

Government Land Settlement

Discussion Paper 1

1.0 Introduction

This discussion paper addresses the historical evolution of government land settlements up to the period of 1994. It seeks to analyse the purpose of government land settlements, its spatial distribution, relationship with international occurrence, current problems of land settlements that need to be addressed by the planning system, past initiatives taken to address the problems of land settlements, and finally, the current initiatives and expected output from the National Environment and Planning Agency. As research continues on this subject matter additional discussion papers will be provided in an attempt to stimulate further thought and the way forward in managing settlement growth.

2.0 Historical Background

2.0.1 The establishment of government land settlements is directly linked to slavery and emancipation. The conquest of Jamaica by the British resulted in large holdings of lands approximately 2000 – 3000 acres being transferred to white settlers. Prior to emancipation, the plantocracy controlled large tracts of the best arable and most easily accessible lands in the country. The ex-slaves sought to gain economic and social independence through the ownership of land. The ruling class did not support this change in land tenure pattern; hence they took to renting and squatting. Therefore, squatting appears to be a cultural practice borne out of slavery and perpetuated after emancipation due to the inadequate opportunities of securing ownership of land by the poor and landless.

2.0.2 A number of attempts were made after emancipation to provide lands for the landless and poor, including the formation of a Land Settlement Commission in 1937 and the Moyne Commission in 1938-1939.

Unfortunately, nothing substantial occurred until 1938 with the institutional formation of the Lands Department. However, a large percentage of the lands that were identified for land settlements were marginal lands of Class three and four.

2.0.3 According to the Moyne Commission, land settlements represent an orderly method of settling the poor and landless on the land in considerable numbers as small holders, and providing them with assistance in marketing, instructions, cultivation, livestock and at times access to credit facilities. All the various approaches adopted by land settlement programmes were geared towards improvement in the social and economic conditions of the Negroes, but they failed to achieve this objective. Therefore the Moyne Commission in their assessment of the Land Settlement Scheme made the following recommendations to improve the project:

- ❑ ***Mixed farming should be encouraged***
- ❑ ***Farmers should receive training in farming techniques***
- ❑ Attention to suitable selection of settlers or beneficiaries
- ❑ Attempts to experiment with freehold and leasehold arrangements
- ❑ ***Site selection to be based on soil suitability, good water supply, good access to main roads and proximity to schools and churches***
- ❑ ***Improvements to existing small holdings and existing land settlements***
- ❑ Extending credit facilities to the settlers based on their individual exertions.
- ❑ ***Land fragmentation should be prevented***
- ❑ Powers to be given to the government for the compulsory acquisition of land needed for land settlement

Therefore, the fundamental questions are, to what extent has government land settlements developed to meet the purpose, requirements or recommendations of the Moyne Commission?

2.0.4 Based on the recommendations of the Commission it is evident that government land settlements were designed for agricultural purposes with the supporting infrastructure to allow for commercially viable production while enhancing social well being. This is further substantiated by the inclusion of the covenant on the titles that: “the purchaser shall on the terms and condition set out, cultivate, properly develop and maintain his allotment to the satisfaction of the Commissioner”, (See Appendix 1: arrow indicates covenant 11). Also, because the objective was to settle a considerable number of persons on relatively smallholdings, which were economically viable units, the appropriate lot size was deemed to be 2 hectares. Ultimately, further fragmentation was disallowed in order to protect the economic viability of the units.

2.0.5 Regarding the supporting infrastructural requirements for land settlements, the general tendency is to provide minimum infrastructure in the form of reduced road carriageway, limited paved road surface, limited or no drainage system, basic domestic water supply (e.g. standpipes and/or communal tanks). In addition, the settlements lack social and community facilities, and most often, no provision was made for fire hydrants. These minimum and basic provisions depart from the original ideas and recommendations offered by the Moyne Commission for government land settlements.

2.0.6 Because of the inaccessibility to social facilities and inadequate physical infrastructure it is imperative that a prudent approach be utilised when considering the possibility of increasing residential density within these government land settlements; particularly when they are not located in

close proximity to established settlement nodes (such as regional, sub-regional and district centres – See Appendix 2: Jamaica’s Settlement Strategy).

2.0.7 A review of the different land settlement initiatives up to 1941 reveals that for most part there was a significant increase in the total amount of cultivated lands on properties utilised for land settlement purposes. But one of the primary reasons for the failure of the programme is that the targeted group did not really benefited from the project. A significant portion of the purchasers was neither unemployed, in need of relief nor land hungry would-be-farmers. Interestingly, many purchasers had neither the aptitude for, the experience in, nor the intention to engage in farming. This trend continued as the number of beneficiaries under the land settlement scheme increased. However, the problem of suitable selection remains a significant issue that must be addressed in order to enhance the viability of the land settlement programme.

3.0 Spatial Distribution of Government Land Settlements

3.0.1 The location of Government Land Settlement is not localised to a single geographical area or region, but actually its spatial distribution represents a national occurrence where there are approximately three hundred and ninety land settlements (390) throughout Jamaica with an average of approximately thirty settlements (30) per parish¹.

3.0.2 The approximate beneficiaries from the initial development of these land settlements amounts to 58,500 settlers (using an average of 150 lots per settlement). However, this figure has increased and will continue to increase because some units within various settlements have been further

¹ . The second Discussion Paper will provide more detail assessment in the form of graphs and tables depicting the distribution and allotment by parishes, which will then be linked to land ownership patterns.

subdivided into smaller lots². Meanwhile, there are new land settlements being developed by the Commissioner of Lands. Consequently, there are new beneficiaries to the land settlement schemes, including: homeowners, commercial and industrial operators etc. The ultimate insight is the diversification of the land settlements.

4.0 Establishment of Government Land Settlements

- 4.0.1 The initial conceptualisation of a land settlement is prepared by a Commissioned Land Surveyor based on the directives of the Minister with the responsibility of land related matters, through the Commissioner of Lands. Within the current political administrative structure it is the Minister of Land & Environment who is responsible for government land settlements.
- 4.0.2 The selection of an area as a government land settlement may be determined from political/ministerial basis or from a need to regularise an existing informal settlement, or to readdress a lease hold situation.
- 4.0.3 There are no clear-cut statutory legislative grounds for the establishment of government land settlements, valuation or the process of selecting potential settlers for different land settlements. Although, there are various Statutes dealing with related matters of land settlements. There exist some level of transparency in the selection/allocation process since the intended lots for sale are advertised in the Press to the general public. However, favourable consideration is normally given to people within close proximity to the property. Any interested person based on the advertisement must collect and submit a completed application form to the RADA office. Based on the information provided, and the outcome of the

² Although this activity is traditional, it is illegal and efforts must be implemented to prevent or reduced its occurrence.

interview conducted by the RADA officer a rating is given as to the suitability of the applicant. There are some changes to the selection process since the RADA is no longer involved in the selection process, which is based on the formation of the National Land Agency, (*Discussion Paper #2* will address the new position).

4.0.4 Eventually, the final selection of the applicants resides with the Minister of Land & Environment, based on the initial recommendation of the Rural Agriculture Development Authority (RADA) representative and finally the recommendation of the Commissioner of Lands.

4.0.5 Similarly, there is no clear procedure for determining the price of the individual lots, although sometimes a cost recovery system is applied instead of using a market value approach. The cost recovery system is based upon the total infrastructure cost and the estimated value of the land, which is then shared across all lots based upon the individual lot size. Understandably though, the value of the individual units is less than the market value since the aim is to provide the poor and landless with access to land tenure. There are some changes in terms of valuation, which will be presented in *Discussion Paper #2*.

5.0 Approval of Government Land Settlement Subdivisions

5.0.1 Based on the approval of the Minister, the lots are allotted to the respective applicants, with the condition for complete payment of their lot within a twenty-five year period. Notable drawbacks concerning the final approval by the Minister of the allottees are:

- ❑ Timing of subdivision approval
- ❑ Environmental permit
- ❑ Titling arrangements

- 5.0.2 The layout of the land settlements is submitted through the local planning authority to the National Environment and Planning Agency (formerly the Town Planning Department) for approval. Upon receipt of the submission a defacto situation arise since the settlers have already been occupying the land for an extended period before obtaining subdivision approval. This makes the attachment of any planning conditions a redundant matter since the development has already being completed and occupied. Subsequently, there is no means of ensuring that the settlement is properly planned, according to the definition of a government land settlement as provided by the Moyne Commission. The fundamental difficulty with the planning approval of government land settlement is that the Town & Country Planning Act does not bind the Crown; therefore the effectiveness of the Act to manage land settlement arrangements is eliminated, or at best reduced.
- 5.0.3 Conversely though, the environmental permit as required under the Natural Resources Conservation Act binds the Crown, hence it is a requirement that all Government Land Settlements should receive environmental permit. But to what extent is this actually done? Due to the timing of the implementation and enforcement of the Permit and Licence Provisions provided under this legislation only a few Government Land Settlements from as early as 1996 would have been assessed likewise.
- 5.0.4 The provision of registered titles falls under the responsibility of the Titles Department, under the National Land Agency (NLA). The titling process in general is normally lengthy, and on average takes approximately three years. However, for government land settlements the provision of titles takes more than ten years and this is primarily because of the 25 years sales arrangements for complete payments of the amount charged for the lots. Normally, the respective purchasers/settlers would not complete the full payment of the lots until after the twenty-five year period and then titles

would be prepared. Alternatively, earlier arrangements can be made for the issue of titles provided that full sale price is commensurately made.

5.0.5 With the formation of the NLA and the commitment of the government towards a more efficient titling system, some improvements are expected. However, the undue absence of a title as proof of ownership reduces or eliminates the opportunity to obtain financial assistance from lending institutions. It would be expected that the non-availability of a title would have deter further subdivision of individual units, but unfortunately the reverse occurs.

6.0 Relationship to International Occurrence

6.0.1 Throughout the world many countries have introduced land reform processes. The intention is to provide to the poor, landless and disenfranchised, who are oftentimes forced to squat on government and private owned lands. The lack of an efficient land reform process in Pakistan has resulted in more than three million people squatting on marginal lands with an average of six persons per household.³

6.0.2 The land reform process can take different forms such as land redistribution, land reconsolidation, restitution of land rights or other methods. In Eastern Central Europe (e.g. Slovakia) land reconsolidation programmes have been established to provide for efficient use of land. While in Hungary and other communist parts of eastern central Europe land and property rights have been restored to their rightful owners by the State.

³ Peter Dale, "Extracted from Notes on Geographic and Land Information Management MSc-Land Surveying", University College London, 2001

6.0.3 Essentially, the initiative by Jamaica in the form of a Government Land Settlement Scheme is not a new phenomenon that is localised to Jamaica, but categorically, it is an international approach practiced by many countries such as Sri Lanka, Zimbabwe, India, Scotland, Peru and others, where the tendency is to redistribute the ownership of land to the people primarily for socio-cultural purposes.

7.0 Current Problems with Government Land Settlements

7.0.1 Majority of the problems experienced with government land settlements is a derivative of the characteristics of the settlers. Firstly, most of the lands are sold to poor and landless settlers who are normally facing economic hardships therefore to become actively engaged into wide-scale and commercially viable agricultural production is very difficult. To overcome such difficulty they are forced to sell portions of their lands to sustain their livelihood.

7.0.2 Secondly, the allottee's household structure is normally large and as a result the land is willed to children and grandchildren, mainly for the provision of individual shelter. However, due to mortgage arrangements of the National Housing Trust, mortgage banks, and other lending institutions the procurement of individual title is required as a means of financial security.

7.0.3 Apart from income level and household size, the geographical location of some government land settlements in relation to urban developments inevitably leads to urban expansion problems, (e.g. Beverly land settlement in Runaway Bay, St. Ann). For this reason land use pressures are directed towards these lands for residential purpose at the expense of agricultural development and the preservation of the countryside. In order

to manage urban growth and settlement, along with the required social and physical amenities then immediate studies assessing the socio-economic conditions, land use patterns and physical conditions need to be done.

- 7.0.4 With the difficulties in obtaining agricultural finance, pressures from free market arrangements and the loss of government subsidies there is a general reluctance to agricultural production. These factors have encouraged individual settlers to gravitate towards more profitable and demanding enterprises, which for most instances are residential developments.
- 7.0.5 Therefore, the important issue to address is, should the normal socio-cultural method used in the selection of beneficiaries be modified to reflect a more sustainable approach whereby the most fundamental selection criteria be the ability of the allottee to best develop the land in the national interest? This is particularly crucial since Jamaica is operating in a global environment characterised by trade liberalisation and competitiveness.

8.0 *Past Initiatives in planning for Government Land Settlements*

- 8.0.1 In the past the Town Planning Department as part of its mandate prepared planning and development studies for government land settlements that were under tremendous pressure for urban development. Chief among these areas were Beverly, Boundbrook, Kildare, Yardley Chase, Lititz, Wake Forest and Haughton Court. Planning reports and existing land use maps depicting patterns of development and a proposed land use strategy for guiding future development of the land settlements were prepared in collaboration with the Commissioner of Lands, Ministry of Agriculture and the Local Planning Authority for the respective parish.

8.0.2 The final study, particularly the land use strategy is implemented by the Local Planning Authority and the Development Control Division of the Town Planning Department for development proposals submitted by proponents, with the intention to guide and direct future development patterns or activities.

9.0 *Current Initiative by the National Environment and Planning Agency*

9.0.1 The formation of the executive Agency, National Environment & Planning Agency (NEPA), resulted in the transferral of the then Town Planning Department mandate to the Agency. As a result NEPA will continue to monitor and manage the long-term development of government land settlements by preparing planning and development studies in a policy base format, inclusive of land use strategies. The same integrated approach adopted by Town Planning Department will be utilised with the inclusion of more public participation, involvement of stakeholders and professional bodies, ministerial involvement, and the establishment of a community association if not yet in existence.

10.0 *NEPA's Expected Output concerning GLS*

10.0.1 Emanating from the assessment of the land settlement studies will be the following outputs:

1. Discussion Papers on Government Land Settlements
2. Conversion of all map data relating to Government Land Settlements to electronic format.
3. National Spatial coverage of all land settlements, culminating with its non-spatial attributes.
4. 1: 50,000 electronic overlays.
5. The provision of a Procedural Guideline for assessing land settlements

6. Policies and strategies for directing the development of land settlements.
7. Education materials in the form of brochures, pamphlets, video clips etc.
8. Comparative assessment of the previously highlighted land settlements that will be examined in the fiscal year 2002-2003.

12.0 Conclusion

12.0.1 Based on the assessment of the historical evolution of government land settlements it is clear that the purpose for which they were designed are as follows:

- To satisfy social and economic requirements of small farmers in considerable numbers;
- To provide the poor and the landless with access to land tenure, particularly for agricultural purposes.

12.0.2 The size of the individual lots (approximately 2 hectares) and the provision of minimal physical infrastructure and social amenities illustrate that fragmentation of individual units was not an option to be considered.

12.0.3 The designation of sites for government land settlements was to be an orderly arrangement that adopts to the basic principles of rural development, whereby farming information and techniques (extension services) and access to credit facilities would be provided.

12.0.4 The sale price of the units was not based on market value but was more attached to the recovery expense of basic physical infrastructural cost. Hence profit maximisation was not the intention.

12.0.5 The land settlement scheme appears to suffer from a clear process/procedure for the selection of purchasers, although the

fundamental focus group is the poor and landless who are interested in commercial agricultural production.

12.0.6 Government Land settlements will always create urban management problems particularly if they are designed for agricultural purpose in close proximity to sub-regional and district centres characterised by high urbanisation growth rate. In some countries this would not normally be a pressing issue because of the cultural acceptance of urban farms. But in Jamaica, the critical mass is not willing to adapt to the concept of urban farms unless strict enforcement measures are implemented.

12.0.7 An educational and public awareness campaign is required not only to inform the general public that the sale and/or distribution of land prior to subdivision approval is an illegal activity, but particularly, the owners of land parcels within land settlements that are located outside of any established settlements, serving the purpose of commercial agricultural production.

12.0.8 The idea of establishing government land settlement is significant to the development of the country, only if, it is viewed in the “bigger picture” of rural development where focus is made of the need for non-traditional agricultural products, modernised farming techniques, poverty reduction and the provision of better physical infrastructure and credit facilities.

12.0.9 Continued assessment of the existing government land settlements is required, particularly those located within the direction of urban growth. This assessment must examine not only the land use issues (zoning, land capability, soil characteristic, geology etc.) but also the socio-economic and environmental implications.

References

1. DALE, PETER and MCLAUGHLIN, JOHN. , 1999. Land Administration. Oxford University Press Inc. (New York), 169 pages.
2. DALE, P., 2001. Lecture Notes on Geographic & Land Information Systems. Prepared for MSc. Surveying University College London
3. ARMSTRONG, H., CHANG, W., KIRTON, A., ROBINSON, P., 1994. “Chang report- Report of the Committee to inquire into present system for the sale of lands by the commissioner of lands and to make recommendations”, prepared for the Ministry of Agriculture. 35 pages
4. JOHNSON, IRVING. A review of Government Land Settlements in Jamaica
5. West India Royal Commission Report (1938-1939)
6. BARNES, A.C. Observations on Government Land Settlements.