

Land Management Developments in Belize – Midway Observations by an Alien

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SUMMARY

Belize, the only English speaking country in Central America, has embarked on an ambitious program to develop Land Management capacity and systems. The Inter American Development Bank (IDB) provides funds.

The largest component is the conversion of land rights recorded in several different registration systems to a parcel based land registration system. This is done systematically, district by district. Additionally, squatters or other informal settlers' land rights are adjudicated depending on length of occupation, according to a new Land Adjudication Act. After one year of systematic cadastral surveying and tenure clarification a number of issues have surfaced, issues that are being - or need to be - addressed in order to arrive at a good land management situation in Belize.

Some of those issues are deliberated on in the paper, e.g. that

- the adjudication law does not give rights to all long time land occupants;
- land distribution is a political process and a major power base for local politicians - village party politics is disturbing the tenure clarification process as well as on-going land allocations;
- lease agreements are not adhered to and there is an informal market in leases;
- the national survey community is aging and has problems coping with all extra work as well as technical developments in connection to the program;
- a large amount of digital information created in the Cadastral Surveying and Tenure Clarification Component has to be handled by a manual registration system, as the development of computerized systems is delayed.

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1. THE LAND MANAGEMENT PROGRAM

The Land Management Program (LMP) under the Ministry of Natural Resources, Commerce, Industry and the Environment, builds on the accomplishments and lessons learned from a previous Land Administration Project (LAP). The goal of the Program is to "improve the enabling environment for private and public sector development through enhanced land tenure security, effective land markets, and the promotion of a coherent land policy framework contributing to sustainable development and efficient use of land resources".

The Program consists of four components, namely

- Cadaster and property rights registration
- Expansion of land administration services
- Land use planning and development
- National land policy and institutional reform

1.1 Cadastre and Property Rights Registration

The Cadastre and Property Rights Registration Component "is intended to support the cadastral surveying and land tenure clarification process required to implement the Land Adjudication Act of 1992 in a systematic manner, and to register the results of this process in the Land Register established by the Land Registry Act of 1977".

A consortium of Swedesurvey, Finnmap and GFA-Terra, together with a group of national land surveyors, won the tender for the sub-component of Systematic Cadastre and Tenure Clarification implementation in three districts.

The team is now working section by section, filling out the "white areas" on the district map, i.e. the areas which have not yet been declared as Registration Areas according to the Land Registry Act. Each section covers in average 600 parcels and altogether - over three years - we will complete app. 15 000 parcels. Our task includes:

- Calculate coordinates for all old surveys and transform them to NAD27 Belize;
- Collect claims and evidence from all landholders (owners, lessees or squatters) in each section;
- Survey all land not previously surveyed, based on claims with some level of rights;
- Prepare maps and records for a public display;
- For each section prepare a Compilation Map, Registry Index Maps (RIM) and Adjudication Records for the parcels that were claimed.

The Program Management Unit (PMU) receives the information, checks and approves it. After the public display the final material is delivered, in printed and digital format. PMU prepares the Land Certificates and the Lease Certificates and have them signed by the Land Registrar, before being delivered to the claimants.

1.2 The LAP

The previous Land Administration project was a pilot project to test the application of the new Land Adjudication Act and its Guidelines. It finished at the end of 2001. The pilot covered ten sections (app. 3500 parcels) and about 65% of the parcels were claimed by the landholders. Of the claimants about 60% had lease rights, although many of them had not fulfilled the lease procedure but stayed with the Lease Approval instead of going for the final Lease Fiat. A decision was made to treat them the same way, i.e. both persons with a Lease Fiat and a Lease Approval got the document from the Land Registry system, a Lease Certificate.

2. A WEAK ADJUDICATION LAW?

The legal base for the project is an the Land Adjudication Act. Although the process is called a systematic adjudication of land rights, it can also be described as a systematic conversion from a number of different land registration systems to a parcel based land registration system. The demand for evidence from another registration system is strong. Only those who have occupied national land for 30 years or more (and can support it with affidavits from two neighbors) can get full ownership and a title document.

We are recording land rights of various types, e.g. those with:

- Absolute Title (FCT/TCT, Grant Fiat, Conveyance - root older that 12 years)
- Provisional Title (Conveyance - root less than 12 years, Adverse Possession more than 12/30 years, Purchase Price fully paid)
- Other interests (Lease, Mortgage, Easement, Adverse Possession less than 12/30 years, Purchase Price not fully paid, etc.)

In the last group we noted that the the claimants with Adverse Possession less than 12 years on private land or less than 30 years on national land (=squatters) were not to be adjudicated any right to the land they possessed. They were to be told (at the end of the adjudication process) that they must apply for a lease and follow the normal procedure for that. There would be no benefit for them to enter into our process, at least not for those who were squatting on already surveyed parcels. The others would benefit by getting their land surveyed without cost, even though that might not guarantee them a lease in the end.

So we asked the PMU for what purpose should we collect claims for parcels that are already surveyed, where the landholders have no legal documents or have not possessed the land for the required period of time (12/30 years). These landholders were of the impression from the information campaign (and the fact that we accepted their claims) that they would get a confirmed and legal right to their land by the end of the Adjudication Process, but they would in fact get nothing. Would it not be better if these claims were refused right away and the claimants told to go and apply for a lease instead?

In the first Adjudication Section we could see that almost 20% of the claimants had made claims for surveyed land they were occupying without legal documents of any kind. We felt that this was not correct, and proposed to the Ministry to choose either of the following;

- Issue guidelines that claims should not be accepted for surveyed land without legal documents or possession for more than 30 years (on national land), or
- Ensure that by the end of the Adjudication Process such claimants would be issued a valid lease approval.

The PMU was aware of the dilemma and started negotiations within the responsible government department to try to get permission to use the claim documents as a basis for issuing of Lease Certificate instead of a the normal procedure to make a lease application. This was not acceptable to the Commissioner of Lands, who wanted the usual documentation in order to issue a lease on national land, i.e. a filled out lease application and a field inspection record.

Finally a compromise was made. Our team helps claimants to fill out a Lease Application form and the surveyors do the field investigation at the same time as they survey new parcels. PMU will then ensure that lease documents will be issued for these claimants.

2.1 Squatting is Getting more Common

Most squatting is on state land. The reason for squatting are many, e.g.

- A lease application is made, but gets stuck somewhere in the process and in spite of many visits to the Department of Surveys and Land nothing happens. Finally the applicant gives up and just continues to use the land.
- An application is made, but the process stops when Approval to Survey is given. The cost for surveying is too high for many small scale farmers.
- A local politician (Village Chairman or Head of Land Committee) gives a written recommendation for a person, who settles for this and do not continue with the whole formal process.
- “Real squatting” without consent by any public representative.

The fact that these squatters need 30 years before they can be considered owners makes the Land Adjudication Act not a very generous one. Most squatters will not be adjudicated ownership rights. At least their chance to get a lease right has increased, and the fact that the cadastral survey is done free of charge is in fact benefitting quite a number of landholders. I feel that the Land Adjudication process at least should include automatic creation of lease rights, without having to use the normal process. If squatting is to decrease instead of increase it is also necessary with institutional development so the normal process can run smoothly.

3. LAND DISTRIBUTION SETUP

3.1 A Political Process

The distribution of land is a political process, and politicians on all levels have a stake in keeping to that process, since it is a major power base for them. The Minister has to sign every lease issued, and before that a local politician normally has to recommend the applicant.

Political feelings are strong in Belize, and although there is not much ideological difference between the two main parties, the voters express their sympathies openly. In some areas each house has a flag showing which party they support during the election campaign.

In the general election a Village Council (VC) is elected. Then the ruling party on the national level appoints a Lands Committee (LC) for each village. For the villages where the same party runs the VC and the LC things go fairly smooth (except that those who voted "correctly" will be at an advantage when it comes to land distribution). In several villages where we worked, the opposition party had won the local election and were in charge of the VC, while the ruling party was in charge of the LC.

The latter situation puts a great strain on both the regular land distribution process and – as we experienced – on the adjudication process. In one village the opposition party had won the last election, while a strong LC still favoured their supporters in land matters. The two entities did not communicate with each other. We dealt with the VC, as the official representatives of the people in the village. The LC did not get information about the Public Information Meeting (but found out anyway) and tried to get the project team to side with them. We were of course neutral and invited everybody to come and claim their land, but then happened to rent rooms for our field staff from someone who was politically active. Members of the other party then did not come to claim. A prolonged claim period and lots of contacts with the LC finally gave some result. We also noted a lot of conflicting claims in this village. Evidently land was distributed by both sides, and if a parcel had been leased but with only a Lease Approval as evidence, the lease could be cancelled without the knowledge of the person occupying the parcel, and given to someone else.

3.2 Informal Market in Leases

"Informal" transfers of leases are common. Usually the lease right is sold and the documents turned over to the "buyer". This often happens before any development has taken place, i.e. there is a market out there for new leases. There are also many cases where an Approval to Transfer has been issued without the land having been developed, i.e. the GOB does not follow its own regulation that requires developments on the land before a lease can be transferred.

4. THE SURVEYING COMMUNITY LACKS CAPACITY

The T.O.R requires that licenced Belizean surveyors are responsible and sign for all cadastral survey and mapping work.

Land surveyors are trained abroad, as there is no education available in Belize. Most of the surveyors practicing the profession today are educated in either Canada (New Brunswick) or

in Jamaica. At the time when surveying national land was a public task (and most surveyors employed by the government) it was in the direct interest of the Government (GOB) to ensure that enough surveyors were trained. In 1995 GOB decided to retire the bulk of the surveying staff, turning loose about ten surveyors to the private sector. From then on the landholders had to get their own private surveyors for the survey of leases on national Land, which has had as an effect that the squatting has increased.

Before 1995 training was provided through commonwealth scholarships, or paid for by the GOB. A very limited amount of surveyors training is now sponsored by GOB.

Belize has today 29 licensed surveyors, of whom 62% are over 50 years of age. The picture we see is an ageing survey community, with little energy (or interest?) to learn new methods as the use of GPS and Computer Mapping.

In connection to the large Land Management Program this becomes even more evident, as there are simply not enough licensed surveyors (especially with the right skills) to do the work, and LMP and our consortium are competing for the few "modern" surveyors available. The Government of Belize needs to ensure that young people are sent abroad for survey training, or pretty soon there will not be enough skilled staff to run the technical side of the land management process!

5. DATA CAPTURE – BUT WHERE DOES THE INFORMATION GO?

The Cadastre and Property Rights Registration Component is the largest component in the LMP. In one year we report (in average) the information on holdings of owners, lessees or squatters for 5000 properties.

For the preparation of adjudication records and adjudication summary lists we populate temporary databases with collected information from land claims. All this information is delivered to PMU, who checks and prepares the final documents (Land Certificates and Lease Certificates) – manually – and pass to the Registrar for processing.

What is missing is of course the computerized Cadastre and Land Register, which could produce those documents automatically as soon as the data is downloaded.

There is a component under the present LMP for "Institutional Strengthening" of the Land Registry and the Lands Department and money for extending the premises for the Land Registry. There is also a component to automatize the land registration, but this component has not started yet.

So what could have been a perfect setup, digital information delivered from the consultants into a computerized land registry for the automatic production of Title Certificates and Lease Certificates, is instead a build-up of an enormous amount of information that will have to be re-captured once a system is in place. And the longer we have to wait for this system the more out of date will the information we are now collecting be.

5.1 A Common Problem in Land Management Projects

This happens in Belize, but as a matter of fact it happens in most developing and transition countries. The data collection starts before system development and institutional reform has taken place. Why?

I can see at least two reasons for that;

- Donor funds are available for a limited period of time (3-5 years) and since data collection within land administration is a big task there is a need to start right away to get as much as possible done while funds are available.
- Politicians want to see result and a database full of information or an area covered by adjudication is something to show. System development gives (at least in its early stages) not much to show.

I would like to see some new (or rather old) strategies in this area. Investigate the problems with the present system, find the objectives for a better system, decide the information demands and the system demands, design and constructs the system and THEN start the data collection!

REFERENCES

Terms of References for Belize Land Management Program (1322/OC-BL)
The Land Adjudication Act and Land Adjudication Guidelines
The document “A National Strategy for Land Allocation and Acquisition”

BIOGRAPHICAL NOTES

Ann-Katrin Myles holds an M.Sc. in Land Surveying from the Royal Institute of Technology, Stockholm.

Ms Myles was working in Belize during 2003, and is the Team Leader for the Cadastral Surveying and Tenure Clarification component of the Land Management Programme.

She was previously stationed in Slovenia as Team Leader for a Property Taxation and Valuation System Development project, financed by the World Bank. Other international experiences include long-term assignments in Zambia and Mozambique, as well as short-term assignments in Russia.

She has a long working experience from Swedish cadastral organizations. Most recently she was the head of the Cadastral Systems Unit, which manages and revises the cadastral parts of the Swedish Land Data Bank System.

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