



Land Tenure Center

## **COUNTRY EXPERIENCE IN LAND ISSUES**

# **ANTIGUA & BARBUDA**

by

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## **EXECUTIVE SUMMARY**

The State Antigua and Barbuda comprises three islands (Antigua, Barbuda and Rodonda) with a total land area of 442 km<sup>2</sup> (68,374 acres). Antigua & Barbuda is probably the OECS member state, which has moved the farthest from its agricultural base. In 1960, Agriculture accounted for 40% of the Antiguan economy, primarily in the form of sugar production. Today Tourism accounts for 60% of GDP with Agriculture contributing 3.6% (2001)

However, Antigua & Barbuda did not make the transition to a tourist-based economy without leaving in its wake serious land use problems. The Government is the largest landowner in Antigua, owning about 42% of the land, while 32% is privately owned. The 1985 data was unable to establish the ownership of almost 16,000 acres of land.

The economic challenges facing the country of the future fall into two categories, both of which will require pro-active state policies. One challenge is to maintain the attraction of the country's tourism industry. This requires the Government of Antigua & Barbuda to be continuously engaged in efforts to maintain "the integrity of the natural resources".

The other challenge is that of overall balanced growth in the society at large. Although ties between agriculture and tourism are growing, they are still fairly weak. While both food and total imports increased considerably, the persistent and relatively high imports of food suggest the lack of a firm bond between crop production and domestic food consumption. Unbalanced growth in the economy is also being expressed in the rapid migration of labour away from agriculture, the abandonment of large farms and a plethora of landless livestock operators. Housing demand in the urban areas is becoming a critical concern. Antigua & Barbuda may not be an agricultural economy, but its land policies are essential to sustaining economic growth.

Antigua & Barbuda has no less than 23 pieces of legislation to assist the state in the planning, administration and management of its land resources. All land in Antigua is now registered under The Registered Land Act, Cap 374, passed in 1975. Such evidence as there may be of a smooth operation of the Land Registry under this Act, however, is not easily available. There are reported numerous applications for the rectification of the Register and claims that the records are not up to date. The last reported total of parcels registered is 41,000.

There are several Government units involved in the actual planning and management of land. The major units are the Development Control Authority (DCA), the Lands Division of the Ministry of Agriculture and the Central Housing and Planning Authority (CHAPA). Each interprets its mandate in specific ways leading to much ambiguity about land policy.

Security of Tenure is a very important land issue in Antigua and Barbuda because it points to the integrated nature of land access and changing land use patterns. The majority of available land for farming is owned by Government and is available to farmers only on short-term leases (one year). This is mandated by the relevant legislation (The Crown Land Act, Cap. 120). The inability to obtain leases for longer periods

hampers investment opportunities, as Government-leased lands cannot be used as collateral for loans.

The peculiar aspect about land access in Antigua and Barbuda is that most of the laws and institutions assume that the pressing need is for land for agricultural purposes. This could not be further from the truth. The demand for access to land, at least by the poor, has been largely for shelter and settlement. This is a demand that is coming from the necessary expansion of villages and the migration into the St. John's area. Indeed the 60/40 urban-rural division shows this up in a dramatic manner.

With the Government owning a majority of the available arable land, and mounting pressures for their conversion into alternative uses, a clear articulated and consistently implemented land policy is essential to the success of any medium term economic strategy.

# 1. INTRODUCTION

## 1.1. *Background*

The State Antigua and Barbuda comprises three islands (Antigua, Barbuda and Rodonda) with a total land area of 442 km<sup>2</sup> (68,374 acres). Antigua & Barbuda is probably the OECS member state, which has moved the farthest from its agricultural base. In 1960, Agriculture accounted for 40% of the Antiguan economy, primarily in the form of sugar production. Since the 1980s, the economic development strategy has focused on exploiting the country's main natural resources, namely, climate, numerous white sand beaches, coral reefs and sailing season. The objective has been to promote tourism through the construction of hotels, airports and cruise-ship facilities. Today Tourism accounts for 60% of GDP with Agriculture contributing 3.6% (2001)

**Table 1: Antigua & Barbuda Basic Indicators**

Population (Year 2000)	68,487	Real GDP (EC \$million) 2000	\$1,240.5
Urban Population	60%	GDP Growth Rate (Avg. 97-'00)	2.7%
Population Density ( per Sq. Mile)	<b>445.5</b>	Total Area (acres)	68,374
Population Density in Capital City	8,296.9	Government-owned	42%
Life expectancy	75.0	Privately Owned Land	32%
Antiguan Active labour Force (1996)	22,075	Unestablished Ownership	23%
Immigrant Work force (1996)	7,546	Land in Agricultural Production	5%

Source: OAS/GOA Natural Resource Assessment Project, 1985, Draft National Physical Development Plan Vol.2. OECS Human Development Report 2002.

However, Antigua & Barbuda did not make the transition to a tourist-based economy without leaving in its wake serious land use problems. The island of Antigua itself is about 280 km<sup>2</sup>; the sister-island Barbuda is 165 km<sup>2</sup>. (The third island, Redonda is a rocky volcanic island, 35 miles south-west of Antigua, measuring about 1 km<sup>2</sup>. Redonda is uninhabited. The Government is the largest landowner in Antigua, owning about 42% of the land. 32% of the land in Antigua is privately owned. It is noteworthy that the 1985 Census was unable to reveal the ownership of almost 16,000 acres of land. In other words the cadaster is unable to identify any private ownership of 23% of the country's land (parcels under 25 acres) and there are no records indicating Government ownership of it either<sup>1</sup>.

## 1.2. *Economic Performance*

In terms of economic performance, the Tourism sector dominates the economy of Antigua & Barbuda, accounting for 74% of GDP in 2001. Agriculture accounts for only 4% and is focused on the domestic market. This sector however is severely constrained by a limited water supply and a labor shortage stemming from the lure of higher wages in tourism and construction work. Manufacturing

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<sup>1</sup> "A Study of the Land Tenure Structure of Antigua & Barbuda: Public and Private Interests in Land" by Hersh Lemel, David Stanfield and Hilford Deterville. Land Tenure Center, University of Wisconsin, June 1988. Table 1, p.4.

(2.3% of GDP) comprises enclave-type assembly for export with major products being bedding, handicrafts, and electronic components.

**Table 2: Structure of Antigua & Barbuda Economy**

	<b>1981</b>	<b>1991</b>	<b>2000</b>	<b>2001</b>
<i>(% of GDP)</i>				
Agriculture	6.8	4.2	3.9	4.0
Industry	18.5	20.9	20.2	21.1
Manufacturing	5.0	3.0	2.3	2.3
Services	74.8	75.0	75.8	74.9
	<b>1981-91</b>	<b>1991-01</b>	<b>2000</b>	<b>2001</b>
<i>average annual growth</i>				
Agriculture	2.4	0.8	5.6	0.9
Industry	10.9	5.0	6.3	3.3
Manufacturing	2.7	1.8	3.0	3.2
Services	6.0	3.1	1.3	-0.7
GDP	6.9	3.4	2.5	0.2

Source: World Bank Estimates

The economy of Antigua & Barbuda, like all other OECS economies, is vulnerable to external shocks such as hurricanes and international events. Hurricane Georges in 1998 and Lenny in 1991 created difficulty for the Tourism sector and weak tourist arrival numbers in 2000 have slowed the economy. Growth in Services, which had averaged 6% during the decade of 1981-91, fell to 3.1% in the subsequent period (1991-01). Prospects for economic growth in the medium term will continue to depend on income growth in the industrialized world, especially in the US and Europe which collectively account for over two-thirds of all tourist arrivals.

### *1.3. Economic Challenges*

The economic challenges of the future fall into two categories both of which require pro-active state policies. The first challenge to Antigua & Barbuda is to maintain the attraction of the country's tourism industry. This requires large public-sector investments in tourism-related projects such as rehabilitating roads, maintaining the public utilities infrastructure, upgrading the airport etc. It also requires the Government of Antigua & Barbuda to be continuously engaged in efforts to protect the physical environment, monitor the quality of coastal waters to protect the marine environment and introduce and enforce legislation that will provide instruments to maintain "the integrity of the natural resources". The Government of Antigua & Barbuda will find this task a challenge, given its weak public finances and its overall fiscal deficit, which rose from 5% of GDP in 1998 to 9 ¼ % in 1999.

The second challenge is that of overall balanced growth in the society at large. Although ties between agriculture and tourism are growing, they are still fairly weak. While both food and total imports increased considerably, the persistent

and relatively high imports of food suggest the lack of a firm bond between crop production and domestic food consumption. Growth of the economy in combination with the decline in agriculture has led to a rapid migration of labour away from agriculture, the abandonment of large farms and a plethora of landless livestock operators. Housing demand in the urban areas is becoming a critical concern. Antigua & Barbuda may not be an agricultural economy, but its land policies are essential to assuring resilience in its economic future.

## 2. LAND AND THE ECONOMY

### 2.1. Land Resources

The island of Antigua has three distinct geographic regions. The volcanic region is in the south west of the island and is the highest in elevation. The central plain region, located between the volcanic and limestone regions, consists of gently rolling hills. The region stretches from the capital city, St. John's in the west to Willoughby in the south-east. The northern and eastern part of Antigua and many of the islands off the western coastline are part of the limestone region.

The island of Antigua occupies a total area of 69,120 acres delineated in more than 41,000 land parcels. 18% of the land is considered suitable for agriculture. After the decline of the sugar industry, Government acquired 14,000 acres of land and other assets of the Antigua Syndicate Estates and the Antigua Sugar Factor, bringing its total ownership to about 41% of the land. Another 32% of the land is in private ownership, with the ownership of 23% of the land unspecified.

Under the 1904 Barbuda Ordinance, all land in that island is vested in the Crown on behalf of the people, in perpetuity. The legislation and its bye-laws provided access for Barbudans to use the island's land for agricultural use, except for that land which has been set aside for public purposes.

The Government of Antigua has identified for conservation a series of parks and beaches as part of the resource endowment to its Tourism industry. These include:

- **National Parks**
  - Nelson's Dockyard National Park
  - Parham Harbour and North Sound (proposed)
  - Parham Town Historic District
  - Northeast Coast Management Area (NECMA)
  - The Bird Island Marine Reserve and Wildlife Sanctuary (BIMRWS)
- **Marine Parks**
  - Diamond Reef Marine Park in Antigua (4,942 acres/2,000 ha)
  - Palaster Reef Marine Park in Barbuda (1,236 acres/500 ha)

- **Other Parks declared**
  - English Harbour/Falmouth region (117 acres/47 ha- now part of Nelson Dockyard National Park)
  - Long Bay Indian Creek area (not specially managed nor protected)
  - Botanical Gardens (Botanic Gardens Act 1985)

Antigua is also known for its many beaches. Significantly, Government has decided to restrict any development on eight (8) such beaches. The following beaches were so designated by Cabinet in November 1998:

- Pigeon Point
- Ffryes Bay
- Halfmoon Bay
- Fort James
- Darkwood
- Jabberwock
- Long Bay
- Morris Bay

With the exception of Fort James, the boundaries of these beaches are still to be established, surveyed or gazetted.

The development of the country's land/natural resources continues to reflect a strategic commitment to the development of the tourism sector of the economy. However, there is a growing awareness that the needs of the general population, particularly for housing, productive land and personal assets, must also be addressed.

## 2.2. Changing Land Use

The development of the Tourism sector is clearly reflected in the changing land use pattern in Antigua & Barbuda. Prior to 1975, the most prevalent use of land was in agriculture and livestock grazing. Between 1946 and 1983, the percentage of the labour force employed in agriculture fell from 46% to 9%.<sup>2</sup> This is clearly reflected in the decline of land in agriculture from 24,891 acres in 1964 to 5,501 acres in 1985. Furthermore, most of the employment in agriculture in 1985 was in small livestock holdings utilizing over 26,000 acres of pasturelands.

The transformation in labour force utilization is also reflected in the new uses of land. By 1985, 60% of the work force was employed in public or private services including 23% in tourism and trade. This is surely reflected in 1,133 acres utilized in Hotels and golf courses. The expansion of these facilities continued into the 1990s with the total acreage increasing by 138% (1995).

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<sup>2</sup> Lemel, Stanfield and Deterville, p.3



**Table 3: Comparative Land Use 1961 – 1995**

Land Use Categories	1961	1964	1975	1985	1995
Agricultural (Crop)	15,884	24,891	9,259	5,501	7,740
Livestock (Grazing)	6,221	20,046	14,420	26,252	13,482
Woodland	9,394	25,780	22,440	23,645	22,024
Urban/Rural Areas			4,520	6,627	17,189
Industrial			300	381	584
Hotels, Golf Courses				1,133	2,699
Recreation and Historic Areas				714	1,558
Airports and Military				935	763
Dams and Reservoirs			435	635	n.a.
Swamps and Mangrove			1,125	2,164	2,142
Total				67,987	68,181

Source: Soil and Land Use Report (Hill, 1066); National Land Use Plans (UNDP, 1975) Wirtshafter, 1988; Land Use Survey (DCA) 1995.

Currently, most agricultural land is left idle or is under low intensity agricultural use. The failure to fully exploit areas with the potential for agriculture has left such lands vulnerable to encroachment by urban development and squatting. Encroachment of built development on good quality agricultural lands continues to occur, especially in St. John's Parish (Paradise View, Weatherhills, Cedar Grove, Woods Centre and new Winthropes), but to a lesser extent also in rural areas. Villages in the south-west are located at the fringe of prime agricultural lands. These villages include Liberta, Swetes, Jennings/Ebenezer, Bolans, Urlings, Old Road and Crab Hill/Johnson's Point. As these villages expand they will inevitably encroach on former agricultural lands.

### 2.3. *Land for Housing*

According to the 2001 Preliminary Census Report, there were 24,462 private household units in Antigua & Barbuda, an increase of 25.4% since 1991. 32% of the dwelling units were located in St. John's city (7,889) and 28% in the parish of St. John's rural (6,861). Growth of 53% characterized St. John's Rural as persons continue to settle closer to the city.

Antiguan officials are of the opinion that there is an artificial scarcity of residential land in Antigua.<sup>3</sup> This, they believe, is created by:

- Private land owners who are unwilling to sell land for housing but rather hold land as a means of financial security and to pass on to their children;
- The existence of much undeveloped land in approved subdivisions or which has been allocated to locals and foreigners who are unable or unready to develop them.

<sup>3</sup> This opinion is expressed in the National Physical Development Plan: Volume 2 – Report of the Survey by The Development Control Authority, Government of Antigua and Barbuda, May 2001

**Table 4: Number of Private Households by Parish**

<b>Parish</b>	<b>1991</b>	<b>2001</b>	<b>% of Total</b>	<b>% change</b>
St. John's City	7,532	7,889	32.25%	4.74%
St. John's Rural	4,477	6,861	28.05%	53.25%
St. George	1,458	2,223	9.09%	52.47%
St. Peter	1,077	1,472	6.02%	36.68%
St. Phillip	924	989	4.04%	7.03%
St. Paul	1,929	2,503	10.23%	29.76%
St. Mary	1,712	2,069	8.46%	20.85%
Barbuda	392	456	1.86%	16.33%
Total	19,501	24,462		

Source: Antigua & Barbuda Preliminary Census Report 2001, Table 9

This “artificial scarcity” is reflected in high prices for land and housing which puts them beyond the reach of low-income earners. Regardless of whether the officials regard private asset decisions as speculative, most Antiguanans have looked to the Government to provide land for housing.

Government owned land is concentrated in the north-east and south-east parts of Antigua where they were held in large contiguous parcels at the time of the 1985 survey. Since that time, much land has been subdivided and transferred (by sale and lease) to the private sector for residential development and for agricultural use. Allocation of Government lands for development has been carried out by two main agencies, viz., the Lands Division of the Ministry of Agriculture and the Central Housing and Planning Authority (CHAPA) established under the Slum Clearance and Housing Act, Cap. 404, passed in 1948.

During the 1980s CHAPA built some 441 units on government land, mainly former sugar estates. During the 1970s and 1980s CHAPA undertook many other projects including housing for the urban working class and the middle class. The Lands Division on the average, undertakes each year three housing schemes of 25 acres and approximately 137 housing lots in each scheme. Thus on average the Land Division creates 411 housing lots using almost 75 acres each year.

### **3. ASSESSMENT OF LAND EXPERIENCES**

Antigua & Barbuda has no less than 23 pieces of legislation to assist the state in the planning, administration and management of its land resources (See Annex 1). These laws fall into the categories of:

- Land Administration
- Planning Laws
- Environmental Control
- Natural resource Management

### 3.1. Land Administration

All land in Antigua is now registered land. The Registered Land Act, Cap 374, passed in 1975, facilitated this process. A project was undertaken between 1975 and 1980 to create a new cadastral system, which currently serves as the basis for the Land Registry. The process was carried out under the Land Adjudication Act, which provided for extra-judicial resolution of title and boundary disputes for the purpose of first registration.

The registration system should provide some level of control to land development. The expected practice is that the Registrar would not record any subdivision without the written approval of the Development Control Authority (DCA). However, it appears that the Registrar without the approval of the DCA can undertake subdivisions, pooling or re-parceling of land<sup>4</sup>.

The evidence of a smooth operation of the Land Registry under this Act is not easily available. There are reported numerous applications for the rectification of the Register and claims that the records are not up to date. The last reported total of parcels registered is 41,000.

The controls regarding registration apply in the case of Crown/State Lands in Antigua. Here the registration is compulsory. Thus, regardless of the agency to which the Crown lands are assigned, title documents for such lands will exist. The situation however is different in respect to Barbuda. The traditional position has been that all land in Barbuda is vested in the Crown on behalf of the people of Barbuda in perpetuity and that all the inhabitants of Barbuda are deemed to be land tenants. Under the Barbuda Act Cap 42, the Barbuda Council is empowered to allot, distribute and divide land in the village of Codrington amongst the villagers and to set aside and divide into plots agricultural land for cultivation by villagers, with the consent of Cabinet. This has led to some conflict between the Barbudan community and the central Government of Antigua & Barbuda with respect to Barbudan land and its control.

### 3.2. Land Use and Development Control

There are several Government units involved in the actual planning and management of land. The major units are the Development Control Authority (DCA), the Lands Division of the Ministry of Agriculture and the Central Housing and Planning Authority (CHAPA). Each interprets its mandate in specific ways.

The Development Control Authority exerts its influence through the granting of permission to develop any parcel of land in Antigua. Planning permission is not required for development of "agricultural Lands" and although the DCA does express some concern about the loss of agricultural land to non-agricultural uses,

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<sup>4</sup> Discussion of this issue is expressed in "Legal Report for Antigua and Barbuda" by Nelleen Rogers Murdoch, March 2002, p.56, as part of the programme of Assistance in the Development of Land Use Planning and Agricultural Production Zoning in the OECS, An FAO project.

it does not see itself as playing any significant part in this addressing this issue. The DCA does have “zoning maps” but these are not instruments of planning. The expressed hope is that the new “National Physical Development Plan” will identify land which will be zoned.

The Central Housing and Planning Authority (CHAPA) was originally responsible for land use planning under the old Town and Country Planning Act Cap 432. CHAPA has had lost most of its land distribution functions to other agencies and is currently primarily concerned with developing infrastructure and building houses for low-income clients.

**Table 5: Agencies involved in Land Management**

<b>Agency</b>	<b>Ministry</b>	<b>Legislation</b>	<b>Functions</b>
<b>Development Control Authority (DCA)</b>	Works and Public Utilities	Land Development and Control Act No. 15 of 1977	Development application review and approval; development Surveillance
<b>Central Housing and Planning Authority (CHAPA)</b>	Prime Minister’s Office	Slum Clearance and Housing Act (Cap 277) of 1948	At one time CHAPA functioned as Government’s primary residential land allocation agency, but some of its functions have been assumed by the Lands Division, Ministry of Agriculture; Current concern is the Implementation of low income housing schemes.
<b>Lands Division</b>	Ministry of Agriculture	The Crown Lands (Regulation) Act (Cap 130) of 1917	Planning and allocation of Government lands for residential, agricultural and other land use purposes; administration of Government of Antigua & Barbuda land leases and rentals
St. John’s Development Corporation	Prime Minister’s Office	St. John’s Development Corporation Act of 1986	Upgrading of downtown St. John’s through urban renewal and implementation of other development projects (e.g. Heritage Quay, a tourism complex including shopping, hotel and cruise ship berthing facilities)
National Parks Authority (NPA)	Ministry of Tourism	National Park’s Act of 1985	Development and management (including development control) of national parks, at present limited to Nelson’s Dockyard National Park
Antigua & Barbuda Port Authority	Ministry of Finance		Development and management of lands at St. John’s Deep Water Harbour.
Industrial Development Board	Ministry of Trade, Industry and Commerce	Industrial Development Board Act (Cap 379)	The Board’s main function is to facilitate the economic development of Antigua & Barbuda. It is responsible for management of the Industrial Estate at Coolidge and for providing assistance to small businesses.

Source: Draft National Physical Development Plan

The Lands Division of the Ministry of Agriculture is now the main agency responsible for the re-allocation of Crown/State Lands to residential, agricultural, and industrial uses. The Division administers the leases on these lands.

For the most part, leases are used in respect to the agricultural development programmes. Rental levels are established by the state and are not determined by

market conditions. Leases may range up to 5 years and can be withdrawn if the lessee is not fulfilling the conditions specified for use of the land. There appears to be very little formal eviction of lessees in default, with the result that land is sometimes re-assigned with more than one person having legitimate claim to the same parcel of land.

Sales of land occur in respect to housing, condominium and hotel development. Sale prices for private lands are usually expected to be about 3-times that of State lands in similar locations.

## **4. LAND ISSUES**

### *4.1. Multiple Administrative Mandates*

One of the first indications of the institutional complexity in the administration of land in Antigua is the co-existence of four institutions with overlapping mandates. The main institution for the development and control of land is supposed to be the Development Control Authority (DCA). DCA has the responsibility to prepare development plans for Antigua and Barbuda and to grant permits for the development of land<sup>5</sup>. The Draft Physical Planning Act also positions the DCA as the central agency. However, Agricultural Lands remain the clear mandate of the Ministry of Agriculture and the DCA's permission does not extend to them.

A similar mandate, however, still remains in the predecessor to the DCA, i.e. the Central Housing and Planning Authority (CHAPA). CHAPA, which was established by the Slum Clearance and Housing Act, Cap 404, was the instrument for "Town and Country Planning" prior to the DCA. Although CHAPA does not issue permits, it receives Crown Lands and establishes housing units. As a practical matter, it is one of the main instruments for changing land uses in Antigua.

The St. John's Development Corporation (SJDC) further complicates the situation. It was created by the St. John's Development Corporation Act and is empowered to carry out construction, maintenance, building and engineering operations within the capital city of St. John's. SJDC has the authority to prepare a development plan for the designated area and to set out the manner in which land in that area is to be used and laid out.

Finally there is the Lands Division of the Ministry of Agriculture. Its mandate is to plan and allocate Government lands for residential, agricultural and other land use purposes and to administer land leases and rentals on behalf of Government of Antigua & Barbuda. This is a significant mandate, as the Government owns 42% of the land, including land most suitable for agriculture.

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<sup>5</sup> DCA's mandate is expressed in the Land Development and Control Act, Cap 207.

In the absence of clearly enunciated Land Policy relating to land use, these three agencies tend to act independently of each other. The end result is that land use Policy is made by fiat.

#### *4.2. Security of Tenure*

Security of Tenure is a very important land issue in Antigua and Barbuda because it points to the integrated nature of land access and changing land use patterns. Insecure tenure plays a big role in:

- The under-capitalization of small holdings and their inability to provide a livelihood from agriculture;
- Destructive land clearing practices (burning of vegetation)
- Erosion and chemical use in the watershed areas
- “Landless” farmers (those grazing animals)
- Undirected expansion of villages and the lost of agricultural land

The majority of available land for farming is owned by Government and is available to farmers only on short-term leases (one year). This is mandated by the relevant legislation (The Crown Land Act, Cap. 120). The inability to obtain leases for longer periods hampers investment opportunities, as Government-leased lands cannot be used as collateral for loans.

With respect to privately owned land, the Agricultural Small Holdings Act, Cap. 72, regulates contracts of tenancy between private land owners and tenant farmers, on parcels of land measuring between ¼ acre to 25 acres and intended for cultivation or pasturage. The basic idea of the Act was to protect individuals from arbitrary termination of their leases, to have such leases lodged in the Land Registry and to establish an Agricultural Rent Board and a “Register of Agricultural Small Holdings”. In actuality, no such register appears to exist and such leases are seldom lodged with the Registrar.

#### *4.3. Access to Land*

The peculiar aspect about land access in Antigua and Barbuda is that most of the laws and institutions assume that the pressing need is for land for agricultural purposes<sup>6</sup>. This could not be further from the truth.

The 1984 Agricultural Census (OAS 1984) established that there were 4,639 farmers, with more than 69% of them being part-time farmers. The total amount of land under agriculture was 6,225 acres (Barbuda accounting for 8%). Forty percent (40%) of these farms were less than 2 acres with only 55 farms in Antigua larger than 10 acres.

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<sup>6</sup> The Land Settlement Act Cap.237 allows areas of Crown Land to be declared as “Land Settlement Areas” to be allocated for sub-division into **agricultural smallholdings** to be sold to settlers.(emphasis added).

By the 1991 Census, only 767 persons can be identified as being employed full time in agriculture. Furthermore it is estimated that at least 50% of the arable land that was available for agriculture since the 1960 Census has now been alienated for built development.<sup>7</sup>

The demand for access to land, especially on the part of the poor, has been largely for shelter and settlement. This is a consequence of the necessary expansion of villages<sup>8</sup> and the migration into the urban center. Indeed the urban/rural division shows this up in a dramatic manner.

**Table 6: Population Density in Parishes in Antigua and Barbuda**

<b>Parish</b>	<b>1991 Density<sup>1(a)</sup></b>	<b>2001 Density</b>
St. John's Parish	1,352.9	1594.1
: City of St. John's	8,087.2	8,296.9
: Rural St. John's	590.1	834.8
St. George's Parish	512.6	697.0
St. Peter's Parish	299.1	377.8
St. Phillip's Parish	191.3	197.2
St. Paul's Parish	351.1	420.5
St. Mary's Parish	250.1	284.0
Barbuda	21.1	23.2
<b>Total Area</b>	<b>375.8</b>	<b>445.5</b>

(a). Persons per Sq. Mile

Source: Antigua & Barbuda Preliminary Census Report 2001

The city of St. John's and the adjacent areas (the remainder of the Parish is referred to as Rural St. John's) comprise a land area of 28.5 sq. miles (17%) and contain 60% (45,432) of the country's population according to the preliminary 2001 Census Report. Between 1991 and 2001 censuses, the total population of Antigua grew by 18%. Over the same decade, the population of the city of St. John increased about 2.59% while the population of "Rural St. John's" increased by 41.46%. There is definitely a strong migration towards St. John's city.

#### 4.4. Land Markets

##### 4.4.1. Land Taxes

Under the Property Tax Act, No 15 of 2000, an annual tax is levied on land and buildings with some exemptions. It is important to note that Agricultural and grazing lands are not included in the exemptions. Agricultural lands are also taxed, although this tax can be reduced by application to the Minister. With the presence also of the Land Sales Duty Act Cap 326, which taxes capital gains on the transfer of any land

<sup>7</sup> Legal Report on Antigua and Barbuda, by Nelleen Rogers Murdoch, March 2002, p 11-12.

<sup>8</sup> Prime agricultural lands in the southern side of the island have been lost to the villages in Cedar Valley and Perry Bay.

developed with the benefit of concessions, the transition of land from agriculture to alternative uses invariably attracts some form of taxation.

#### 4.4.2. Land Valuation

The valuation of property is set out in the Property Tax Act, and is the responsibility of the Chief Valuation Officer. However, while such valuation for tax purposes could follow the market values, many complaints are made that the State itself does not pay market value for the land that it acquires.

#### 4.5. Planning Applications

Planning applications to the Development Control Authority have averaged 675 annually, and have indicated a mild slowing down of building activity in the last 3 years.

**Table 7: Number of Planning Applications 1990-2002**

<b>Year</b>	<b>No. of plans Submitted</b>	<b>Estimated Value EC\$ million</b>
1990	788	\$10.213
1991	765	\$271.652
1992	705	\$271.148
1993	477	\$111.291
1994	658	\$140.046
1995	616	\$146.188
1996	725	\$205.491
1997	696	\$289.655
1998	706	\$316.145
1999	739	\$383.102
2000	680	\$238.813
2001	617	\$273.835
2002	608	\$210.371

Source: Development Control Authority statistics.

#### 4.6. Squatting

The authorities in Antigua and Barbuda are ambiguous about their squatting problem. There is an expatriate community (primarily persons from the Dominican Republic) occupying state lands in the St. John's vicinity. Estimates of the population of this community range as high as 3,000. However, there has not been any programme to regularize the tenancy of this population as its existence appear to have wider political implications.



## 5. CONCLUSION

Land administration and land use policies will continue to be a core part of the development strategy of Antigua & Barbuda. The tourism product will require that close attention be paid to conservation of its natural resources, including its marine resources. The demographic changes will continue to impose on Government the obligation to respond to the social needs of a growing urbanized population.

The long-term objective of sustaining growth and development in the rural economy will demand increased efforts to stem the transition of land from agriculture to alternative uses. With the Government owning a majority of the available arable land, and mounting pressures for their conversion into alternative uses, a clear articulated and consistently implemented land policy must become the cornerstone of any viable medium term economic strategy.



## **Annex 1:**

### **Legislative Framework for Administering Land/natural resources in Antigua & Barbuda**

#### **1. Land Administration**

- 1.1 Registered Land Act
- 1.2 Agricultural Small Holdings Act
- 1.3 Property Tax Act
- 1.4 Land Settlement Act
- 1.5 Land Sales Duty Act
- 1.6 Crown Lands (Regulation) Act
- 1.7 Rent Restriction Act
- 1.8 Land Acquisition Act

#### **2 Planning Laws**

- 2.1 Town & Country Planning Act
- 2.2 Land Development and Control Act
- 2.3 Slum Clearance and Housing Act
- 2.4 Draft Physical Planning Act

#### **3 Environmental Control**

- 3.1 Beach Control Act
- 3.2 Beach Protection Act
- 3.3 Botanical Gardens Act
- 3.4 Plant Protection Act
- 3.5 Bush Fires Act
- 3.6 Pesticides Control Act

#### **4 Natural resource Management**

- 4.1 National Parks Act
- 4.2 Forestry Act
- 4.3 Barbuda Act
- 4.4 Fisheries Act
- 4.5 Marine Areas (Preservation and Enhancement) Act