



Land Tenure Center

AN INSTITUTE FOR RESEARCH AND EDUCATION ON SOCIAL STRUCTURE, RURAL INSTITUTIONS, RESOURCE USE, AND DEVELOPMENT

February 2001

Briefing document

UNIVERSITY OF WISCONSIN — MADISON

THE LAND TENURE CENTER IN LATIN AMERICA AND THE CARIBBEAN

Mission

The Land Tenure Center serves as a global resource institution on issues relating to land ownership, land rights, land access, and land use. Our focus is on the relationship of land to economic development, socio-political organization, and environmental sustainability. LTC's approach to research and training is multi-disciplinary and stresses local collaboration. Since its establishment in 1962, LTC has sought to foster widespread and equitable access to land because of the understanding that this is basic to viable economic, social, political, and environmental systems.

Program

Established in 1962 at the University of Wisconsin-Madison, LTC has evolved into the leading university-based institution on land policy in the world. The Center works in Africa, Asia, Eastern Europe, Latin America, and North America on issues of land tenure and land use, agrarian reform, land markets, legislative drafting, land registration and titling, institutional dimensions of rural development, and environmental/natural resource management. In addition to its major programs of research, technical assistance, and training, LTC oversees the University of Wisconsin's Ph.D. in Development Program. The Center's mission of outreach is furthered by its globally-recognized *Land Tenure Collection* housed in the University library system, and its *Publication Series*, which strengthens the link between research findings and policy formulation through technical papers, briefs, and other documents.

Approach

LTC emphasizes the needs of the country where work is undertaken, an interdisciplinary approach, and the importance of working with host-country institutions and individuals in policy analysis, research, training, and implementation. LTC considers it of highest priority, even on short-term work, to form collaborative ties with host national institutions, to conduct interim studies when advisable to meet the policy needs of host-country institutions, and to engage students and faculty in field research.

Funding Sources

LTC has implemented programs with the American Bar Association, Asian Development Bank, British Department for International Development, Carter Presidential Center, Deutsche Gesellschaft für Technische Zusammenarbeit, Food and Agriculture Organization of the United Nations, Ford Foundation, Inter-American Development Bank, Inter-American Foundation, Otto Bremer Foundation, Swedish International Development Cooperation Agency, United States Agency for International Development, United States Department of Agriculture, W.K. Kellogg Foundation, and World Bank.

LTC IN THE REGION

LTC staff has conducted research, training, education, and advisory programs in more than 75 countries; Latin America was the initial focus of the Center and it has been involved in the region for 40 years.

Antigua	El Salvador	Paraguay
Barbados	Guatemala	Peru
Belize	Guyana	St. Lucia
Bolivia	Haiti	St. Vincent and the Grenadines
Brazil	Honduras	Suriname
Chile	Jamaica	Trinidad and Tobago
Colombia	Mexico	Venezuela
Costa Rica	Nicaragua	
Dominican Republic	Panama	
Ecuador		

KEY LAND ISSUES

- ✓ The poor, indigenous peoples, and women often lack *equitable and sufficient access* to land
- ✓ Informal communities surrounding cities need *secure land rights*
- ✓ *Clarifying land rights* can improve otherwise sluggish land markets, limited access to capital, and stagnant economies
- ✓ *Modern documentation technology* is needed when updating inadequate property record systems
- ✓ Environmental degradation can be curbed by improving *management of state lands*
- ✓ *Community management of natural resources* can ensure community access to those resources and provide models for sustainable resource management

LTC CURRENT ACTIVITIES IN THE REGION

RESEARCH AND TECHNICAL ASSISTANCE

Trinidad and Tobago: Land Use and Policy Administration Project

Term: October 1999-October 2001
Funding: Ministry of Agriculture, Land and Marine Resources, Government of Trinidad and Tobago
Amount: \$973,951
Project contacts: J. David Stanfield, Principal Investigator (jdstanfi@facstaff.wisc.edu); Malcolm Childress, Consultant on Land Management Institutions (mdchildr@facstaff.wisc.edu)

Participating institutions: Ordnance Survey International, UK; Graduate School of Design at Harvard University; Terra Institute, Wisconsin; Associates for Caribbean Transformation, Trinidad and Tobago. Other collaborators in Trinidad and Tobago include the Ministry of Agriculture, Land and Marine Resources; Ministry of Housing and Settlements; Ministry of Local Government; Ministry of Finance; and other government institutions and organizations involved in land management.

Summary: The project deals with the institutional roots of land tenure problems. It intends both to develop new organizational structures for the management of state land and to provide local expertise to Trintobagian agencies to better fulfill their mandates. The objective of the project is to improve the effectiveness of state land management and land use planning in Trinidad and Tobago.

Mexico, Ecuador, and Bolivia: Community Planning for Sustainable Livestock-based Forested Ecosystems in Latin America

Term: October 1997-September 2003
Funding: Global Livestock Collaborative Research Support Project; US Agency for International Development
Amount: \$1,350,000
Project contacts: Timothy Moermond, Principal Investigator, University of Wisconsin-Madison (tcmoermo@facstaff.wisc.edu); Susana Lastarria-Cornhiel, LTC Senior Researcher (slastarr@facstaff.wisc.edu)

Participating Institutions: University of Wisconsin-Madison; University of California-Davis; **Mexico:** Instituto Manantlán de Ecología y de la Conservación de la Biodiversidad, Universidad de Guadalajara; **Ecuador:** Heifer Project International; Centro de Datos para la Conservación; Fundación Antisana; Terranueva; **Bolivia:** Centro de Estudios Regionales para el Desarrollo de Tarija; Servicios Agroinformáticos de Apoyo a la Planificación del Uso y Manejo de los Recursos Naturales Renovables; Centro Interdisciplinario de Estudios Comunitarios; Comunidad de Estudios JAINA

Summary: This project works with communities in forested mountainous areas to improve the quality of life for small landholders. Objectives: (1) identify the potentials/limitations for community sustainable management of natural resources and livestock and improved quality of life, (2) evaluate current practices of livestock and natural resource management and experiment with alternatives, (3) generate a participatory process for planning, implementing, and monitoring current and alternative practices, (4) establish a long-term community planning process for natural resource and livestock management.

Broadening Access and Strengthening Input Market Systems Project (BASIS CRSP)

Term: October 1996-September 2001

Funding: US Agency for International Development

Amount: approximately \$1 million per year

Project contacts: Michael Roth, BASIS CRSP Director (mjroth@facstaff.wisc.edu)

Participating institutions: *Central America*—Facultad Latinoamericana de Ciencias Sociales; Fundación Dr. Guillermo Manuel Ungo; Fundación para el Desarrollo Económico; Fundación Salvadoreña para el Desarrollo Económico y Social; Universidad Centro Americana

Summary: The BASIS CRSP program in El Salvador seeks to explain the dynamics of poverty and causes of resource degradation on hillsides. Work on innovation in rural lending strategies will broaden the rural poor's access to financial services. Two other projects in the region focus on land and labor market participation in El Salvador and on enabling factor markets to work better for the poor in Honduras, Nicaragua and Mexico.

Virtual Office for Inter-Summit Property Systems Initiative

Term: January 2001-August 2001

Funding: Organization of American States

Amount: \$31,800

Project Contacts: Beverly Phillips, LTC Library and Information Services Coordinator (brphilli@facstaff.wisc.edu); Lynn Bach, LTC Special Librarian (lcbach@facstaff.wisc.edu); Jolyne Sanjak, Land Policy Advisor, USAID Bureau of Latin American and Caribbean (jsanjak@usaid.gov)

Participating Institutions: Organization of American States

Summary: LTC is creating and organizing a web-based library of documents relating to property rights in Latin America. This library will be part of the Virtual Office of the Inter-Summit Property Systems Initiative (<http://www.property-registration.org/>), which is being built to foster communication between donors, government agencies, and civil agencies working on property issues in Latin America.

Nicaragua and Honduras: Land Market Liberalization and the Land Access of the Rural Poor: Lessons from Recent Reforms in Central America

Term: November 1999-June 2001

Funding: World Bank, US Agency for International Development, BASIS CRSP

Amount: Approximately \$150,000

Project contacts: Michael Carter, Principal Investigator, (carter@aae.wisc.edu); Malcolm Childress, LTC Researcher (mdchildr@facstaff.wisc.edu)

Participating institutions: Fundación Internacional para el Desafío Económico Global, Nicaragua; Fundación para el Desarrollo Empresarial Rural, Honduras

Summary: The project investigates how recent market-friendly reforms have affected the lives of the rural poor. The research will determine if liberalized rural property rights and factor markets work in enhancing the income, land access, and accumulation potential of the poor while promoting more efficient resource allocation. It will also determine potential benefits of rural reforms, in terms of resource productivity, muted by intra-household property rights assignments that fail to uphold or enhance women's bargaining power and economic position.

TRAINING AND EDUCATION

LTC hosts **visiting scholars**. Latin American scholars have spent time at the Center conducting library research, working collaboratively with LTC researchers and affiliated faculty, and completing manuscripts. Examples of recent visiting scholars include:

- US:** Edward Dew, Professor (June 99)
- Bolivia:** Rafael García Mora, Sociologist (8/98-12/98)
- Venezuela:** Olivier Delahaye, Professor (6/96-8/97)
- Trinidad/Tobago:** Jacqueline Ganteaume-Farrell, Land Administrator (9/96-10/96)

LTC also conducts short-term **training programs**. Latin American scholars, policymakers, and government officials have benefited from this form of customized training. Recent example:

- Guatemala:** helping establish the Guatemala Land Fund with training visit from 8 high-level Guatemalan government officials and policymakers (8/00)

Ph.D. in Development Studies Program

LTC administers the University of Wisconsin's **Ph.D. in Development Studies Program**, which provides an academic, interdisciplinary focus on international development issues as applied to developing countries. Social and technical scientists are trained for careers in developing countries, in bilateral or multilateral development assistance agencies, and in foundations and voluntary organizations working internationally. Students from over 35 countries have enrolled since 1970, and 100 have completed their Ph.D.; more than 30 students have focused their research on Latin America.

Current students from Latin America and/or students studying Latin American issues

- Argentina:** Valería Galetto, international labor migration, rural development in Mexico
- Brazil:** Víctor Lledo, fiscal federalism and regional development in Brazil
- Mexico:** Ricardo Sabates Aysa, migration patterns, urbanization
Nancy Contreras, history of Mexican agricultural technology transfer policy
- Nicaragua:** Francisco Barquero, micro-lending market and gender in agriculture
Juan Chamorro, factor markets, rural household, and economic development
- Trinidad/Tobago:** Edwin Joseph, agricultural extension and community development
- United States:** Adam Behrendt, NGOs and democratization in Bolivia
Lisa Heaton, Bolivian educational reform and community participation
James Hutchins, regional land use planning in northern Guatemala
Rick Nelson, indigenous development with Miskito People in Honduras
Philip Wells, sustaining local institutions and producers in Central Mexico

PAST PROJECTS IN THE REGION

Belize (1995)

LTC provided a legal assessment of constraints in the Inter-American Development Bank land titling initiative, specifically in conversion from leasehold to freehold titles, and conversion from deeds registry (certificate of title systems) to a title-based system.

Bolivia (1994,1995)

LTC collaborated with the Ministry of Sustainable Development in Bolivia to organize a technical workshop for members of the government on modernization of property law legislation, and registries and cadastres. Later, LTC undertook a synthesis review of the Popular Participation Law. This review summarized and assessed the new legislation as initially implemented in order to draw regional lessons.

Cuba

Together with the Rainforth Foundation and the Federación Inter-Americana de Abogados, LTC held a seminar at the Organization of American States to discuss “Tenure in Economies in Transition,” with presentations on Nicaragua, the Czech and Slovak Federal Republics, Hungary, and Russia. A similar event, put together by LTC, the Rainforth Foundation, and the Florida Bar Association, examined likely scenarios surrounding any potential change in policy between the United States and Cuba, and what that would mean for dispute resolution in the tenure and property area.

Ecuador (1988-89)

As part of a regional study, research was conducted in collaboration with the Centro Andino de Acción Popular on emerging markets in land. The research examined how land markets (and the transfers and transactions within them) are involved in smallfarmers’ strategies to maintain commercially viable farm operations.

El Salvador (1993, 2000)

In collaboration with Abt Associates and with USAID financing, LTC participated in the El Salvador Agricultural Policy Analysis Project, Phase II (1993). The study included a sectoral assessment of agriculture with focus on land tenure, finance and long-term sectoral dynamics. In 2000, LTC Senior Special Librarian helped preserve material on land reform, agricultural development, and the peace process in El Salvador for the USAID/El Salvador Mission. Working with Development Alternatives, Inc., four CDs containing a database of over 300 annotated citations and full texts of over 100 documents were created. Copies of these CDs are located in the USAID Library (Washington DC), Special Collections in Memorial Library (UW-Madison), and the USAID/El Salvador Mission Library.

Geographic Information Systems in the Caribbean (1995 and ongoing)

LTC and UW-Madison initiated a comprehensive effort for integrating spatial information technologies and land and natural resource tenure. LTC joined with USAID, IDB, and others to organize a demonstration of new approaches to land administration. The 1995 workshop took place in Trinidad and Tobago, where an LTC methodology has already been embraced by the government. The purpose of the workshop was (1) to

organize a demonstration for regional government of new technologies, including GPS, for reducing transaction costs in the survey and titling of property; and (2) to discuss registry modernization strategies for the Deeds Registry in Trinidad. The new approach has been applied in Belize and Trinidad, and is likely to be approved for Guyana, Barbados, and Jamaica.

Guatemala

In Guatemala a series of land market studies were conducted in the period 1988-1992, including an evaluation of the Penny Foundation's Land Bank, and a film on land tenure in Guatemala was produced. The research in Guatemala was carried out in collaboration with the Facultad Latinoamericana de Ciencias Sociales. Field surveys were undertaken for three studies: (1) land transfers and agricultural productivity in the old agrarian reform areas on the South Coast; (2) the beneficiaries of the private sector and government land market projects; and (3) a survey of members of rural export diversification projects. LTC research sought to gain a better understanding of the structure and operation of land markets to explore the potential for policy and program interventions. In 1997 a project design was done with funding from the Inter American Development Bank for the massive legalization of low income urban informal settlements in Guatemala.

Guyana

In 1995, on behalf of the Minister of Agriculture, LTC drafted Action Plans for implementing Inter-American Development Bank (IDB) conditionality in four areas: (1) removal of legal constraints on granting titles to land in the registry system, (2) conversion from leasehold to freehold, (3) raising rents toward market rates, and (4) strengthening and restructuring of the Lands and Surveys Department into a semi-autonomous entity. LTC also drafted a legal opinion for IDB regarding increased land rents in Guyana (July 1995), which enabled IDB to advise on the legal feasibility of increasing rents. LTC also led a planning retreat for Deeds Registry staff and held discussions with the government to advance registry modernization. While the workshop featured international experience in reform, the focus was on the intellectual braintrust already resident in-country, with efforts to tap this source to re-engineer the way geographic information is handled.

Haiti (1986-1988, 1995)

In 1986, an LTC team assessed the importance of tenure issues in rural Haiti, focusing on the inadequacy of formal law to address the serious problems of tenancy, sharecropping, fragmentation, and environmental degradation, especially on state land. Researchers conducted fieldwork in two watersheds, using a combination of ethnographic and sample survey methods to study the tenure situation and willingness to invest in improvements in land. Working with the NGOs responsible for implementation of watershed protection programs, researchers organized a workshop on the relationship between tenure and watershed management. LTC sent another team to Haiti in January 1995 to prepare an action plan to assist the Ministry of Agriculture with a short-term land reform program, including components on helping organize a national land tenure conference, divesting state farms to the private sector, strengthening land rights to curb deforestation and facilitate reforestation, assisting in the development of a National Institute for Agrarian reform, and working on judicial and land market mechanisms to stabilize violence over land conflicts. Results were published in the LTC research paper "Land Tenure Issues in Rural Haiti: Review of the Evidence" (1988).

Honduras, Antigua, St. Kitts, and St. Vincent and the Grenadines: Land Titling and Cadastral Systems (1984-1988)

This project analyzed several Latin American countries regarding: (1) the interactions of governments, communities, and individuals to define and alter property rights to land; (2) the reliability of cadastral systems in terms of accuracy, cost of maintenance, and degree of use by different types of landholders; and (3) the effects of alterations of property systems on agricultural output and income distribution. Two studies, undertaken in Honduras, found no strong relationships between title and agricultural productivity. Research in Antigua and St. Kitts revealed problems of management of leaseholds on state lands and need for greater tenure security. In St. Vincent and the Grenadines, problems within their antiquated deeds registration system were found to pose a major constraint to landholders' access to registration and tenure security.

Honduras (1985-87, 1988, 1989, 1992, 1993-1995)

In 1985-87, LTC along with USAID/Honduras evaluated two small-farmer land-titling pilot projects. The 1988 LTC research project, "Group Farming Ownership Models in Honduras" studied the economic and social profiles of 12 agrarian group-managed reform enterprises in Northern Honduras for a report to the US Congress. The 1989 research project "Viability of Honduran Agrarian Reform Enterprises" studied 70 group-managed agricultural enterprises and 200 farmers, focusing on determinants of profitability and sustainability. In 1992, LTC and Abt Associates, in collaboration with government ministries, designed a restructuring program for 2,800 rural enterprises and the National Agrarian Institute. The "Improving the Management of Honduran Agrarian Reform Enterprises" project formulated policy priorities, goals, and implementation plans to improve agricultural production and profitability on the restructuring enterprises. From 1993 to 1995, LTC was responsible for a component of the Agricultural Policy Analysis and Implementation project in Honduras and provided policy recommendations on improving land tenure security and property rights through land titling. The activities undertaken to achieve this objective were:

(1) work with government agencies to expand land-titling activities; (2) establish a land bank; (3) improve the land and property information system; and (4) monitor tendencies of and information on the land market.

Jamaica (1987)

The "Government of Jamaica Land Titling Project" took place in conjunction with Data Systems and the Jamaican Ministry of Agriculture with funding from the Inter-American Development Bank.

Library Conversion (1991-1992)

All of the LTC library materials on Latin America were converted to electronic format in collaboration with several other major US libraries. The project was funded by the National Endowment for the Humanities. Over 25,000 LTC records were converted. Libraries from Yale, University of Texas, Indiana University, Berkeley, Stanford, and others also participated.

Nicaragua

LTC completed, in collaboration with public and private agencies and Universities in Nicaragua, a series of reports and technical assistance on property-dispute resolution, indemnification, land finance, land normalization and rationalization, and other issues, in its transition from state interventionist to market-oriented economic policies. An LTC research paper on the subject has been published under the title "Insecurity of Land Tenure in Nicaragua" (1995), and is also available in Spanish.

Panama (1986)

A study was conducted for USAID/Panama and the Ministry of Agrarian Development. The report is published as “Republic of Panama: Agrarian Land Titling,” Joseph R. Thome, editor (1986).

Peru (1995)

LTC was contracted by GTZ to provide a review of the titling and registration methodology used by the Institute for Liberty and Democracy (ILD) in Lima. The assessment includes a description of the registration system set up by the ILD, a comparison with the traditional registration system, its ties with other institutions and organizations, and its strengths and weaknesses. The report was published as LTC Research Paper “Formalizing Informality: The Praedial Registration System in Peru” (1999).

St. Lucia (1988)

A study of land registration was completed for USAID that produced, “Land Registration, Tenure Security, and Agricultural Development in St. Lucia: A Research Report,” a five volume set in the LTC Publications Series.

Trinidad and Tobago

LTC developed an action plan in 1992 for land regularization and development, funded by the Inter-American Bank. Research partners included The Association for Caribbean Transformation and the University of the West Indies. Further reading on the land situation in Trinidad and Tobago can be found in the LTC Research papers “Land Tenure and the Management of Land Resources in Trinidad and Tobago, Part 1, Land Tenure,” and “Land Tenure and the Management of Land Resources in Trinidad and Tobago, Part 2, Institutional Roots of Tenure Insecurity.”