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## National Development Strategy

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# The land problem in Guyana

I have decided to discuss the land problem in Guyana somewhat early in this series of articles on the National Development Strategy (NDS) because, in the opinion of the authors of the NDS, the manner in which land is distributed in our country is as potentially explosive as are the racial divisions about which so much is written and spoken.

There is no overarching land policy in Guyana. It is as difficult to ascertain what is the government's position in respect of the claims of Amerindians for extended land rights, as it is impossible to find out whether it has any opinion whatever in regard to the demands of some African Guyanese for the return of their ancestral lands. There is also no land-use policy. Although there have been attempts to devise land capacity classification schemes for Guyana, which might have provided the bases for land zoning and land allocation, the methodologies which have been employed in these exercises have often been seriously flawed. In any event, the coverage of these land use efforts has been far from comprehensive. There is therefore no scientific or logical framework in which our land distribution activities might be located. As a result, land use throughout the country is haphazard, unplanned, and wasteful.

The problems that arise from this absence of a national land policy, and land-use plan are exacerbated by the complexity of our land tenure system. It is not that there is a plethora of land categories in Guyana. Indeed, basically there are only publicly owned lands (which comprise State lands and Government lands), and freehold private lands that have been 'alienated' from the State and are held by private or corporate interests. The complexity arises in the management and administration of these lands.

The Commissioner of Lands and Surveys controls state lands. However, the Guyana Forestry Commission, the Guyana Geology and Mines Commission, and the Lands and Surveys Department, may all administer State lands, their writ being dependent upon whether these lands are used for forestry, mining, or agriculture, respectively. To add to the confusion, each of these government agencies may issue titles for different purposes over the same land space. Government lands are those purchased by, or granted to, the government to be developed for

general purposes, such as hospitals, schools, administrative buildings, and land development schemes, and are the responsibility of the Ministry of Agriculture. However, the sale of State and Government lands may be affected only with Cabinet's approval. The Deeds Registry undertakes the administration of freehold land. On top of all this, there are two systems of land law and property recordings governing the private market, the 'transport index' that is based on Roman Dutch legal practices, and the 'index of land transfer of title,' or the Torrens System.

The confusion is further compounded by the fact that there exists in Guyana several classes of interest in land, many of which are illegal: (i) holders of state leases; (ii) subleases of state leases who rent land from principal lessees - these are considered to be illegal occupants of State lands; (iii) unregularised occupants of State lands - those who have applied for lands which they occupy while waiting for approval; (iv) squatters on State lands who are, of course, illegal occupants; (v) owners of freehold lands; (vi) renters of freehold lands; (vii) unregularised occupants of freehold land - those who have claims to the land they occupy but whose claims are not legally documented; (viii) squatters on freehold lands; and (ix) lands held by indigenous communities - with specific rights.

There are, of course, illegal occupants of land in many countries throughout the world. The peculiar difficulty in Guyana is, however, that partly because of our cumbersome land distribution and land transfer systems, partly because our record of land transactions are chaotic and incomplete, partly because we live on a crowded coastal strip where land is not always readily available, and partly because many of our citizens are too poor to purchase lands at market prices, the incidence of illegal land occupation in Guyana tends to be higher than in most other countries. Moreover, and this is the significant point, the various types of illegal tenure have become institutionalized. The prospective investor, therefore, has not only to contend with a multitude of government departments and ministries in his quest for suitable land for his business, he also runs the risk of innocently occupying an area which might legally belong to others. It is small wonder, therefore, that a significant number of them often, without investing, depart the shores of our country in frustration.

Moreover, the NDS states that "the large number of agencies and sub-agencies that are concerned with the allocation of land and the collection of rents and fees from the plethora of land types has led to accusations of unfairness, bribery and corruption. What is certain is that this high number of government organizations leads to inefficiencies. The whole system of land administration therefore needs to be rationalized."

The potentially explosive issue of which reference was made earlier in this article refers, of course, to the leasing of State lands. As most Guyanese are aware, land selection committees have been established and authorized to approve or deny applications for leases of such lands. Unfortunately, because there are generally no clear-cut criteria, their procedures are defective and their decisions seem often to depend upon the political persuasions of their members.

There are, therefore, frequent allegations of the abuse of power by these committees. When the NDS was finalized, about one year ago, there were over 2,000 provisional leases waiting for surveys to be undertaken before their final determination. The lands in question could therefore not be used as collateral for production financing. The 'provisional' lessee accordingly, is prevented from investing in the land he has so laboriously obtained. This obviously impedes agricultural development and increases the possibilities of boundary disputes. The Lands and Surveys Department is not now in a position to deal expeditiously with such disputes.

The persons who are lucky enough to be given a lease would find after all their trouble and tribulation, that its conditions are most unattractive and not conducive to the modern pursuit of agriculture, or indeed of any other type of development activity. A few examples will suffice. First, the duration of the leases, currently twenty-five years, creates difficulty in obtaining finances because commercial banks in Guyana do not accept a lease of twenty-five years as collateral. Second, lessees are not allowed to transfer or mortgage their interest in the lands occupied through such leases. This condition, too, limits the utilization of the lease as collateral. And third lessees are not permitted to sublet their leases. This provision creates major problems for the lessees in cases of illness or economic difficulty, and restricts their ability to utilize the land to its maximum capacity and to accumulate capital. It is as though the policy, which these conditions enshrine, is designed to prevent small leaseholders from becoming rich, and is meant to ensure that they do not raise much above subsistence level. On the other hand, the low rents that are paid by the lessees of State lands directly impact on the quality and efficacy of their administration and management. As the NDS asserts, "such a situation gives rise, among other things, to land speculation and has the effect of subsidizing those who are least in need of subsidies e.g. large landholders who sublease (illegally) the land at market rates."

How we have handled the land problem in Guyana since Independence is perhaps symptomatic of our collective failure to identify crucial constraints to our development and comprehensively marshal our intellectual resources to overcome them. We have approach our development in an ad hoc manner, and have studiously neglected to reform the institutions which are now meant to manage the basic elements of our economy, and to nurture an enabling environment for the private sector. In the next article in this series, the strategy, which has been devised by the formulators of the NDS to make the management of Guyana's State land resources more effective, will be described. ([Back to top](#))