops.

A study completed in 1998 (Public Land Administration and Regularisation of Tenure PLART) identified four broad bands of market rent. The lowest category, G\$ 5,000 per acre per year or less, is paid for land planted to ground provisions

and rice land with poor drainage, access or other problems. Between G\$ 6,000 and G\$ 10,000 is paid for good quality public land. In areas with high densities of tractor and combines, competition for land raises rents into the third range, between G\$ 10,000 and G\$ 20,000. Whilst private land around Georgetown used to grow vegetables may cost over G\$ 20,000. The same study also showed that market rents for rice land are closely linked to the price of rice and many rents are still quoted in terms of bags of paddy per crop rather than dollars per acre per year.

With the decline in rice price in the last few years, rents have dropped considerably from these values. However, despite the wide range of rents paid, it would seem that in most cases they do correctly reflect the market value of the land. Rents are largely determined by quality of the capital infrastructure, drainage and irrigation and access for machinery, rather than by the underlying quality of the land itself or any scarcity of arable land. It is because the condition and quality of the D&I and other infrastructure is very variable that there is such a wide range of rents.

4. LAND AND TENURE POLICY INITIATIVES

4.1. Introduction

Security of property rights in land enables citizens to gain sustainable livelihoods and allow them to become more independent of the state. Civil society is strengthened and the individual is guaranteed the benefits of his or her investment in developing and improving the land. The unrestricted right to transfer ownership to spouses, children and other heirs is an important freedom and the foundation for stable family life.

In Guyana, fundamental rights to secure title in property and to transfer property freely have been restricted in a number of ways:

- A substantial proportion of the land that is in productive use is held on leasehold from the State, under conditions that limit transfer and, in some cases, restrict the owner's choice of economic activity;
- Large areas are occupied without any formally recognised title;
- In the freehold sector, leasing is subject to rent control and tenant security provisions;
- Legislation governing the registration and adjudication of disputes on freehold land is cumbersome and ineffective;
- Administrative delays in issuing leases and in transferring title compromise security of tenure and weaken marketability;
- Both freehold and leasehold registries are inefficient and very out of date;

Against this background and the widespread abandonment of the formal system by the public, the Government has identified the need for an effective market-based land tenure policy to support economic and social development.

4.2. Land Tenure Policy principles

In seeking to develop land tenure policy, the government adopted a series of guiding principles meant to recognise what people were doing informally and where appropriate, to legitimise informal practices. When practices are inappropriate, incentives were to be used to modify informal arrangements.

Tenure policy is based on a number of key guiding principles:

- *Land tenure policy should be based on an understanding of what people are currently doing, and why they are doing it.* Simply making illegal an activity such as subleasing would not prevent it from occurring if people consider it to be in their best interests. Policy therefore reforms.
- *The land tenure system should have a sustainable development function and a social welfare function.* The policy should identify classifications of people who should be allocated land to further economic development (e.g., mechanised farmers). The policy should also identify groups of people who should be allocated land for social welfare reasons (e.g., small farmers with insufficient acreage, young people who wish to farm, other landless people, etc.). The sustainable economic development function should address tourism, mining, forestry, etc.
- The policy should adopt *the principle that those who are allocated land should receive enough land to support their needs.* In the case of agricultural land, farmers should be allocated sufficient land to support their farming activities. The decisions of “*who gets land*” and “*how much land should be given*” are inter-related and the policy should specify the categories of land parcels that should be allocated to corresponding categories of beneficiaries.
- To be sustainable, the land tenure policy should adopt *the principle that the system to allocate land should be designed to meet future, as well as current, needs.* Strategies to improve the delivery of land must take into account future demands. For example, in the case of agricultural land, children of farmers may require access to land since division of a minimum-sized family farm upon inheritance will result in farming units that are too small to be economically viable. The delivery system should also be continually reviewed and modified to take into account the effect of new technologies (e.g., affordability of mechanisation), market factors, etc.
- Land tenure policy should adopt *the principle that the system to allocate land should address problems of land shortage in a comprehensive, integrated manner.* Examples requiring such an approach include:
 - *Public leasehold land and freehold land.* In many cases, small farmers using freehold land cannot farm economically if they crop rice because parcels are too small (e.g., two acres). However, it is important to realise that the size of land parcels is a function of the ability and resources of

the farmer to develop the land. Therefore, small holdings with intensive high value crops combined with small stock may be an option that needs encouragement. Problems may also be experienced because of extreme fragmentation resulting in very long but narrow parcels. Solutions to relieve the problems of freehold land (such as consolidation of small parcels into economically viable farms) may be possible only if they are integrated with the supply of public land (through the reallocation of leasehold land upon expiration and/or the opening up of new agricultural land for leasehold or freehold.

- *Agricultural land and urban land.* A policy addressing the coastal agricultural belt should also address the problems of urban housing. The process of urbanization occurs throughout the world as people move from rural areas to the cities. As urban centres grow, agricultural land is often converted informally into urban use. In and around Georgetown, much urban squatting takes place on GUYSUCO land. It may be possible to preserve selected agricultural land near cities if alternative sites can be made available to new migrants arriving in cities.
- *Public land and other economic activities.* A national policy should address the supply of land for eco-tourism, mining and forestry.
- The land tenure policy should adopt *the principle that the system to allocate land should operate in a proactive manner.* If land is to be used effectively, land allocation should not take place primarily in response to individual applications. A comprehensive land policy cannot be implemented in a sporadic fashion. Instead, land appropriate for small and mechanised farming should be identified and allocated in a systematic fashion. In the case of urban development, land should be identified and made available to migrants before they resort to squatting.

Summarizing: A land tenure policy can be effective only if there is a clear understanding of who the policy is intended to benefit. Beneficiaries must be clearly identified from the start. The land tenure policy should adopt *the principle that land rights should be allocated to those who can use the land for economic development and those who need land to alleviate poverty.* Land tenure policy should have a social welfare function if poverty is to be reduced. It should also give emphasis to an economic development function if more rapid growth is to be achieved.”

4.3. Government-approved policy

Recognizing the issues associated with land tenure and reform, Government in 1998 adopted a Land Tenure Policy. This policy *inter alia* specifically provided for a relaxation of the existing leasehold restrictions and eventual conversion from leasehold to freehold for all parcels up to 15 acres in size beneficially occupied for at least 25 years.

4.3.1. Freehold conversion programme

Benefits of freehold conversion

- **Security of Tenure:**
Farmers perceive freehold as a more secure, more valid and more valuable form of tenure. Insecurity of tenure limits the investments farmers make on their land and makes them less comfortable with the investments they do make. Uncertainty engendered by this situation inevitably dampened investment and the overall development of agriculture. Conversion to freehold tenure is designed to remove the uncertainties and improve the security of access to this resource.
- **Inheritance Advantages:**
Uncertainty also exists about the inheritance of leases. Under leasehold, there are restrictions on subdivision, and often one heir inherits the land. Freehold conversion avoids this problem, with owners free to divide and pass on land as they see fit.
- There are long delays and high costs in obtaining a valid lease and in obtaining permission to mortgage. This problem could also be resolved through systematic conversion to freehold.
- **Higher value of Freehold than Leasehold:** The Market value of Land study found that freehold land commands a price premium, averaging 33 – 100% more than leasehold land.

The GLSC has moved to implement the freehold conversion policy. With IADB Funding, three pilot areas were targeted for implementation of this policy. These areas represented over 2,000 parcels. A more extensive programme funded by DFID has extended this work and is ongoing. Section 5 details the program/activities that are being undertaken.

4.3.2. Leasehold Reform

Government's Land Tenure policy also provided for a new standard agricultural lease. This lease offers similar security and flexibility as is possible under freehold. The new lease now being issued has the following features:

- Lease term raised from 25 years to 50 years to enable the leaseholder to satisfy lending institutions security requirements and recover the full value of his investment in the property
- The right of family members and other heirs to inherit the lease;
- The right to transfer by sale
- The right to mortgage;
- The right to sublet;
- The right to renew for an additional term of 50 years provided lease conditions have not been violated.

Two other points may be noted:

- Provision is made for joint tenure for spouses.
- Beneficial occupation is a lease condition.

Reference is made to the pertinent environmental and other regulations in order to ensure compliance with the environmental protection act.

5. LAND TENURE REGULARISATION (LTR)

5.1. Introduction

Investment in formal land institutions has not kept pace with the changing demand for land over the last 10-20 years

In the public sector, lease applications were taking many years to process, and consequently many people did not apply at all, or occupied the land and then applied for it. Even those who did apply usually started using the land without waiting for the lease to come through. Heirs seeking to transfer land they had inherited into their own name and those seeking to transfer a lease they had sold were required to follow the same procedures as those applying for a new lease and they faced the same delays. For that reason, a majority of these more simple transfers were not registered either.

All these factors led to a process of "de-formalisation". Land that was originally allocated, transferred, and documented on formal leases or freehold transport has, over time, undergone successive rounds of informal, undocumented transfer, subdivision, and change of use. Formal rights are explicitly acknowledged by the State and are protected by legal means, while informal rights lack official recognition and are not secure.

In an effort to reverse the process of de-formalisation, the Government has been investing in revising legislation and reforming the institutions of land administration since 1997. Current programmes in the GLSC and the Deeds and Lands Registries are expressions of this. These developments cannot succeed, however, when a large proportion of public land is in use but effectively unregistered. For this reason a field programme of land tenure regularisation (LTR) has been implemented with the intention to update the tenure status of the land so that it reflects the current situation.

LTR is a one-off investment to be completed over a 4-5 year period. Once completed, it is incumbent on the Land Administration to ensure that systems are in place to simplify transactions to ensure the system remains predominantly formal, and maintain records to a high standard -- based, where possible, on parcel registration.

This section describes the progress made in Guyana with regard to LTR over the last 5 years, the lessons learned and projections for the future.

5.2. What is LTR?

Land Tenure Regularisation (LTR) is an administrative procedure undertaken for the purpose of recognising and securing existing rights that people and organizations (other than the State) have with respect to public lands (including both State and Government lands). It is designed to clarify the rights of existing occupants of public land and, where necessary, to convert those rights into legally recognised rights that will allow persons to buy and sell their right and use their title for mortgaging and credit purposes.

The primary objective of the regularisation process is to promote a just, speedy and inexpensive adjudication and disposition of claims – in short, to re-formalise the informal.

As a prerequisite to effective implementation of land tenure policy and rectification of the public land register, the principal outcomes of LTR will include:

- a reduction in tenure insecurity through clearly and definitively established occupancy rights with a transparent mechanism for resolving disputes;
- improved land administration institutions that effectively execute land policies and achieve institutional sustainability;
- improved rent collection and increased revenues from land;
- the development of an open and flexible land market;
- improved productivity and the capability of farmers to respond to market incentives and to national policy incentives;
- increased opportunities for farmers to access formal credit sources;
- more sustainable use of land resources;
- an increase in support to private sector investment (especially long term investment);
- improved compliance with environmental measures.

The principal outcome will be the provision of title, either leasehold or freehold, to the primary stakeholders – the occupants of public land.

If effectively implemented, LTR and administrative reform will help to restore public confidence in the administration of public land.

5.3. *Guiding Principles*

The design of the LTR programme in Guyana is based on a set of fundamental concepts or guiding principles aimed at achieving the overall goals of fairness and transparency, with simple procedures understood by all. These procedures are based on the following considerations:

- **Establishing rights to land**
Many individuals or organisations in occupation of public land have established rights to the land that need to be recognized and confirmed. However, some occupants do not have proper documentation of their rights or have no documentation at all. Furthermore, occupants do not have a simple and transparent mechanism available to them through which they can have their rights recognized and recorded, or a means by which they can borrow against those rights, or transfer them easily or cheaply.
- **A transparent mechanism for resolving disputes**
The most difficult issue in LTR is competing claims for specific parcels of land. These must be resolved in a manner that is satisfactory to and binding on both sides. If this can only be done through recourse to the Law Courts, the LTR process will be appreciably delayed. Therefore, the existence of a fair and transparent mechanism for settling these claims out of court, such as alternative dispute settlement methods (e.g. arbitration), is paramount.
- **Public and open process**
Public information should be based on two types of activity: firstly the distribution of written information and personal consultation; and secondly through open public meetings. The more information and participation provided to the public, the fairer and more sustainable the process will become.

The dissemination of information must be based on the following:

- **Objectivity:** the information will include all the opportunities and rights provided by law to each occupant;
- **Effectiveness:** the information will be disseminated in such a way that everyone has equal access to all information and fully understands it.
- **Just Administration**
The LTR process must not usurp any person's interest in or right over public land and no occupant of public land should be treated in a discriminatory manner
- **A model Programme**
An important objective of LTR is to create a programme that is capable of replication/extension to all public lands. LTR must therefore be a routine process, involving an identical series of actions nationwide to be modified only in response to local circumstances.

Hence, the LTR process must be based on the following principles.

- **Security:** the right, once recognised and formalised, must be beyond challenge.

- **Simplicity:** this is essential not only for the effective operation of the system but also for its initial acceptance. Simple forms must be used and the procedures must be plain and straightforward.
- **Speed and Accuracy:** these are obvious operational necessities in any system if it is to be effective and sustainable. Too often the complaint that LTR takes too long is justified, and this brings the system into disrepute.
- **Low Cost:** this is relative and can only be assessed in terms of the possible alternatives. It must be recognised that LTR, particularly in areas where unrecorded rights in land are already established, is bound to require substantial expenditure.
- **Suitability to circumstances:** this is necessary if LTR is to be easily, efficiently, and effectively implemented.
- **Completeness:** the final output of LTR will be a definitive and complete registry of all agricultural public lands, inclusive of unallocated lands, lands to be let, and lands to be sold to the occupants.

5.4. The Main components of LTR

There are two main components of LTR -- Administrative Procedures and Registration Procedures -- and each has a number of sub-components.

Administrative Procedures

All of these will be carried out under the control of the GLSC, either by its staff, consultants or contractors. The following office procedures will precede the field procedures:

- selection of a LTR area;
- compilation of existing maps, plans and records for that area.

Field procedures include the following:

- public information;
- publication of notice of the LTR programme;
- recording of claims;
- occupation surveys;
- compilation of the claims register.

Office procedures follow completion of the field procedures:

- extraction for publication of a list of existing claims;
- alternative dispute settlement of contested claims;
- finalisation of the list of those to be awarded title;
- preparation of index maps;
- rectification of the GLSC's registers of public lands and issue of new leases.

Registration Procedures

In the case of conversion to freehold (absolute) title, the activities at this stage of LTR take place outside GLSC. These include the: filing of an application for the

registration of public land in the name of the State by the Commissioner of Lands and Surveys (CLS); advertisement of the application by the Registrar; registration of the State's title and the subsequent transfer of title, or issue of a registered lease to the occupant. The ease with which these can be completed will depend on the number of contested claims that have not been resolved at the administrative stage and must be decided by the Courts before the Registrar can act in the affected cases.

5.5. Approach to LTR

In order to realize the guiding principles, government's approach to LTR has followed a number of interrelated sequential steps:

Baseline Work

- Preparation of LTR guidelines and development of procedures for field recording.
- Rehabilitation of the lease registry, including checking of records, reconciliation of leases with land parcels, re-housing and reclassification of the archive.
- Survey of forms of tenure (formal and informal) and land market issues to assess the current informal market and to identify the likely problems that might emerge during LTR
- Public Land Inventory of the coastal plain to assess current occupancy status of public land.

Implementation

- Advertising LTR areas and holding of public meetings.
- Classification, processing and reconciliation of claims.
- Final registration and title issuance.
- Implementation of field programme

The items above require substantial changes in Land Administration Procedures to allow for batch processing and more timely issuance of leases through conventional application procedures.

5.5.1. Preparation of LTR Guidelines

Formal LTR guidelines were established as a first step. The manual fulfilled two key requirements:

- Stressing the general guiding principles (see Section 5.3) to be followed in the various processes of Land Tenure Regularization
- Formalizing and standardizing procedures to facilitate effective implementation of LTR, in both summary and detailed formats.

The production of the LTR manual was the main starting point for the LTR work. It served as a public service contract to ensure that all procedures were adhered to. Alongside existing systems, a number of innovations were introduced, notably the use of the Arbitration System (for resolving disputes

to avoid expensive and time consuming litigation in court), and the use of lower cost survey methods for parcel recording.

5.5.2. Rehabilitation of the Leasehold Registry

Improvements in the Leasehold Registry, part of the Land Administration Division, were always considered a prime area for improvement within the general framework for the institutional development of the Commission.

Computers and basic databases were introduced under the LSD in 1997. This involved analysing all existing leasehold records and construction of as complete a record as possible. Digital plans/maps for most of the government development schemes were also prepared. Where possible a parcel based storage system has been introduced.

Work commenced on the physical rehabilitation of the leasehold registry in February 2000. Additional investments were made in computers and staff training combined with improved file and paper storage facilities. By the end of 2000 the database contained over 17,000 lease records and over 30,000 land parcels.

To further improve performance, staffing changes were made in midyear 2002 and the Registry was re-configured into a Management Information Unit so as to concentrate mainly on the information and storage of information for the Commission.

5.5.3. Forms of Tenure Surveys

Given the prevalence of the informal arrangements on public land and the fact that the majority of public land remained unregistered, it was determined that it would be necessary to complete an appraisal of the current tenure arrangements, both formal and informal. This was done through a forms of tenure survey that classified the main forms of tenure groups present in both the formal and the informal land sector. The purpose was to ensure that a) all tenure groups are taken into account in the LTR programme and that b) adequate monitoring of the programme would be undertaken to ensure this is done equitably

This work served to inform policy and the preparation of LTR Guidelines and the requirements for monitoring and evaluation. There were three main objectives

- Establishment the main forms of tenure arrangements both informal and formal in order to provide a baseline for preparation of regularisation guidelines and for the design of surveys of occupancy.
- Gaining an insight into the livelihood implications of land regularisation / tenure reforms for rural households.
- Development of a monitoring and evaluation framework for measuring the impacts of Regularisation

This work was completed prior to commencement of LTR fieldwork. The information that was acquired served to inform the preparation of the guidelines.

5.5.4. Public Land Inventory of the Coastal Plain Regions

A public land inventory was undertaken 2002 in conjunction with the forms of tenure surveys. The objective was to provide an overview of the portfolio of public land on the Coast plain. This was designed to consolidate all existing parcel information in the Government Development schemes and to provide simple maps showing the location of all occupied public land outside the schemes.

The output of this work included a set of land use, tenure, and occupation status statistics and maps accurately quantifying the area of public land currently held by the GLSC. These maps also served to prioritize LTR areas, formulate land use policies, and provide data for monitoring purposes. Summaries of statistics and indicators for formulation of a long-term LTR strategy have also been prepared. These cover Regions 2, 3, 4, 5 and 6 (shown in the country profile statistics in Section 2).

Additional work will include completing similar maps for the remainder of the country.

5.5.5. Advertising LTR Areas and holding of public meetings

Though no national public information campaign has been undertaken, local area campaigns have been undertaken for selected LTR areas through advertising in local press, on television, leaflets and brochures and through convening public meetings. These have included information on the reasons for LTR, the benefits to the occupants, and an outline of the procedures that will be followed by the field teams.

At public meetings, many led by the Commissioner or a senior GLSC official, all land occupants are informed of the need to present their claims for land (with supporting documentary evidence) to the field officers (who either are based in a local temporary office or make house to house enquiries). Despite some early skepticism, to date public participation and cooperation in the overall process has been high. In view of the response obtained in these meetings and during the subsequent work, there is little doubt that the public welcomes improvements to the service and the security LTR can bring. This very positive response from the public can be expected to continue so long as the level of service is sustained and leases/titles delivered in a timely manner.

5.5.6. Classification, processing and Reconciliation of Claims

For LTR, areas claims have to be reconciled with records of conventional lease applications and freehold conversions. This has clearly put an added burden on the administration. To counter this, an LTR Unit was established within the administration to facilitate the sorting of claims and the preparation of schedules for final issuance of leases. The Unit's records mainly consist of claim files, lists of claimants, and plans.

Following a period that allows for objections, the LTR Unit formally classifies claims into contested and uncontested claims.

- In the former case, objectors and counter-claimants will be counseled as to the nature of the dispute. The processing of contested claims will be suspended until the matter is decided by the Adjudication Officer or a court of law. Disputants who are prepared to settle their matters out of court will be assisted under the LTR programme to settle these by means of alternative dispute settlement, to avoid the costs and delays associated with litigation. Alternative Dispute Settlement (ADS) is a formal process for facilitating the out of court settlement of disputes that the parties have been unable to resolve between themselves. The mechanism adopted for ADS is arbitration, where disputes are referred to an independent third party for adjudication. An award made by an arbitrator appointed under the Arbitration Act is final and binding on the parties and any persons claiming through them. Under the LTR Programme, the option of ADS will be made available to claimants in the form of arbitration services provided by the Adjudication Officer.
- Uncontested claims are processed routinely as and when they are adequately documented. Contested claims will be processed when a settlement or judgement has been arrived at in the matter.

Of the 10,500 claims so far taken less than 5 percent are in dispute. This ratio does not however reflect the true level since most of the claims taken have been in old established areas where boundaries are largely fixed. There are likely to be more disputes over boundaries and overall ownership Outside of these areas and along the rivers and land transport arteries.

5.5.7. Final Registration and Title Issuance

Once the recommendations have been approved by the Commissioner, the issuance of new 50 leases and/or conversion to freehold remains a simple matter.

The boundaries of the leased land parcel must be described and surveyed in accordance with the Land Surveyors Act before a full lease can be issued.. Where a cadastral survey plan is not available, a 'Permission' to Occupy

will be issued pending survey. The Permission can be converted to a full lease at any time after a cadastral survey has been undertaken and a recorded plan has been prepared and submitted to the CLS. The holder of a 'Permission' must employ a private licensed surveyor for this purpose.

After the leases have been drawn up and signed by the CLS and the lessee, the necessary entries will be made onto the lease register at GLSC, and any existing leases cancelled and/or surrendered.

As regards freehold conversion, once the administrative procedures have been completed and all the required information is available, the CLS can file an application for any parcel of land to be registered as the property of the State with the Registrar of Lands under the Land Registry Act. The Registrar cannot register the land as the property of the State without first publishing notice of the application in the Gazette and newspapers and allowing three months to elapse for the receipt of objections.

To date, these procedures have been completed on demand on a one-to-one basis. Receipt of LTR claims in large volume now requires that procedures be put in place to allow for batch processing of hundreds possibly thousands at a time.

5.5.8. Implementation of LTR Field Programme

Inventory work plus existing records indicate that the Commission needs to incorporate up to 40,000 land parcels totalling over 1.4 million acres nationwide onto the public land register.

Implementation of LTR commenced in June 2000 under the Lands and Surveys Department with a pilot freehold conversion programme for three Government Development Schemes in Regions 3, 4 and 6. This was followed by further pilot work in Region 3 (West Demerara) in early 2001 following publication of the LTR Guidelines.

Following the formation of the Commission in June 2001 this programme was expanded with additional areas from Region 6 (East Berbice) and Region 2 (Essequibo coast) being incorporated. A further programme of work for 2003-4 covering the entire coastal area of the country was approved by the Board in 2002.

To date an overall total of 10,000 claims have been taken covering 130,000 acres. Inclusion of freehold pilot conversion work gives totals of 12,500 claims on 155,000 acres. Records checks suggest that on average, 10 percent of this land has valid leases with less than 5 percent contested or disputed.

Claims have now been received on approximately 67 percent of the targeted coastal land area stated in the work programme. More effort is now being

put into resolving the final procedural and administrative bottlenecks to lease issuance.

5.6. *Lessons Learned*

The experience of LTR in Guyana suggests that it is feasible to re-formalise the public land market and develop more efficient titling procedures. Claims have been registered without having to wait for slower processes of adjudication and demarcation and the systematic registration of public land. The resulting influx of records will continue to affect the administrative process that will determine who should be issued with a lease and who should be offered conversion to freehold. The overall process has also served to inform policy to facilitate improvements in the administration of the land.

Despite these achievements a number of outstanding issues remain to be resolved if the system is to be sustained and the public is not to revert to the informal system. These can be summarised under four headings

- Policy issues and dissemination of information
- Land administration capacity
- Costs
- Surveys

5.6.1. Policy Issues

During the course of LTR fieldwork specific policy issues have arisen relating to the informal market and the application of principles and rules with regard to the granting of title. These fall under three main headings.

- Addressing the needs of Tenure Groups in Regularization
Different tenure groups have characteristics that require a standard set of actions by the GLSC. Groups with weak or complex rights to their land that have been acquired informally are at risk of being marginalized if their rights are not fully understood or documented.
 - Leaseholders
 - Permission/Provisional leaseholders
 - Applicants in Possession of Land
 - Occupants with no application
 - Co-operative members
 - Subtenants: Proprietor estates and short term subtenants
 - Squatters and Informal Cultivators
 - Gender and joint titling

It is also clear that there are demographic groups unable to complete the necessary paperwork to obtain land. A programme will be required to assist individuals experiencing difficulties with the process.

- **Qualification for Lease Issuance and Freehold Conversion**
Qualifications for lease issuance and freehold conversion are frequently subject to interpretation. Data from the forms of tenure work and LTR fieldwork suggest three main areas:
 - Length of occupancy criteria
 - Maximum acreage criteria for freehold conversion
 - Guyanese residency criteria

- **Procedural Issues for Implementing Regularisation**
During implementation of Regularisation fieldwork particular issues/questions emerge for each tenure group concerning specific procedures to be followed regarding the taking and processing of a claim. These are frequently raised at public meetings. The most commonly raised issues include:
 - Fees and charges
 - Rents
 - Schedules of interest and minimum information standards

All of the policy issues listed bear directly on the administration and require tighter systems and procedures if they are to be properly implemented.

5.6.2. Land Administration Capacity

Implementation of an LTR programme directly affects existing Land Administration. The sudden influx of records and the requirement to supplant new occupation information to replace the old places a considerable burden on the administration. The most important point here is that the Administration has to be prepared to address the full implications of LTR.

Between 1990 and 2000 the Lands and Surveys Department produced an average 5-600 leases per year. In only one of those years did the total issuance exceed 1,000. To date LTR has brought in over 10,000 claims. The challenge facing Land Administration is to increase its output ten-fold and to ensure that systems are in place to sustain the formal system to a satisfactory level. Several areas are currently receiving attention:

- Increasing the number of skilled middle management staff
- Streamlining transaction procedures
- Systems in place to provide for batch processing
- Systems for more accurate recording of information and efficient retrieval of records
- Improved monitoring of administration performance and output
- More information/advice sheets for public distribution.

5.6.3. LTR Time and Resources

With the hindsight of nearly two years of investment in LTR and public land inventory, it is possible to draw conclusions from actual costs incurred measured against the overall benefits and size of the task.

At the field level it is clear that receiving claims is a relatively low cost task at G\$1,000 (US\$5.2) per claim. Costs of processing and registering run at G\$5,500 (US\$28.9) per claim. Legal conveyancing and administrative costs are 5,000 and 3,000 respectively.

Survey costs are more difficult to estimate and depend on the type of area and the level of survey so far completed. A figure of G\$2,500/ac is assumed. Further comment is made on Survey in Section 5.6.5.

Experience with LTR so far has indicated that it is feasible to complete 1,000 claims (one claim per parcel) per month. A preliminary analysis of the time and resource requirements to complete the target 40,000 parcels suggests it will take 40 months for completion of the overall target. Allowing for some variation it seems reasonable to set a target of 8,000 claims per year over a five- year programme. Once that is complete, the volume of claims will drop to the GLSC's normal load of 2-3,000 applications per year.

The process of bringing all occupied land to leasehold or freehold title involves the following tasks (shown with an estimated cost to complete per parcel). The estimates are based on experience to date under the LTR programme:

<u>Regularisation</u>	<u>Cost per Parcel</u>
Fieldwork to register occupancy and establish claims	G\$1,000
Administrative procedures to register claims (and issue leases)	5,500
Survey	
Say 5 ac/parcel @ G\$ 2,500/ac (Rate for rice land, relatively easy to survey)	12,500
Conversion to Freehold	
Legal Conveyance	5,000
Administration	3,000

Subject to that, estimates of the total costs over the five year LTR period are as follows:

Regularisation Costs	G\$('000,000)	Cost/year over 5 years (G\$)
Fieldwork 40,000 x G\$1,000	40	8
Admin 40,000 x G\$5,500	<u>220</u>	<u>44</u>
Subtotal	260	52
Survey 28,000 x G\$ 12,500 (70% of parcels)	350	70
Conversion		
Legal 10,000 x G\$ 5,000	50	10
Admin 10,000 x G\$ 3,000	<u>30</u>	<u>6</u>
Subtotal	80	16
Total	690	138

5.6.4. Survey

For some years, survey has been a significant constraint for land administration in Guyana, resulting in backlogs in converting provisional leases into full leases.

It is estimated that the Guyanese survey profession has the capacity to carry out 1,000 cadastral surveys a year. Although the introduction of GPS technologies would increase that capacity by perhaps 25%, survey costs and the time required remain major constraints on the progress of land tenure regularisation. Even if the profession doubles the number of surveys done annually, the programme will take many years to complete -- well beyond the 10 year period set by Government for the completion of regularisation. Considering that in all other respects there is no reason why the programme cannot be completed in four to five years, the survey is clearly the binding constraint. This bottleneck can be loosened in a number of ways:

- The occupants of all unsurveyed parcels might be issued with permissions to occupy pending a slower programme of survey and transfer to full leasehold or freehold sometime after 2010.
- The regulations under the State Land Act might be amended to allow full leases to be issued without full cadastral survey, but subject to the parcel being registered on a properly completed cadastral index map.
- Additional survey capacity might be contracted from overseas.

The first would not meet the land tenure policy objectives in full. It would offer efficient and transparent land management but would limit the

improvements in tenure security and transferability offered to the landholder. The second would meet the policy objective while leaving the landholder free to opt to have a survey done at his own cost should he wish to convert to freehold. The third option is likely to be expensive, raising the survey cost (already substantial) even higher.

Survey expenses constitute more than 50% of the total estimated cost of Land Tenure Regularisation. However, the law requires that full cadastral survey be completed before a lease can be issued on a parcel. The same applies to freehold. As policy currently stands, therefore, the volume of survey work estimated above must be completed.

5.7. The Way Forward for LTR

Easy access to land and the development of a thriving land market is an essential element in any developing economy. The current challenge facing land administration in Guyana is the need to implement policies through establishing and sustaining simple, cost effective and transparent procedures that provide both access to land and allow for simple cost effective title and title transfer for all tenure groups.

Investment has been made in preparing LTR Guidelines and establishing stakeholder approval and participation for the field registration component of LTR. Using these guidelines, fieldwork is proceeding satisfactorily. Models for receiving and analysing claims have proved to be effective, easily understood and quick to implement. To date a total of 12,500 parcels have been registered, on over 150,000 acres in Regions 2, 3, 4 and 6.

It is estimated that there are some 40,000 parcels of land that must be brought onto the register. Clearly both the survey and administrative requirements will be substantial. Work is in hand to strengthen the GLSC's capacity to deal with these tasks and address the survey constraint. Ways to streamline procedures are also under consideration.

Even with significantly greater capacity and faster procedures, it is expected that it will take up to five years to complete the task of full Land Tenure Regularisation (up to and including the issue of title). The focus for the first half of 2003 is to develop administrative capacity of the Commission to substantially improve service delivery through increased output.

5.8. Surveying Initiatives

5.8.1. The Role of Surveying

Tenure regularisation requires not just updating and clarifying the nature and ownership of existing land rights but also the location and extent of land over which these rights subsist. Parcels of land containing uniform land

rights are defined in law by the process of demarcating and agreeing boundaries. These boundaries are then surveyed and depicted on a plan that is recorded in, and made publicly available by, the GLSC. The State Lands Act, the Deeds Registry Act, and the Land Registry Act require that all titled land must be surveyed, and the current practice is for all these surveys to conform to the Land Surveyors Act.

5.8.2. Surveying and LTR

Most, if not all, State Land leases have been surveyed, usually at the time when a drainage and irrigation (D&I) development scheme was first laid out. Over time these tracts may have changed due to subdivisions, consolidations or other mutations. Also large tracts of land may have been leased to Neighbourhood Democratic Councils (NDC) who in turn allot, but not sublease, parcels of land to individual farmers. Because LTR is working within existing laws, all parcel tract subdivision and individual allotments must be surveyed prior to the granting of new leasehold or freehold titles.

5.8.3. The Survey Issue

Data collected from regularisation areas in West Demerara suggest that approximately 17% of land within a formal D&I scheme with individual leasehold titles require regularisation surveys. Regularisation areas along the Corentyne Coast however comprise about 50% of unsurveyed land because leases were typically issued to the NDC. Although final figures are not yet available for river and other land outside of D&I areas, it seems likely that more than 50% need to be surveyed. Leases issued in these areas are typically provisional leases pending survey.

The mechanism of awarding a provisional lease arose from the constraints imposed by survey requirements. The lack of government capacity and the need for a cadre of certified land surveyors to combat a growing backlog of work failed to address the problem which was compounded by the introduction of the Land Registry Act in 1959. This in turn led to the introduction of the Surveys (Special Provisions) Act in 1970 that proposed less rigorous survey requirements. The economy of low altitude aerial photography and the existence of clearly recognisable boundary features in most D&I areas meant freehold titles could be awarded in a pilot scheme. But owing to both the nature of the terrain and inadequate pre-marking and consultation with the beneficiaries, this new approach did not find wider application.

More recently attempts have been made to exploit the capacity of the private sector to clear various backlogs (of provisional State Land leases, preliminary awards of freehold land titles and other occupied unsurveyed public lands), but financial constraints have limited this approach. The cost, ranging from G\$2,500 an acre for systematic surveys of large blocks in open riceland to G\$8,000 an acre for individual surveys in less accessible river

areas, has proved insuperable both to GLSC and its annual allocation of capital funds, and to the individual farmers who are encouraged to employ their own private surveyor. A recent socio-economic study has confirmed that the cost of surveys either in respect of employing a private surveyor or repaying GLSC over five years is financially prohibitive to the poor. Additional solutions therefore should be explored in respect to repayment terms and/or subsidy.

5.8.4. The Current Survey Initiative

Recognising that there is a need to address the appropriateness of present survey laws and practices in relation to the need to complete the regularisation programme within the envisioned timeframe, the capacity of the survey profession to do the work, the cost to the public and the financial sustainability of GLSC, the current survey initiative proposes a two-pronged approach:

- The utilisation of new technology, particularly the Global Positioning System (GPS) in conjunction with total stations and accessories to reduce the unit cost of surveys and accelerate the plan output, and
- Application of the Surveys (Special Provisions) Act addressing the earlier identified technical problems through GPS and educating both the survey profession and the public about the use of the 'general boundaries' principle.

The use of special legislation will supplement and not replace the existing Land Surveyors Act and cadastral survey practice (fixed boundaries). Also because the 'general boundaries' principle requires the existence of physical boundary features, such as dams and canals, it can only be applied to occupied and well-settled agricultural land. New development schemes will be pegged out much as before, but more cost-effectively using new survey technology.

5.8.5. Status, Problems and Lessons

The availability of 1:10,000 scale photo mosaics for most of the coastal areas of Guyana from which general boundaries are discernible is being effectively implemented with hand-held sub-metre differential GPS to complete and compile appropriately accurate parcel maps suitable for the award of State land leases. For the time being registered freehold land will continue to be surveyed according to the Land Surveyors Act (soon to be updated to incorporate the use of GPS and total stations and accessories and improved procedures).

Extending the application of general boundaries beyond the coverage of low-altitude aerial photography may require some revision of legislation. Further possible statutory support to the Special Boundaries Act may also be needed in the form of rules and regulations ensuring that past problems are not repeated.

Although the initiatives currently underway to address the survey issue are still at an early stage, the lessons learned suggest the need for stakeholder advocacy and education, in particular that GPS can be accurate and effective and that the general boundaries rule, when applied with conviction, will work well. A recent study of the pilot special surveys for land registration in the late 1970s suggests that the public will accept general boundaries and that disputes will be no more prevalent than under fixed boundary legislation.

As demonstrated by this pilot and studies conducted in Guyana and elsewhere, the use of the general boundaries rule supported by new technology can provide a solution to the challenging question of how to provide appropriate and affordable land titles to all people including the poor.

6. THE LAND MARKET

6.1. Current State of the Land Market

Guyana's land market scene today is a far cry from that what it was a mere 3-4 years ago, when competition for rice land and residential lots was driving up land sale and rental values to unprecedented levels. The downturn began with crisis in the rice industry and has deepened further since 2001 with worldwide recession and a recent spate of violent crime profoundly shaking public and investor confidence. With the adoption of highly conservative, cautious lending policies and sharply reduced levels of mortgaging activity, banking sector support for land market activity has weakened.

Guyana's market in land is marked by a preponderance of informal land transactions, usually either only minimally documented or entirely undocumented. Formal mechanisms are perceived as being too costly, unfair or lengthy to be either practical or affordable. This is true of both leasehold and freehold land. Many occupants with legally assigned rights have gradually moved into illegal unauthorized transfers because of the failure of formal rules to accommodate changing circumstances and needs (e.g. structures in place against sub-letting in pre-1998 state land leases).

With lease applications having taken years to be processed in the past, many have either not applied, occupied then applied, or applied then occupied without waiting for the lease to come through to start using the land. High land prices have prompted many of the country's poorest residents to take matters into their own hands and occupy land to meet their essential housing, basic income and food needs. Though typically associated with low income groups, squatting can

also express opportunistic behavior of better-off people who are in a position to take advantage of the non-enforcement of existing rules and regulations.

Much of what transpires informally amounts to a process of 'de-formalisation', whereby land originally allocated, transferred, and documented formally and legally has, over time, undergone successive rounds of informal, undocumented transfers or sub-divisions.

6.2. Rice Lands

Sale price declines over the last 4-5 years have been in the order of 40-50%, a much greater drop than for rentals which have generally fallen by only 10-20%. Competition for land has become more focused on the most desirable and accessible areas. Outside of these areas differences have narrowed, producing a greater degree of inter-regional price convergence.

Narrowing profit margins in a climate of price uncertainty have left most small rice farmers lacking their own machinery with little option but to rent or sub-let their land. This is particularly true in areas where productivity per acre falls below or is just around 25 bags per acre and where the additional cost of pumping for drainage and/or irrigation has to be incurred. Uneven, delayed payments by millers and decreasing availability of credit to cover planting and other input costs have contributed to disjointed planting and harvesting schedules, which in turn have led to greater difficulties in irrigation, drainage and dam maintenance.

6.3. Cane Lands

Greater market stability in sugar and security afforded cane farmers through their contractual arrangements with GUYSUICO is reflected in the relative stability of sale prices and rents. Like rice, sugar has been subject to deteriorating world market prices, pressuring GUYSUICO to lower production costs. Its current strategy involves virtually doubling sugar production, with expansion concentrated on Berbice, an area of higher productivity. Meanwhile there is uncertainty over the future of Demerara estates, where about 90% of the approximately 1000 private cane farmers are concentrated, which has cast a shadow over land market activity there.

6.4. Provisions / cash crop lands

In contrast to the national / regional patterns characteristic of rice and cane land, market dynamics for provision / cash crops are highly localised and based on prevailing levels of economic vitality, competition for land, and the quality of access and drainage. In economically vibrant areas (such as around Parika) land sale values have virtually doubled and rentals have increased by some 40-50% over the past three years or so. In contrast, other areas (such as EBD & around Craig) appear to be caught in a downward spiral with ultimately abandonment of the land looming. Overall the volume of land market activity there is low, sale prices have fallen by about a third to G\$35,000 per acre, and rents have generally remained what they were 4-5 years ago (between G\$3000 –G\$5000).

6.5. Residential and Commercial land

Just as is the case regarding rice land, the competition for agricultural land suitable for housing development and for existing house lots is now much more narrowly focussed on a handful of areas such as the outskirts of major cities and areas adjacent to major river crossings. In these prime areas land values have remained relatively steady or even appreciated. Outside these residential ‘hot spots’, declines in value of 20-50% are reported, particularly in the vicinity of subsidized government housing schemes or those just beyond prime areas.

Aside from the general economic slowdown, emigration and government investment in housing schemes are two particular pressures on prices of residential land:

Despite the downturn, there remain areas where there is commercial interest in land, most notably for food processing, aquaculture, poultry farming, industrial estates and eco-tourism.

6.6. Land tenure regularisation and the land market

In order to reverse the de-formalisation of land tenure, that is, the development of a parallel informal market, Government has initiated a programme of Land Tenure Regularisation (LTR) on public land. Good progress has already been made. This is paralleled by squatter registration and low-income housing schemes managed by CH&PA.

These initiatives have been accompanied by improvements in the capacity for better land administration. The benefits of these improvements are:

- Reduced costs of transactions in land, including the cost of disputes over land.
- Easier access to credit and increased investment, leading to higher production and incomes.
- Greater availability of land for all forms of land development.
- Better protection of the public interest in land.
- A stronger tax base.
- Improved access to incomes from land and better distribution of those incomes.

The full potential of these benefits may take some time to realise. In particular, investment may be constrained by the economic downturn, and the problems over litigation are a particular barrier. In other areas, such as the protection of the public interest, taxation, and access to land, land administration is only one element of what is required. Nevertheless, rapid social and economic change mean that the volume of land transactions will continue to increase and any

improvement in the way these transactions are managed will be of immediate benefit.

6.6.1. Impact of LTR on markets

Rice

The impacts of land tenure regularization and formalisation are likely to be most pronounced in the rice sector due to its higher levels of land market activity, the considerable acreage under cultivation, and the large numbers of people involved in rice farming.

Cane

Except for state- leased land and some loss in equity value, no major changes are foreseen, not even in the private rentals paid. Quite a proportion of privately farmed cane land is under co-ops, which have generally been more successful in staying intact than counterparts involved in rice or provisions. The main variable determining their fate lies with GUYSUCO and how it ultimately decides to allocate its activities, both regionally and in terms of how much of the share of production it assigns to private growers.

Provisions

These tend to operate under the least formally secure forms of tenure. Regularization may deliver some formal credit advantages but probably not in the medium term credit arena, for which they have the greatest need. Title should boost the sale value of their land, with many in co-ops now opting for individual leases. However, given uncertainties about boundaries etc, regularization is likely to stir up conflicts and expose some to land grabs.

Housing

Regularization now being undertaken by CHAPA could result in the greatest credit access advantages for people, given banks' more favorable attitude toward combined collateral of land plus structures. This could stimulate home repair and construction activity. However, in areas of East Berbice / Correntyne where the bottom has fallen out of the property market and where there are so few interested buyers, this potential may not be realised. For many in such areas, title may simply be a stepping stone for getting a visa.

Farm Size

Small-scale farmers stand to lose ground under current economic circumstances and regularization is unlikely to fully compensate for this. Small-scale farmer's land assets are losing value, and their income is being eroded by lower rents derivable from sub-letting out their lands and higher land rentals charged for state leases. A disproportionate number are likely to emerge from the regularization process with provisional titles denying them the potential credit access advantages of title.

Medium-scale farmers are likely to benefit from lower private rents paid out for sub-letting which will more than compensate for the higher rents for state land leases. Formalisation may, however, mean a greater exposure to rates and tax charges. Indebtedness limits their ability to enlarge their land holdings by buying land that is currently cheaper than a year or two ago.

Indebtedness also constrains the very largest farmers from being able to capitalize on this land buying opportunity. Lower private rents are unlikely to be of any benefit to this set of farmers because virtually all land held is either in the form of freehold or large acre state leases. The main loss they face is a sharp drop in the equity value of their land and other assets.

6.6.2. Impact of LTR on Access to Credit

Given the current tight lending climate, the benefits that title confers with respect to access to formal credit are likely to be modest for anyone except those with demonstrated repayment track-records, those possessing other assets, or those in the sort of contractual arrangement (such as cane farmers have with GUYSUCO) which enhances the predictability of income streams. Scope for unsecured lending has also narrowed with the closure of GAI-Bank and privatization and stricter fiduciary rules applied to others such as GNCB.

While banks welcome the new longer term and less restrictive 50-year lease being issued by GLSC, they still have reservations, first because of foreclosure problems and more fundamentally because of the tri-partite (bank-borrower-GLSC) nature of the leases themselves. This is because the Government has a prior claim and authority to repossess and reassign the land in the event the borrower fails to pay rents due or breaches other terms of the lease.

6.7. *Land rent*

Recent studies in Guyana have shown that rents are determined by the quality of the capital infrastructure, rather than by the underlying quality of the land itself or any scarcity of arable land. Because the condition and quality of the D&I and other infrastructure is very variable, there is a wide range of rents.

In these circumstances, changes in the level of Government rents would not be expected to affect either productivity or production, provided that they do not exceed the affordable market rent. They would merely transfer to Government the economic rent that currently goes to the leaseholder who is subletting his holding of public land.

Where Government rents do exceed the affordable market rent, then there is the possibility that higher rents will drive marginal producers out of business. The levels of Government rents discussed so far, between G\$1,000 and G\$3,000

dollars per acre per year, seem unlikely to exceed the market level, except for those farmers whose operations are most marginal. Even G\$3,000 would only represent six percent of total variable costs per acre for rice production. At this level the impact is unlikely to be large, though this increase might have a serious effect on the incomes of poorer farmers.

6.8. Land Valuation

The purpose of land valuation is not to establish a ‘correct’ price but rather to ensure a price that both the buyer and the seller can accept as being fair. To do this the appraiser may use any one of a number of conventional methods, of which the most common are comparison with prices for equivalent properties recently sold and estimation of the capital value of the annual income that the property is generating or is likely to generate. The latter is commonly estimated on what is known as the ‘Years Purchase’, such that a rice farm that generates a rent of G\$ 10,000 per acre would sell for G\$ 200,000 per acre on 20 Years Purchase. The valuer must determine from his knowledge of the market what is the appropriate Years Purchase at any one time. It may range between 10 and 50 years.

Whatever the method, valuation depends on there already being a market for land which can provide a yardstick against which property prices can be measured. Because currently the market for land is not fully developed, valuation is even more imprecise.

Lack of qualified valuation personnel is another obstacle to the development of a land market in Guyana. There are no tertiary level courses on the subject in the country and the Government’s Valuation Office seems to be the only body in the country established for this purpose. The Office is very short of qualified staff.

6.9. Finance and investment in land

A primary benefit of land title is expected to be that it encourages investment and allows finance to be raised against the security of the land. There is a small market for mortgage credit in Guyana. At present it is limited by the economic downturn. More generally, however, lenders see the weaknesses of land administration and, in particular, the courts as a major barrier. To take possession of a mortgage defaulter’s collateral through litigation is both lengthy and expensive. As long as this is the case, banks will seek additional security.

6.10. Legislation, the courts and supporting institutions

Effective land administration is only one of the institutions needed for a fully functioning market in land. Weaknesses in two other areas have been just as important in pushing landholders towards informal arrangements. The first is the fact that legislation and regulations have not kept up with the changing needs of a developing market. Rental is an important example. As it stands and is currently

interpreted, the law on rental is a strong disincentive to an active market in rented property and, as a consequence, to any investment in developing property for rent. The second factor is the expense and very slow processes of litigation in the Guyanese courts. Any active market inevitably brings a level of disagreement and dispute. An inability to resolve these disputes effectively, cheaply and rapidly is a major barrier to the market's operation.

Two other institutions have important supporting roles to play: a valuation profession to assist transparent dealing between willing buyers and willing sellers, and a survey profession to certify the dimensions and location of the property concerned. The Guyanese valuation profession is small and the volume of survey required to meet public as well as private needs is far greater than the current capacity and the resources available to pay for the work.

6.11. Conclusion

While significant strides have been made in improving the policy and institutional framework for a land market in Guyana, there remains a great deal to do before a sustained improvement to the system as a whole is guaranteed. Costs must be reduced, efficiency increased and -- above all -- public confidence in the processes and in the fairness of formal land administration must be re-established. The simplified procedures applied during LTR programmes have shown a number of ways in which this can be done.

7. INFORMATION SYSTEMS

7.1. Introduction

The core function of the Land and Surveys Commission is to maintain up-to-date land information records, and provide information and products associated with survey and mapping. Under-investment over the years meant that the Lands and Surveys Department (LSD) was ill-equipped to perform these functions effectively. Stored under adverse conditions, paper records relating to the issuing of leases, the collection of rents, and managing land information and cadastral survey work were difficult to access.

In the four years leading up to the formation of the Commission the Lands and Surveys Department made a number of investments in information systems to support these key functions. These included preliminary work on databases and the installation of a GIS.

Since the formation of the Commission, additional investments have been made in GIS software, Survey and Autocad packages and accounting systems. These have

been supported by technical training initiatives across all of the Divisions in the Commission.

7.2. Database Use.

7.2.1. The Paper Records

Initial development of the lease database commenced in 1997 to facilitate the systematic analysis of the lease records and to allow rapid retrieval and analysis for policy formulation and planning. This work was undertaken on the understanding that the paper records -- as they related to areas of state and government land and lease rentals -- were adequate and up-to-date, and that information for key data fields was easily accessible.

However, the organisation of the paper records proved more complex than anticipated and lacked essential information. This was compounded by the practical problems of extracting the dispersed records in the correct format for capture into the computer. Inherent problems with the records, and errors and omissions meant that several screening phases were required to deal with problems. It is important to understand the nature of these problems since it is necessary to ensure paper systems are effectively synchronised with digital data. A summary of some of the key issues is presented as follows:

- There were significant problems linking the lease records (including provisional leases, allocations, and licences of occupancy) to land parcels. In many cases lease records and registers were not accompanied by references to a map index, plan numbers, lot or parcel numbers. Titles could not be grouped by area and plan reference since stock sheet and plan references were not consistently recorded. This made it difficult and time-consuming to check locations of land parcels to which the lease refers, with consequent slowing of transfers and application checks. The system was also open to error such as the issuance of two leases for the same parcel.
- Out of a total of over 17,000 records initially entered in the database, it emerged that the records contained over 10,000 invalid leases, with 7,000 currently valid. The remaining records were mostly licenses of occupancy with some cancelled leases. It was difficult to determine from the paper records whether new titles had been issued to replace expired titles and/or whether these had been formally cancelled. For invalid leases, it could not easily be determined whether one or more of the following situations applied:
 - the lessee had applied for a renewal during which time he continued to occupy the land and pay rental on the old lease;
 - the lessee had not applied for renewal but continued to occupy the land and pay rent on the old lease;

- the invalid lease had been cancelled and a new one issued with a new lease number or the same lease number on the same land parcel;
- the expired lease had been replaced by a provisional lease until such time as a full lease may be granted.
- Billing of clients was based on these paper records, meaning that the compilation of debtor statements and balances was time consuming, the information obtained was soon out of date and overall balances could not easily be reconciled with records held at regional offices.

7.3. Development of information systems

These problem areas are being addressed through three layers of information system development in three key divisions in the Commission, Land Information and Mapping, Land Administration and the Finance Division.

- Development of a Geographical Information System (GIS) providing digital land parcel data.
- Development of a Land Information System (LIS) to track titles against the GIS land parcels.
- Development of Accounting and Billing systems linked to the titles tracked by the database.

7.3.1. Development of a Geographical Information System (GIS)

The GIS was procured in 1997 to address the problem of linking lease records to land parcels so that leases can be checked and analysed by area and location. This also enabled identification of un-leased land for more productive use.

Digitising base data such as canal alignments, the coastline and the main administrative boundaries from the most detailed base material available (1:10,000 photomosaics) commenced in late 1997. Staff were trained as the work progressed and rapid progress was made.

Work commenced on the systematic capture of land parcels for all government development schemes in early 1998 and continued throughout the year. Under the Lands and Surveys Department (LSD), cadastral data was not properly indexed and formal links between the lease records and cadastral sheets were not well maintained, so the work initially focused on:

- capture of spatial datasets in digital format to ensure preservation of the record;
- preparation of a new cadastral index in digital format and formalised links with the lease database;
- ensuring the safety of the map records by providing proper storage and indexing facilities both in digital and hardcopy format.

This work has continued under the Commission. The following procedures are now established to reconcile the spatial and a-spatial (textual) datasets.

- Audit of available maps, plans and aerial photographs.
- Data capture of base information for infrastructure, coastline and administrative boundaries into digital format compiled from the largest available scale maps and photo-mosaics by scanning or manual digitising.
- Data capture of best available stock sheets and plans.
- Data sort/query from the lease database to produce a list of leases for each area covered by the relevant stock sheet/plans.
- Reconciliation of the lease records to the lots/land parcels, confirmation of the status of leases as map data is compiled, and progressive checking and correcting of lease database.
- Assignment of unique parcel identifiers to land parcels as they are digitised.
- Joining of corrected lease record information as attribute data to the digitised plans/maps.
- Final plotting of maps and presentation of query models for future planning and management, and field checking in the regions.
- Spot checking based on the results of the analysis.

The results of these analyses have been used to prioritise and support LTR activities and provide the basis for survey planning.

Most of the work has focused on the coastal regions 2, 3, 4 and 6. Over 33,000 parcels have been digitised out of an estimated total land inventory of over 40,000 parcels for the entire country. Digitising work is now focused on updating this parcel information and the index numbers with more up to date information from LTR fieldwork.

In addition to the key work on land parcel mapping, development of GIS standards is being co-ordinated through the Guyana Integrated Natural Resources Information System (GINRIS), ensuring that GIS work is consistent and can be shared with other agencies including:

- Environmental Protection Agency.
- Guyana Geology & Mines Commission.
- Guyana Forestry Commission.
- Guyana Natural Resources Agency.
- National Agricultural Research Institute.

As custodian of the map base of Guyana, the GLSC is the institutional home of GINRIS which provides much of the spatial information for the activities of sister agencies.

7.3.2. The Development of a Land Information System (LIS)

A multi-purpose integrated Land Information System (LIS) is under development to address the problem of tracking of leases and occupancy

where titles have expired. The LIS is improving the analysis of land and lease data. The core structure of the Land Information System data is split into three linked sets of data

- Land Parcel Information, including a 'relate' number linking the GIS detailed information on parcel location, acreage and type to the actual lease details on the lease database.
- Person information, identifying title holder(s) names and contact details.
- Transaction information, details of the type of application, claim or title held.

The main problem over the past year has been bringing paper records systems and procedures into line with the requirements of better recording and digital technology. At the same time the Commission is dealing with a significant backlog of land applications in parallel with developments in GIS/LIS. To overcome this the following approach is being used for ongoing verification and validation of the underlying data:

- Grouping data by location.
- Examining and correcting detailed location data.
- Standardizing spellings, abbreviations and addresses.
- Identifying any missing relate numbers.
- Searching for and rationalising duplicate persons, parcels and applications records.
- Completing any missing lease or provisional lease information.

As staff are trained and become accustomed to the new systems, existing manual systems are streamlined and more areas are brought up to date through the process of LTR, these problem areas are expected to diminish.

In addition to the 33,000 parcels linked to the GIS, the LIS contains records for over 27,000 people, nearly 8,000 valid leases, and over 4,000 provisional leases/permissions. This does not include the results of LTR work which will add over 8,000 leases to the database in 2003.

7.3.3. Accounting and Billing System

Early attempts at establishing a stand-alone billing system ran into problems in keeping records up to date and reconciliation with manual systems in the Regional Offices.

Following formation of the Commission in 2001 a basic small business computerised accounting system was used to establish the Commission chart of accounts, computerize payroll, assume financial control over regional offices and provide monthly management information on receipts and expenditure for each division and regional office. At that stage, billing focused on identifying larger title holders and collecting the most significant rent amounts and arrears through a series of one-off billing and collection

exercises. This work provided Finance Division staff with a basic introduction to computerised accounting.

The Commission is now in the process of upgrading to a medium sized accounting software, with an Accounts Receivable module that will be updated directly from the LIS. As infrastructure becomes available, the Commission is also putting in place data links to the major regional offices that will lead to one central lease and debtor record; it will be controlled from head office but accessed and kept up to date from any regional office of the Commission.

Ultimately, the collection of revenue through the accounting and billing system will sustain the Commission and the Commission's systems. Results from 2002 are promising, with the collection of rents, arrears and other income exceeding the commission's recurrent costs for that year. This is expected to continue in line with a five year financial plan that anticipates financial self sufficiency within three to five years.

7.4. Sustainability

The Guyana Lands and Surveys Commission has made significant progress in establishing the three initial layers of information systems that it requires for land management, administration and policy formulation:

- Geographical Information System (GIS) providing a land parcel basis.
- Land Information System (LIS) to track titles against the GIS land parcels.
- Accounting and Billing systems linked to the titles tracked by the LIS.

The Commission is currently undertaking an evaluation of the infrastructure required to make selected information from these systems more widely available. Initially this is focusing on data links with the main regional offices for more effective and efficient sharing and updating of data. Once these links are established the Commission will consider setting up an internet based information service.

The Commission has received outside assistance and technical support for many of these developments. Training programmes have been completed and many staff who were not previously computer literate are now enjoying their new found skills and new meaning to their work.

From a very low information base a very great deal has been achieved in both the storage and preservation of existing paper records and development of parallel digital records, particularly over the last two years. Challenges still remain. Sustainability of all of the systems depends on a number of key elements being in place:

- A well planned and sustained ongoing training programme combined with better understudy arrangements, cascade training methods, and more flexible work methods.
- Adoption of the systems by all staff and an unreserved commitment to making the most efficient and effective use of available technology.
- A programme of recruitment of staff that emphasizes computer literacy.
- A full-costed plan for the maintenance and upgrading of the network system.
- A full-costed plan for replacement of machines and upgrading of software.

Of these, staff training and the need to adopt more flexible inter-divisional approaches to work to allow for understudying and cascade training are the most important.

In addition to these underlying changes to the total records, LTR work is contributing to the updating and adding of a significant number of records to the database, and work is ongoing to the ‘cleaning’ of existing and older records. Once this is complete, trained staff will be required to maintain and upgrade the digital records over time. This is achievable but will need to be supported by a strong training and recruitment strategy.

8. INSTITUTIONAL / LEGAL REFORMS

8.1. Background

Prior to the establishment of the GLSC in 2001, public land was administered by the Lands and Surveys Department (LSD) of the Ministry of Agriculture under the authority of the Lands Department Act. Under this Act, the LSD had four main statutory duties:

- To have charge of all State Lands, with the exception of State Forests.
- To have charge of all Government lands, with the exception of built-up lands under the charge of the Ministry of Works.
- To administer the Land Surveyor’s Act.
- To carry out all surveys of State lands.
- To keep records of all grants or leases of State and Government lands and provide public access to these records.

In practice, the function of the department was to administer public leasehold land, which involved three main activities:

- To maintain registries of leases and process applications for new leases, transfers and renewals.
- To be the repository of all cadastral plans and to regulate the land surveying practice in Guyana.

- To enforce lease conditions.
- To collect public land rents.

Over the years prior to 1998, a number of conditions developed which led to institutional change.

- As a department of Government, the LSD was not responsible for financial accounts or for recruitment, promotion, or fixing conditions of employment. These were managed by the Ministry of Agriculture or by other branches of the Public Service. Even within its own areas of responsibility, the Department's ability to set its own strategic objectives and establish performance targets was limited by the fact that it could not alter charges or retain its own revenue and by this requirement had to work within government budgetary restrictions.

Partly as a result of this, there was a general failure to set targets or to monitor performance in terms of output and financial efficiency. This was a serious deficiency as it prevented the organisation from defining the service it provided, from assessing whether this service was acceptable or not, and as a consequence from designing and executing appropriate remedial action.

- The LSD's Lease Registry deteriorated over the years. Of a total of 17,600 registered lease records, some 10,000 were invalid, having expired or been revoked over the course of time.
- The LSD had a backlog of lease applications and provisional leases. Application procedures were cumbersome with no standard criteria established for allocating leases. Performance in handling applications was both bureaucratic and time consuming. The inadequate filing systems meant that files were lost. In 1997, a sample of application files was analysed. Despite the fact that most cases were simple and despite the applicants having a strong claim to the parcel of land, some from already holding or inheriting a previous lease, the shortest time in which a lease was issued was 26 months and the longest 65 months. This performance was clearly unacceptable. Such inordinately slow procedures were a serious disincentive in registering property interests.

It is clear that land administration systems and procedures in Guyana require a radical overhaul. If there is to be any chance of establishing a sustainable and modern land management framework. All stages of the process must be streamlined and, at the same time, operating costs will have to be substantially reduced. Since pay and conditions for the staff of the department must be improved, this can only be achieved through even greater improvements in productivity and efficiency.

- The survey functions of the LSD were largely neglected. In 1998 there was a backlog of up to four years' work to carry out the surveys needed to

convert provisional leases to full leases. There was also a sizeable backlog of Land Registration Areas declared by the Land Registration Board which still need to be surveyed. It took the Department an extraordinarily long time to check privately submitted survey plans. The national geodetic survey monuments had not been properly checked or maintained for up to 20 years and little topographic and hydrographic survey had been undertaken for a number of years. Financial constraints, a chronic lack of survey staff and lack of transport meant that LSD staff were seriously constrained in carrying out field inspections.

- Budgetary restrictions led to a prolonged failure to keep up with building maintenance and other recurrent activities. The state of the building was a threat to the continued preservation of lease records and legal documents and consequently, one of the Department's primary statutory responsibilities is to keep records of all leases and grants and cadastral plans.
- Staff motivation was difficult where management had no control over terms and conditions of employment and where public service pay was uncompetitive with the private sector. Even within this limitation, however, the clearer definition of responsibilities and work targets would have improved performance.
- Perhaps the most serious policy level constraint to the pre-Commission institutional arrangement was that the Lands Department Act was too restricted in its mandate. The country's land resources were coming under pressure and there was no entity in place to guide land policy development or undertake land use planning or land information systems development. These were not provided for in the Act.

It was in this context that the GLSC was established.

8.2. Creation of GLSC

The GLSC Act was passed by the National Assembly in December 1999 and brought into effect on June 1 2001. The Act provides for the Commission to be governed by a Board of Directors comprising a Chairman and 12 members, including the Commissioner of Lands and Surveys. The Commissioner serves as the Chief Executive Officer.

The Commission has the following functions.

Policy

- to advise Government on policy concerning public lands
- to develop appropriate policies, such as mapping, surveying, land information etc.
- land use planning, including the collection, analysis and presentation of land information

Management of Public Lands

- administer public lands -- issue of leases, registry and collection of rents

- administer the conversion of public lands to freehold as determined by policy
- to identify unoccupied land areas of economic potential and prepare development plans
- to make arrangements for land development schemes implemented by government agency or the private sector as appropriate
- to enforce the law relating to public lands and the conditions of leases

Surveys and Land Information

- to carry out geodetic, topographic, hydrographic and cadastral surveys
- to prepare maps, charts and survey plans
- to register plans of all land surveys carried out in Guyana
- to make land information available to the public on a commercial basis

The Commission is structured into five Divisions, managed by the office of the Commissioner. The Office of the Commissioner has the tasks of overall management, coordination, Board reporting, legal matters, public relations.

Human Resources and Administration Division

- Management of services such as building maintenance
- Drafting employment and training policy and regulations and monitoring compliance
- Advising on the conduct of negotiations with the Union
- Recruitment
- Preparation of Human Resource Plans
- Provision of advice on staff management techniques, for example on Performance Appraisal
- Establishment of means of assessing learning and development needs

Finance Division

- Preparation of annual capital and recurrent budgets
- Maintenance of accounts
- Management of payroll
- Establishment of a fully computerised accounting system
- Establishment of an effective system of revenue collection and credit control
- Procurement and tendering
- Stores management

Land Administration Division

- Receive land applications from regional offices, carry out preparation work where needed, and forward them to the Board for consideration
- Act on the decisions of the Board to issue leases or otherwise, and up-date records accordingly

- Manage the work of regional offices, and provide support and advice to Regional Heads
- Deal with applications for permission to mortgage leases
- Establish criteria for different land rent categories and establish/review rent charges
- Identify and survey areas for the productive development of the land
- On the basis of advice from regional offices, the Finance Division and the legal unit take action to cancel leases where conditions have not been complied with

Surveys Division

Surveys to be performed by the GLSC will be limited to expanding and maintaining geodetic surveys, cadastral surveys, and topographic surveys. Work for other agencies, such as the Housing Authority, will be mostly contracted out, with the GLSC performing the role of monitoring and regulating survey activities.

Key thrusts include

- The introduction of modern survey technology and with training all staff in its use
- The establishment of a geodetic network in the country
- Development of computer assisted drafting applied to cadastral plans
- Supporting and guiding the training of surveyors at the Technical Institute

Land Information and Mapping Division

This Division is concerned with the creation and maintenance of a land information system to serve the needs of the Commission and its clients. Its key functions are

- Development of a comprehensive database of public land parcels
- Provision of digital products and services with emphasis on scanning and digitising the core map scales
- Development of a map users catalogue
- Improving the cartographic and air photo resources
- Lending GIS support to land use initiatives

8.3. Organizational Development in the GLSC

Upon the establishment of the new GLSC in 2001, all staff within the old LSD were given the opportunity to transfer to equivalent positions in the GLSC, with conditions no less favorable. In reality salaries were raised to be more comparable with other semi-autonomous organisations and to boost morale and productivity.

8.3.1. Other key strategies included

- Contracting out most of the survey work and major services, such as maintenance and security;
- The lease registry to be rehabilitated and modernised, including the production of linked parcel and lease computer databases for the

purpose of making instant record enquiries and noting applications' progress;

- GIS, computer mapping and other cartographic equipment to be acquired, to enhance the speed, efficiency, flexibility and accuracy of map production;
- Computer systems to be set up for recording human resource and accounting information;
- A computer-based billing system to be introduced, linked to the lease index database;
- Lease application procedures to be streamlined, including a reduction in the number of Land Selection Committees and in the stages required for lease renewal and transfer.

8.3.2. Key organizational development achievements

Strategic Plan

The major initial milestone was the formulation and adoption of a Strategic Plan and Mission for the organization. The Mission of the GLSC is “to effectively and efficiently administer lands for the benefit of our customers and national development”

The Strategic Plan spanned just three years initially, recognizing that the organization was new and was going to change rapidly. The Plan benefited from extensive consultation and participation from all staff. The key performance drivers set out in the Plan are:

- Customer satisfaction
- Self-sufficiency
- Attracting potential/future customers
- Enhanced land market

Strategic objectives have been formulated and for each, specific targets have been identified.

Five Year Financial Plan

Since the GLSC has to become financially sustainable, a five- year Financial Plan was developed. Essentially the Plan identifies a five-year path along which defined revenue generation activities and targets along with expenditure planning will take GLSC to a point of independence of the Central Government subvention at the end of five years. This Plan is being implemented.

Human Resources Strategy

A Human resources strategy has also been developed for the Strategic Plan period. This plan identifies strategic actions which are to be taken to establish a sound human resources capacity to deliver the Commission's targets.

In a very short time, these and other changes -- including substantial rehabilitation of the building furniture and equipment procurement -- have been undertaken. The Commission is continuing to move forward change within the context of approved plans and strategies. Slowly, the organization is showing positive signs of achieving its long terms objectives.

8.4. Legislative analysis and reform

It has been recognized in recent years that legislation needs to be examined radically in order to deal with on-the-ground realities and to modernize the land sector.

The foregoing sections have highlighted the need for fundamental institutional change which could only have been brought about by legislative change. But several other areas also point to the need for legislative change. One is the area of land rents. The law on rental can be a serious disincentive to a vibrant land market. In trying to establish a land market, policy has to ensure concomitant legal analysis and change.

An active land market brings with it land disputes. If disputes are slow and costly to resolve, then the market is impeded.

Several pieces of land legislation are old and have not kept up with current trends. The State Lands Act and the Land Surveys Act are two examples.

Under an IDB-funded Public Land and Regularization of Tenure project (PLART) much legal analysis was undertaken in the late 90's. The State Lands Act was overhauled and Regulations re-written. A new Standard Agricultural lease was drafted and adopted. This lease provides for rights of mortgage, subleasing, inheritance, renewal and transfer. This is already being implemented.

The Land Surveys Act was similarly revised, and a new Land Surveys (Profession) Act was drafted. For the sake of completeness, it should be mentioned here that the Guyana Lands and Surveys Commission Act was drafted and enacted.

While Guyana can boast the enactment and implementation of some pieces of legislation, others have remained in draft form awaiting debate and passage in Parliament. Other national interest matters have eclipsed the urgency of these draft legislation.

Of note here is the innovative mechanism of alternative dispute settlement being implemented in the process of land tenure regularization. This is under way and is proving effective in resolving disputes in a quick and cheap way.

The relation between the emerging land market and legal change is an area that requires further work. A comprehensive land market study had just been

completed under DFID support. This is expected to lead to further legal analysis and reform.

9. ACCESS TO LAND AND SOCIAL EQUITY

9.1. Background

Many of the causes of poverty in Guyana can be traced to earlier decades when inappropriate policies led to years of economic decline. In recent years, poverty in Guyana has been aggravated by the decline of international markets in key exports such as sugar, rice and bauxite. Attempts to tackle it have been hindered by the considerable burden of public debt obligations.

According to a recent report by the British Government DFID (Guyana country paper 2001), Guyana is, without question, a poor country and poverty is particularly pervasive among Amerindian communities, female-headed households, and small-scale rice farmers. Furthermore, a socio-economic survey conducted by GLASP in 1998 found that poverty levels amongst farming households were generally lower than amongst the population as a whole. Land administration and management policies can play an important role in redressing this situation.

With abundant land resources, Guyana has an opportunity to tackle poverty through appropriate policies and programs for land allocation.

9.2. Government's National Development Strategy

The principal goals of the Government of Guyana, as outlined in the 1996 National Development Strategy, are:

- Rapid growth of average income
- Poverty alleviation / reduction
- Satisfaction of basic social and economic needs
- Sustainability of a democratic and fully participatory society.

The Government has identified a number of Sectorial objectives that are essential to achieve so as to meet its goal of reducing / alleviating poverty. These include:

- Increasing the revenue derived from agriculture by improving efficiency in resource use (thereby increasing productivity in farming and processing) and by tailoring production to the needs of the market, both domestic and international.
- Targeting the resource-poor for special attention to enhance their opportunities for betterment.
- Provide effective relief from the immediate deprivation suffered by poor households with respect to basic necessities such as nutrition, health care,

schooling, housing, and potable water so that they are freed from such intensive concern in these areas and are able to devote their energies more fully to activities that improve their lives economically and culturally.

- Integrate the poor more formally into the development process so that they can improve their situations in the future through their own efforts, reducing their dependence on special benefits.

The Government has also identified a number of supporting objectives:

- Expansion of opportunities for self-employment and employment in firms at a living wage.
- Enhancement of the capabilities of the working-age poor to respond to such opportunities.
- Improvement of the conditions of supply of basic social services to poor households, while maintaining them at affordable levels for that group.
- Provision of adequate income and nutritional supplements for poor households.
- A comprehensive empowerment of Amerindian populations, enabling them to better control their own destinies in economic and social terms as well as endowing them with greater opportunities for earning incomes and a better supply of basic services.
- A comprehensive programme to eliminate gender discrimination in the workplace and in other areas of life.
- Improvement in the access of the rural poor to land, working capital, agricultural technology and markets.
- Provision of special and comprehensive assistance (including training and counseling as well as economic assistance) to those families that have suffered from prolonged deprivation.
- Improvement in the conditions of assistance to the aged and mentally and physically handicapped, and identification of ways in which they too can participate in productive endeavors.

9.3. Poverty Reduction Strategy

Government's approved poverty reduction strategy complements the NDS and addresses poverty reduction specifically. Its objectives include job creation, development of human and physical capital, environmental protection, and special programs to address regional pockets of poverty.

Economic policies under this strategy include monetary and fiscal macro measures, investment and export promotion, development of small businesses, development of eco-tourism, modernization of the sugar industry, mineral exploration, and information technology development.

However, it is under the governance strategies that land finds context. Apart from public sector modernization and decentralization of public services, the improvement of land development, access to land, and land allocation

mechanisms are cited as keys to a strategy for reducing poverty. The Country Poverty Reduction Strategy Paper (PRSP) states:

The newly enacted Guyana Lands and Surveys Commission (GLSC) Act established a new semi-autonomous land agency with the authority to manage all public lands and develop land use plans, policies and information systems. The same office will process all applications for agriculture, eco-tourism, and industrial and commercial development. A computerized land information database is being developed to create and maintain up-to-date lease and land use records, facilitate rent billing and collection, and facilitate the identification of available lands for development.

To accelerate land titling and land allocation and to minimize the perception of discrimination in land allocation, criteria and standards for evaluation and approval of land applications are being developed for immediate implementation. Legislation will be enforced against discriminatory practices, including gender and poverty bias in the allocation of land rights.

Pursuant to Government's decision to convert small parcels from leasehold to freehold, several land development schemes are being regularized, and eligible parcels are being converted to freehold status. In addition, for those parcels that do not qualify for freehold, a new standard agricultural lease has been developed and is being implemented to provide for 50 years duration, and rights of mortgage, renewal and inheritance.

The GLSC has been given the mandate to develop land use plans and policies. To this end, a public land inventory is being made. A Geographical Information System is being developed that will be used as a tool for land use planning. The LSC has acquired professional land use expertise that will guide the development of plans and policies.

9.4. GLSC and poverty reduction

It is clear that in a situation where land is relatively abundant and other forms of capital are scarce, land policy can play a key role in addressing poverty.

In line with the Government's National Development Strategy and with support from IADB and DFID, the GLSC has implemented a number of policy initiatives (outlined in Section 4). These policy initiatives are designed to create an enabling environment for poverty alleviation and reduction, enhance tenure security and access to land, reduce vulnerability, better encourage more sustainable use of resources, promote investment, and stimulate private sector development through opening of new land for economic development.

- Establishment of the Lands and Surveys Commission as a parastatal organization enables it to become self-financing and allows it to develop its own plans and programs which will allow faster processing of lease applications and better access to land for all land users
- GLSC's land tenure regularization programme will provide secure title to all tenure groups.
- The conversion of leasehold land to freehold providing secure title will provide better access to credit for all tenure groups.
- The new lease instrument being awarded similarly provides security of tenure and certain rights to all land users, including the poor:
 - Right to mortgage
 - Right to transfer
 - Right to sublet
 - Right of renewal
 - Right of inheritance

These policy/institutional initiatives are having a positive impact on vulnerable groups.

9.5. Vulnerable groups in the land sector

- *Sublessees*
Sublessees are part of an informal illegal tenure situation, which is widespread throughout the coastal plain (particularly on rice land). Their tenure rights are legally weak, rendering them vulnerable.
- *Co-operative members*
Co-operative members are often faced with land tenure security problems. Many of the agricultural Co-operatives on the coastal plain exist only in name and are now dysfunctional with 'members' seeking individual land rights. These rights can only be established when the Co-ops are officially disbanded, and this is often a lengthy procedure. The regularization process will pick up from the point where coops are disbanded and members are free to make their individual land claims.
- *The landless and squatters*
The landless can include landless farm labourers and young farmers who are the heirs of farmers with holdings too small to subdivide. Squatters are defined as those who are occupying land but have never been a part of a formal land tenure system. These groups both face the problem of finding a means to access the land tenure system and are likely to need assistance to do so.
- *Women farmers*
This group also faces land tenure related livelihood constraints. Most women are not fully aware of what land tenure security involves. They have insufficient knowledge of the procedures for acquiring leases and there is a tendency for women to feel that land matters are the responsibility of men. Many women farmers make an important contribution to household income through their own

agricultural enterprises and the LTR Programme could assist in recognising the importance of this role by ensuring that women farmers are given every opportunity to participate in the programme.

