

LAND IN THE BAHAMAS

A PAPER PREPARED FOR THE WORKSHOP ON LAND POLICY,
ADMINISTRATION AND MANAGEMENT IN THE ENGLISH
SPEAKING CARIBBEAN

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Ministry of Agriculture, Land and Marine Resources
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Executive Summary

This paper will attempt to examine the current situation in the Bahamas as it relates to land. In particular, it will look at the Government's current land administration processes. Finally, particular focus will be paid to the Bahamas National GIS project that took place from 1998 to 2001 and the results and finding of this comprehensive study and the land issues it was able to bring to light in a practical and relevant manner.

Current land management in the Bahamas gets its underpinnings - both in terms of legislation and process, from 1920's English Law. Land is optionally recorded at the Registrar Generals office in a deeds registry and there is no Title Registry. Surveys of properties are not required (apart from Crown Grants), the Real Property Division records are incomplete, and the Physical Planning Department struggles to provide planning.

Land tenure is dominated by the issues of commonage and generational lands which are further complicated by the existence of parallel title where multiple owners have strong legal claim to the same property. The use of the Quieting Titles Act, which was introduced to resolve title disputes, has created an environment where misuse of the Act is prevalent. It is estimated that twenty five percent (25%) of all land is in dispute and the main reason is the lack of clear documentation.

The administration of important records needed for clear and secure documentation of property ownership is separated among multiple agencies including the Ministry of Agriculture, the Ministry of Public Works, the Registrar General, the Department of Lands and Surveys, the Department of Physical Planning, the Real Property Tax Department, and the Treasury Department. Data are largely paper based and records are incomplete and weakly managed in most cases. Attempts have been made at each of the agencies to better organize existing records as well as improve day forward processes such as the issuance of new Crown Grants, but serious gaps exist complicating further transactions. The recording of all information related to land is not mandatory nor is it based on a common property identifier and as a result it is very difficult to link the multiple record sets that describe the same real property unit.

In all cases each of the departments charged with land administration have the same core functional problems, these are:

- Outdated manual processes that reflect methods and requirements from pre independence days,
- Outdated legislation that has not kept up to date with modern methods of land administration,
- Inefficient collection of fees that do not reflect current cost of processing nor the value of the transaction,
- Fees that are generated for land transactions are assigned to the general fund and not the individual departments,
- Many of the land recording processes are optional and not mandatory,

- Financial disincentives to record land i.e. high transfer taxes,
- Lack of coordination and integration among the different agencies managing land resulting in a lack of information available for each department to complete its task effectively, and
- Lack of funding for staffing, training, core data set development and maintenance, and equipment modernization.

Over time this situation of incomplete, sometimes erroneous and “stovepiped” storage of land information has created an environment where serious inefficiencies have been introduced and where the real property market is operating at a fraction of its potential. As a result government is underserved by the information it collects, is not able to provide an adequate recording of land interests and information related to land, and therefore is not able to effectively plan for future growth and development.

The current population in the Bahamas is estimated at 316,298¹ persons with 70% residing on New Providence, an island 21 miles east to west and 7 miles north to south with a resulting population density of 2,635 persons per square mile². Population growth is projected at 1.8%, meaning the population of the Bahamas will double in approximately 40 years. A high standard of living (per capita Gross Domestic Product in 1999 was US \$15,300) has increased the immigration pressure from Haiti and other Caribbean nations adding to the burden on the land in the Bahamas. Most of the GDP in the Bahamas is derived from tourism, which relies largely on the outstanding physical natural beauty of the Islands. Increased pressure from development and population growth requires improvement of the efficiency and equity of the administration of land, particularly as existing processes in the government are challenged by current demands. Consequently improvements are essential.

The Government of the Bahamas, realizing the increased threat and pressure from unguided development and growth and the Governments inability to effectively steward land resources embarked in 1998 on a National GIS Project (BNGIS). This project administered by the Inter American Development Bank and funded through Japanese Grant, brought together more than 13 government agencies to work together through the project to try and illustrate through two pilot studies, one an urban information system and the other an environmental study, how integrated land management using GIS and spatial data could benefit the Bahamas. The Government realized the BNGIS project would be the first step toward modernizing land administration in the Bahamas.

The BNGIS project is considered one of the most comprehensive of its kind in the hemisphere as it included the following core components:

- Comprehensive review of land in the Bahamas,
- Provision of hardware and software required to establish a full center as well as a training facility,

¹ Department of Statistics

² Average for the Bahamas is 56 persons per square mile.

- Training for more than 100 government officials in a variety of land and GIS related issues,
- Draft National Spatial Data Infrastructure (NSDI) document,
- Numerous technical documents on modernizing different departments and improving workflow, and
- Detailed development of two pilot studies – one urban (Pinewood Gardens in New Providence) the other environmental (San Salvador).

While the project itself was successful its work has not been carried forward nor sustained since its completion in February of 2001. Much of the reason for this can be attributed to the same core factors that have created the current land administration environment - namely a lack of government priority and resources given for training, data collection, and modernization of the land administration institutions and their processes.

In order to realize effective land administration we recommend that the current administration needs to address the following:

- Reform and modernize into a rational, single, integrated structure the departments currently dealing with land³,
- Modernize legislation related to land,
- Move from a deeds named based registry to a title registry,
- Reform land use policy and develop a comprehensive national land use plan and policy,
- Provide for equitable Property Taxation and Accurate Valuation, and
- Create a National Spatial Data Infrastructure and multipurpose cadastre that will underpin the title registry, land use, and property taxation.

The results of these activities will lay the foundation for economic planning in that the relationship of land parcels, the use to which the land is put and the proprietary interests residing in that land provide a means of achieving a sound fiscal base to meet social and community needs. Additionally, they will establish an effective decision-making framework in relation to decisions that concern the natural environment and the impact of development on that environment.

³ Except for Planning, Permitting and Sub Division Control

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Introduction



Figure 1: Map of the Bahamas.

The Bahamas comprises an archipelago of about 700 islands and islets and nearly 2,400 cays and rocks, extending for about 800 kilometers (497 miles) from a point southeast of Palm Beach, Florida, to a point off the eastern tip of Cuba in the South Western edge of the Atlantic Ocean (see Figure 1). Twenty two of the main islands are inhabited with 70% found on New Providence (83 square miles) and approximately 16% on Grand Bahama (530 square miles).

Table 1: Basic Geographic Data of the Bahamas (Source: CIA World Factbook 2002)

Geographic Coordinates	24 15 N, 76 00 W
Area Total	13,940 sq. Km
<i>Land</i>	10,070 sq. Km
<i>Water</i>	3, 870 sq. K

Coastline	3,542 Km
Terrain	Long, flat coral formations with some low rounded hills. Highest point is Mount Alverina, on Cat Island at 63 meters.
Population	316,298 (July 2003 Estimate⁴)

The Commonwealth of the Bahamas is a constitutional parliamentary democracy which obtained internal self government in 1964 and full independence from Britain in 1973. The chief of state is Queen Elizabeth II as represented by Dame Ivy Dumont since January 2002. The legal system is based on English common law. The Bahamas has a bicameral Parliament consisting of the Senate (16-member body) and the House of Assembly (40 seats; direct popular vote) all serving for five year terms.

The Bahamas has a high level of social, economic, health service, and educational development, particularly when measured against other developing nations and within Latin America and the Caribbean (LAC) in particular. Per capita gross domestic product (GDP) was projected at \$15,774 in 2000⁵ growing at 3.5% per year⁶ as compared with the LAC average of US \$3,600.

The economy of the Bahamas is based on tourism, financial services and shipping registration. Tourism generates approximately 50% of the total GDP and directly or indirectly hires approximately 50,000 workers the equivalent of about half the total work force. Most tourists (80%) are from the United States of which half are cruise ship passengers or day trippers. The disaster of September 11, 2001 had a significant impact on tourism in the Bahamas in the last four months of 2001⁷, a condition that the country is only now beginning to see signs of recovery. Economic activity is principally restricted to the two main islands of New Providence and Grand Bahama.

The banking and financial sector accounts for roughly 15% of GDP and employs approximately 5,000 people most of whom are Bahamian. This sector deals mostly with the management of assets of wealthy individuals and generates little in terms of Bahamian dollar earnings covering expenses only. As a result of the Financial Action Task Force and OECD criticizing the Bahamian financial industry, the country in 2000 enacted a series of reform bills aimed at strengthening reporting and management of this sector⁸.

Agriculture is much less important than tourism, contributing only 2.9% of total GDP. A third of farmers are women, the average age is 59, and half of all farm laborers are

⁴ Source: Department of Statistics

⁵ Source: IDB 2001-2002 Country Paper

⁶ Source: IDB 2001-2002 Country Paper

⁷ Source: The Central Bank of the Bahamas Annual Report, 2001.

⁸ Banks and Trust Companies Act, Central Bank of the Bahamas Act, Criminal Justice (International Cooperation) Act, Financial and Corporate Service Providers Act, Financial and Corporate Service Act, Financial Intelligence Unit Act, Financial Transactions Reporting Act, International Business Companies Act, and Proceeds of Crime Unit Act.

Haitian. Emphasis is on citrus production, taking advantage of the lack of frost and competing with the Florida citrus growers.

Foreign direct investment (FDI) was significant throughout the 1990's but particularly heavy after 1997 and especially into the tourist sector, namely construction and upgrades of hotels. FDI in land was also stimulated by the International Persons Landholding Act in 1993. This act allows non Bahamians and the companies they may control to own property. It also allows non Bahamian owners to apply for a residence card that once approved allows close family members right of residence as well. Significant numbers of properties both within New Providence and in the Family Islands⁹ have been sold to foreign investors and the government is currently hard pressed to provide a comprehensive register of these transactions and properties. As non Bahamians who own property in the Bahamas must pay real property tax this has a potentially significant impact on government revenues.

Like many other Caribbean¹⁰ small island nations the Bahamas is greatly affected by external factors, in particular from the United States where a heavy reliance on a single market and industry exists. Recent events have shown just how dependent the Bahamas is on the US. Additionally, because of the small population size and the physical dispersion of the Bahama Islands it is hard to gain any economies of scale. This is reflected in the reduced role of local government and the difficulty in providing trained and skilled personnel at all levels of government. It is therefore unlikely that within current government resources that a complete re-structuring of public institutions and processes dealing with land is possible and thus external funding sources should be identified.

The Government of the Bahamas (GOBH) is aware of a number of specific impediments which stand in the way of effective land administration and land resource management at a time when development pressures are increasing. These include:

- Generational land,
- Commonage,
- Lack of a consistent and standard property addressing system,
- Poor record keeping and tracking of government land assets,
- High proportion of land disputes,
- Inefficient pricing for government services and charges related to land,
- Inability of agencies to retain proportion of service fees,
- Holding of land for speculative purposes,
- Lack of surveys for many land parcels,
- Lack of update mechanisms for property boundary definition and change due to optional requirements for surveys and recording of land instruments,
- Lack of a coherent and integrated strategic land use planning and development mechanism,

⁹ Family Islands refer to all Islands not described by New Providence the capital.

¹⁰ Although technically speaking not a part of the geographic Caribbean, the Bahamas is part of CariCom and the broader economic definition of the Caribbean.

- Limited comprehension of land administration concepts within government,
- Lack of legal mandated environmental impact assessment procedure for development projects,
- Lack of scale in the development approval process – all applications regardless of size are generally subjected to the same review procedures,
- Monitoring requirements (e.g. for agriculturally leased land) are unrealistic,
- Lack of operational agency co-ordination and limited resources,
- Inadequate emphasis on relevant training, and
- Lack of fully developed local government management

These impediments have manifested themselves in real terms lately and in a manner that has made the government realize that action is required. For example, the ongoing expansion of roads in New Providence has required that government acquire land under eminent domain and compensate individuals for this acquisition. However, given the poor condition of deeds and the difficulty in establishing ownership and clear title the process has been significantly delayed. In addition the government is in real danger of fighting court actions for the coming years as it deals with competing and perhaps fraudulent claims. Another example can be found where the Government, attempting to enact a central proviso of their manifesto - to increase the threshold under which real property is taxed for Bahamians owners in New Providence from \$100,000 US to \$250,000 US now finds that it does not have the records or resources to make this change reality. In effect the Government does not know exactly how many properties there are in the Bahamas nor where they are (the numbers provided in this report are at best proxies and were arrived at using other sources of information). The particular problem of re-assessing a minimum property value for taxation can only be accommodated in the given time frame using GIS tools and techniques and up to date spatial data, but the underlying spatial data is inadequate for this task.

These impediments all combine to limit the ability of the Government to satisfy the expectations of Bahamian society. The inability to ensure a dynamic and secure land market, will in the medium term seriously limit investment growth and opportunity.

The BNGIS Project

On 6th June, 1996 the Minister of Finance and Planning requested the IDB's assistance in the preparation of an operational plan intended to finance a National Geographic Information System. In discussions leading to this request, the government stressed the need for modernization and computerization of public administration in general with particular focus on the areas of land use planning and development, environmental protection and public safety. Between June and December 1996 the Project Team used financing from the United Kingdom Trust Fund and the Japanese Trust Fund for Consultancy Services (JCF) to conceptualize the project and prepare detailed costs and activities. In December 1996, the government requested a formal presentation on GIS applications and a description of the proposed project. This presentation to government officials and cabinet members took place between 7th and 9th July, 1997. Following this

presentation, negotiations were concluded between the GOBH and the IDB on the implementation of The Bahamas National Geographic Information Systems Project (BNGIS). The project was approved by the Bank's Board of Executive Directors on the 28th October 1997 and the project commenced in July 1998 with the mobilization of the project team.

The BNGIS Project had five primary goals:

1. Develop a national geographic data policy.
2. Installation of a technical infrastructure to manage geo-data resources of national significance within the BNGIS Center.
3. Extensive management, technical and practical training of personnel in spatial information skills.
4. Execute pilot projects in urban management (Pinewood Gardens) and environmental sectors (San Salvador), and
5. Execute a pre-feasibility study on land use policy and administration in The Bahamas

A total of 116 persons from the Government were trained in a wide variety of topics including introduction to GIS, spatial analysis using GIS, to management training to a train the trainer program. A total of twenty-five high end PC Workstations and two servers were delivered and installed at the Center and the various agencies involved in the project. Other equipment included digitizers, plotters, printers, scanners, cd writers, digital cameras, digital LCD panel etc. The project procured or provided more than \$100,000 worth of GIS software and utility tools. Several reports were provided including the Land Use and Administration Policy document, the Geo Data policy study (included with this report), a User Needs Assessment, and twenty four customized technical reports covering in detail the majority of data issues faced by each of the agencies as they moved forward with spatial data integration.

As the demonstrations prior to and including the final project seminar showed conclusively and was further strengthened by the response from all in government, the GIS - and in particular integrated spatial data, is needed by many if not all government agencies. As the presentations showed the integration of data sets from ten different agencies based around a common parcel layer provided almost unlimited potential for government. At the same time however, so too did the need to address issues such as data stewardship, data pricing, data privacy, and data access.

Figure 2 is taken from the pilot created for Pinewood Gardens. Using a sub division survey plan for the sub division as the basis for the property parcels and using the newly generated digital ortho photography¹¹ for the island of New Providence, a core spatial data framework was created. Once the parcels were in place different staff members were assigned to research and provide information from a variety of sources related to specific parcels. At first the project had hoped to complete all of Pinewood Gardens a total of

¹¹ The Department of Lands and Surveys had commissioned the flying of New Providence in 1999 and with the help of the BNGIS was able to process these data into color 12.5 cm ortho photographic data. These data were a key layer in the development of the project and its applications.

3,822 parcels within three months, but it quickly became apparent that a single block of 15 parcels was all that would be completed within the time frame. Different staff members were assigned to collect data from different departments or agencies. The major data sets that were gathered were:

1. Registrar Generals department to gather the deeds for each parcel in the sub division, scan them and associate them with the correct parcel,
2. Water and Sewer Corporation, Batelco (Bahamas Telephone Corporation), and BEC (Bahamas Electrical Corporation) to integrate billing records with the respective parcels,
3. Department of Statistics – to integrate census level data at the block level,
4. Real Property Tax to assign real property tax records for each parcel,
5. Department of Physical Planning – permit database,
6. Ministry of Public Works – building permit integration with each parcel, and
7. Ministry of Public Works – road section to define road names and building addresses.



Figure 2: Pinewood Gardens Sub Division, New Providence. Example of integrated spatial data for land management.

In particular the most difficult data set to research and integrate were the deeds from the Registrar Generals department. Where data was available it was hard to always link it to

the correct parcel as no Real Property Tax numbers were present on the deed or there was no survey reference provided. An interesting issue regarding Pinewood Gardens is that the subdivision is itself at odds with a much earlier development and for which some lots were developed. However, the original development never went forward and a subsequent overlapping development was allowed. Several areas of severe overlap exist and most of the lots in these portions of the sub division lie idle or have been quieted under the Quiet Titles Act.

Once the data were in place it was then possible to cross relate based on the parcel information regarding census information, billing information from the public utilities, assessed value and ownership, and deed information. The utilities alone suggest that the savings from duplicative and redundant work could run into the millions of dollars per year if such a system existed at the national level. Indeed as Batelco is realizing privatization requires a detailed inventory of the location and condition of assets as well as good account management.

While the BNGIS Project was itself a useful program its sustainability and its ability to move the government forward towards modernized land administration must be called into question. Despite considerable work during the project spent dealing with the issue of sustainability the BNGIS Center sits largely dormant. To some extent the change over in government as well as the election process leading up to the new government taking office created a vacuum within which the Center was temporarily “lost”. However, the new government has realized the importance of continuing the initial efforts of the project and is now putting the issue of land and the center back on center stage. It is usual there fore to revisit the recommendations that were made by the project related to sustainability of the center. These were:

- The BNGIS center needs to be firmly established within the government hierarchy as a stand-alone agency with a full budget and complement of skilled staff, and
- The BNGIS Center be established as a full department within the portfolio of the Office of the Prime Minister.

In this way the Center can as an independent entity servicing the needs of the public sector.

Land Indicators

There is no available information on the total number of properties in the Bahamas. It is known however as a result of the GIS project that there are approximately 51,954 property parcels in New Providence that can be spatially accounted for. According to the department of statistics there are a total of 78,624 building units in the Bahamas of which 46,954 or approximately 60% are in New Providence. Additionally we know that there are 100,217 known dwelling units of which 63,872 or 64% are in New Providence. If we use building units as a proxy for properties nationwide we can predict that there are approximately 86,590 parcels in the Bahamas based on a total of 51,954 in New Providence. Of the remaining 34,636 parcels in the Family Islands only Grand Bahama has property parcels mapped with any degree of completeness and accuracy. Many of these 34,636 represent foreign investment in land for which significant property tax revenues should be realized but are not.

Table 2: Census Building and Housing Stock 2000 (Source: Department of Statistics 2002).

Island	# of Building Units	# of # Occupied		# Vacant Units
		Dwelling Units	Dwelling Units	
All Bahamas	78624	100217	88107	12110
New Providence	46954	63872	59807	4065
Grand Bahama	10731	16919	14016	2903
Abaco	5027	5337	3980	1357
Andros	3246	2736	2190	546
Eleuthera	3985	3451	2440	1011
Exuma and Cays	1897	1797	1157	640
Long Island	1579	1317	975	342
Other Islands	5205	4788	3542	1246

At the Registrar Generals office which maintains the deeds registry the following statistics were gathered.

Table 3: Land Document Transactions per Year 1993-2002 Registrar Generals Department

Document Transactions Types	Year	2002	1999 (partial year)	1998	1997	1996	1995	1994	1993
Mortgages		3356	1350	4205	3935	4145	4444	4916	853
Conveyances		5927	1792	5597	5066	5034	4864	6308	1001
Satisfaction of Mortgages		1666	559	1696	1727	1708	1997	2131	380
Debentures		72	34	97	100	107	130	132	20
Deeds of Assent		149	103	267	292	226	293	330	74
Conveyance by Assent		69	25	70	66	96	79	145	30
Land Transaction Totals 1996-2002		127881							

Note that the data in table 3 is incomplete for 1999 (through May 1999 only) and was not

available for 2000 and 2001 in time for this paper. It is estimated that about 15% of all real estate transactions involve title objections and these are considered to be legitimate objections. Such disputes are resolved by the court, and comprise approximately 20 to 25% of the total caseload of the Supreme Court. The court calendars are backlogged and it can take two years to bring a real estate dispute to trial

The Department of Lands and Surveys is responsible for managing Crown Grants and Lands in the Bahamas. It is therefore responsible for estate management and prepares and manages grants, leases and licenses.

Table 4: Number of Crown Grants

Islands	Number of Crown Grants
New Providence	1891
Abaco and Grand Bahama	1052
Exuma and Ragged Island	719
Long Island;Ragged Island and I	990
Cat Island	1327
Andros, Berry Islands, Bimini	1816
Eleuthera	2129
Crooked Island, Watlings Island,	1109
Inagua	889

Table 4 shows an estimate of the numbers of Crown Grants that have been issued by Island. It should be noted that had a thorough computerization project not been undertaken by the current director of lands and surveys that this information would not be available. While data is available now in general form many of these grants are not identified spatially within an overall parcel fabric. Luckily all of the modern surveys (since 1975) have geo referenced information associated with them, however all earlier surveys are not geo referenced and are very difficult now to locate on a map.

Table 5: Private Surveys submitted for Recording

Private Surveys Submitted for Recording				
Year	Plans Submitted	Plans Recorded	Fees	
1990	390	368	\$9,538.75	
1991	326	315	\$7,302.50	
1992	311	305	\$7,232.00	
1993	362	327	\$8,181.00	
1994	175	175	\$3,736.75	
1995	105	105	\$2,635.50	
1996	83	79	\$2,037.00	
1997	118	111	\$3,159.50	
1998	113	108	\$1,992.75	

Table 5 illustrates the problem of not requiring that surveys be prepared or recorded as part of a property transaction. Mostly they represent educated consumers who want additional protection under the law and therefore will pay for a survey to be prepared and verified and then recorded. By doing so the party in question will have additional legal

protection under the law should a dispute arise. The total numbers shown however are insignificant and the monies generated by the recording of surveys are relatively nominal.

Table 6: Leases of Crown Tenancies

Island	No. Of Leases	Annual Rent Due (E Rent Arrears (B\$))	
Abaco	134	\$22,175.67	\$19,736.80
Acklins	86	\$2,111.72	\$879.15
Andros	172	\$13,202.41	\$12.88
Berry Island	5	\$35,307.41	\$22,000.00
Bimini	78	\$63,761.62	\$92,750.80
Cat Island	168	\$8,534.76	\$5,608.36
Cay Sal	NA	NA	NA
Crooked Island	1	\$100.00	NA
Eleuthera	92	\$26,771.49	\$56,217.98
Exuma	37	\$9,179.66	\$5,835.85
Grand Bahama	12	\$1,680.99	\$0.00
Inagua	35	\$67.23	NA
Long Island	118	\$4,027.55	\$3,168.32
Mayaguana	50	\$188.25	\$90.00
New Providence	211	\$2,663,133.05	\$2,107,578.45
Ragged Island	21	\$1,086.20	\$500.00
Rum Cay	1	NA	NA
San Salvador	12	\$951.66	\$675.45

Table 6 shows the total number of leases (as of 1999) that were in place by each Island and the total rent due.

Table 7: Crown Land

Island	Total Area (acs)	Granted	Leased	Dry Land	Wet Land
Abaco Great	238800	49000	6400	153640	29760
Abaco Little	14600	1703	10500	1797	600
Moore's Island	4065	1720		2000	345
Abaco Cays & Marls	157965	11594	1495	5995	138881
Acklins	168318	131880	1821	29617	500
Andros	1472000	56456	5461	902340	507743
Berry Islands	9331	8343	48	800	140
Biminis	4500	4000	145	340	15
Cat Island & Cays	96043	76976	1482	8585	9000
Cay Sal & Lobos	1490	55		1435	
Conception Island	2000		2000		
Crooked Island	10836	6300	1821	1712	1003
Eleuthera & Cays	128000	49112	1311	6390	71187
Exuma Cays	30271	9573	2508	15360	2830
Grand Bahama & Cays	339200	206655	318	104027	28200
Exuma Great	39100	42078	82	1700	616
Exuma Little	7000				
Inagua Great	361200	73266	183696	37480	89600
Inagua Little	22600				
Long Cay	5846	4481	1	796	568
Long Island	147200	116579	1370	6469	2782
Mayaguana	70400	607	125	61668	8000
New Providence & Cays	51200	43100	4665	765	3770
Paradise Island	800				
Ragged Island & Cays	9272	1940		4630	2702
Rum Cay	19200	15200	1	900	3099
San Salvador & Cays	38400	27720	25	1655	9000
Plana Cays					
San Salvador Little					
Samana Cay					
Totals	3449637	938338	225275	1350101	910341

Table 7 details the amount of Crown Land in the Bahamas and its current disposition as of June 1999.

Key Constraints on Land Administration in the Bahamas

In this section we detail the main constraints on land administration in the Bahamas. They can be summarized as:

- A lack of a National Spatial Data Infrastructure (NSDI) and a related cadastre,
- Lack of a modern, coherent institutional framework, and
- Land Disputes,

National Spatial Data Infrastructure

The role of spatial information in land administration is crucial. Out of date, incomplete, and inaccurate information comes either from poor data, or poor data processing, or both. Poor information leads to poor decisions and greater risk in the management of the environment. In addition there are components other than information, which are necessary to make that information relevant and useable. The US National Spatial Data Infrastructure (NSDI) identifies these as being the institutional framework, technical standards, fundamental data sets, and the clearing house concept.

However, the essential ingredient in the NSDI is the existence of fundamental spatial data sets which can be considered as:

- Geodetic/Survey Network,
- Cadastral Framework,
- Transportation System,
- Administrative Overlay,
- Gazetteer, and
- Census Data.

In the Bahamas much of these data are out of date, incomplete or not available. In addition, when data sets are created the procedures of maintenance and integration are not in place and thus they quickly become outdated.

In many ways the Bahamas is fortunate in that it has a flat, homogenous physical environment that in total does not quite add up to the total land area of the State of Connecticut. Data sets can be compiled relatively quickly and with advancing technology at reasonable cost. It is therefore possible to create the planimetric information base for the Bahamas for approximately \$3,000,000. This information base then becomes the basis from which a modern land administration environment can begin.

Institutional Framework

New technologies, updated data, and integrated methodologies for spatial planning and management are all well and good – in the short term. However, without a review and re-

structuring of policy and institutions these new tools and techniques will become expensive short term solutions. The BNGIS project is a prime example of this, at the end of the project there was significant data available, excellent hardware and software resources, several highly skilled personnel and many with good introductions to spatial tools and methodologies. Two years later the physical resources (hardware, software, data, and building) are still in place but the Center has only one staff person and is not currently able to produce meaningful assistance to the Government.

An effective institutional framework is therefore a pre-requisite for sound land administration. The temptation is always to look to provide new technologies to the agencies historically responsible for the provision of services such as urban planning, land registration, valuation, survey and mapping, utility delivery and natural resource assessment. But this approach assumes that the existing structures are still relevant, which in many cases they are not. Where agencies have evolved in isolation with purposes designed for other eras it is now necessary to recreate an integrated and focused institution from disparate parts.

With a revised and rationalized institutional structure must come appropriate resources both in terms of personnel and budget. Priority has to be given to allowing fees for services to be upgraded more in line with market value and to allow institutions to keep portions of fee revenue for their internal use. Similar changes to the staffing levels must occur – staff should be able to be paid close to market wages or otherwise trained and skilled personnel will simply move to the private sector¹².

We are therefore recommending that the government look to the example of the National Land Agency in Jamaica as a way to restructure land administration agencies in the Bahamas.

Land Disputes

There are two serious forms of land dispute in the Bahamas; these are “Generational Title” and “Commonage”. Any move to a title based (e.g. Torrens modified) system would require that these issues be adjudicated or accounted for in full.

Generational Title

“Generational Title” is not an estate in land, but rather the remnant of inattention to legal processes and requirements. When a landowner dies vested in fee, the title immediately and automatically devolves upon the devisees if the decedent died testate (having made a last will and testament) or the heirs at law if the decedent died intestate, (without a will). However, in order to determine who is now vested with the title, the estate of the record owner must be probated to officially determine who the owners are. Generational title arises where families have failed to probate estates for generation after generation. It can

¹² Again the BNGIS project is a good example where the three most highly trained staff personnel left for work in utilities or move to the United States.

affect large tracts of land (200 or 300 acres are not uncommon) where a remote ancestor is still the record owner of the large tract. Because his/her estate has never been probated and the estates of intervening generations have never been probated, title is now held by the descendants as tenants in common of undivided interests in the whole, but the actual persons holding title have never been determined.

The islands of Eleuthera, Cat, Long, Crooked, and Rum Cay have a high percentage of land affected by generational title. This came about in these islands due to a lack of commerce and a lack of value of land, which created inertia and thus there were little or no incentives within the family for dealing with the estates of past generations. However, with increasing foreign direct investment in land - particularly in Eleuthera and Long Island this situation has changed drastically, the land has considerable value and the number of claimants is increasing. This problem is further compounded by the fact that many legitimate claimants live outside of the Bahamas.

Commonage

A similar problem to generational title exists with rights in commonage, which have been codified by Chapter 142 of the Statutes of The Bahamas. There are only 3 or 4 actual commonages in Bahamas. Commonage creates a restraint on the alienability of the land and in effect makes the land ineffective for commerce and development. With commonage none of the owners can sell their rights or use the property as security for a loan, since purchasers and lenders will require evidence of title in the person trying to sell or mortgage, which does not exist and cannot be produced. This is true even where the property has been improved.

Administration of Land in the Bahamas

The current administration in the Bahamas has identified land as a core issue to be dealt with. It understands that it needs to provide a long term, integrated solution to the complex challenge of land management. The main goals of this improved land administration in the Bahamas would be:

- To improve the management of the cadastre (land base),
- To improve the registration of title to provide real security of tenure and ownership,
- Optimize the use of land while protecting the natural environment and the social and cultural needs of the population,
- Optimize the inherent value of land information through improved information management practices and access, and
- To provide the government, the public and other parties with a high quality, single source service.

However, the current state of public institutions that deal with land do not allow for these goals to be met. This next section provides a summary of the main agencies that deal with land in the Bahamas: the Department of Lands and Surveys, the Department of Physical Planning, the Registrar Generals Department, the Real Property Tax Department, and the Treasury Department and the issues and challenges they currently face. It is necessary given the focus and length of this paper that certain agencies have been left out and for the sake of expediency not all of the issues related to each area are covered exhaustively. The goal of this section is to provide an overview of the main issues in each agency.

Lands and Surveys

The Director of Lands and Surveys reports to the Office of the Prime Minister and is responsible for the management of Crown Land. The Department of Lands and Surveys (DLS) is split into four sections:

- Estate Management,
- Forestry,
- Research, and,
- Survey and Mapping.

The management of Crown Lands involves the following:

- management of disposable Crown Lands,
- Inspection of crown lands and analysis of applications/proposals,
- Recommendations on how proposals should be addressed, advice on the type of grants, sales or leases to be granted (leasing of agricultural lands was transferred to the Ministry of Agriculture in 1995),
- Collection of rents on Crown lands tenancies,
- management of forests, including protection and supervision,
- valuation of lands for other governmental ministries and corporations for both disposal and acquisition,

- surveying of Crown Lands and its subdivision, and
- Topographic, aerial and hydrographic surveying and mapping, maintenance of the geodetic net and the examination and recording of survey plans.

The Land Surveyors Act of 1975, together with The Land Surveyors Regulations of 1975 set out the responsibilities of the Surveyor General and defines the standards for surveys. A weakness of the Act is that there is no clause which requires the mandatory recording of survey plans with the Surveyor General. Additionally, descriptions on deeds can be either a survey or a legal description and the latter is often hard to decipher and place into a common spatial framework.

Administration of crown lands is burdened due to inadequate budgetary and human resources, a lack of a complete inventory and map of government land holdings, bureaucratic leasing procedures, and procedures designed largely for large landholders and a low level of property transactions.

The Geodetic Network was completed in the 1970's. The network has not been maintained since then and is falling into disrepair and urgently requires upgrading. The BNGIS project assisted DLS in migrating from an older modified NAD 27 datum to a modern GRS 80 horizontal datum and the Carib 97 vertical datum (for New Providence only). This process of migration was quickly and cost effectively done within the context of producing ortho photography for New Providence. As a result of this shift high grade differential GPS can be used to map features on New Providence with a high degree of accuracy and have it related to the ortho photo layer as well as shifted planimetric map layers. It has also removed the need to maintain the physical infrastructure of the geodetic network in New Providence (which had largely been destroyed) making it easier to perform highly accurate geo-referenced surveys.

However, since a consistent horizontal datum did not exist throughout the Bahamas (each island has its own unique representation of the NDA 27 datum and vertical datum's are based on old tide readings) a similar adjustment process as performed in New Providence has to be completed for each of the Islands.

The last national primary mapping program was completed in 1972, and there has subsequently been little or no revision carried out since. The lack of an up to date national mapping base affects almost every government agency – from the Department of Statistics, to BEC, to Planning.

The DLS has made good strides in beginning the modernization of the estate management area through the computerization of processes and records and is about to embark upon a rationalization of the original surveys and Grants before time and use render them unusable. While this work has made a good start the director is under no illusions about the work load ahead.

Registrar General's Department (RGD)

Chapter 174 (and subsequent amendments) of the Statute Law of the Bahamas defines the responsibilities and functions of the Registrar General, whilst Chapter 175 (and subsequent amendments) regulates the registration of records. Chapter 174 empowers the Minister to appoint a Registrar of Deeds and such Assistant Registrar(s), examiners of deeds, and clerks as may be necessary.

The Registrar General is required by the Act to maintain a comprehensive set of registers of rights in land and such registers as the Attorney General prescribes. It is not mandatory for the recording of deeds in the registry and nor is it mandatory for those deeds recorded to contain a survey – a legal description is sufficient. Only those properties that have been approved as part of a sub division development will contain reasonable surveys that could be used to create a parcel cadastral layer. Large portions of New Providence such as Fox Hill will have to have boundaries fixed as part of any surveying and adjudication process.

The Deeds Office records are stored alphabetically in files ordered sequentially within each year. The registers include land grants, land transfers, mortgages, leases, servitudes, cessions and miscellaneous agreements. The present system of the storage of title and related documents does not provide for a simple search mechanism. The entire record set (as in DLS as well) is vulnerable to fire or similar disaster and measures need to be taken to ensure that duplicate copies are maintained in a secure location off site.

The process of registering records is straightforward, but takes an average of 3-4 months from the date the documents are presented at the Registry. Since 1994 the index register has been computerized.

As with DLS the cost of processing, preparing or recording documents is far too low and reflects prices set by Acts dating from the 1960's and earlier. These fees do not cover the Department's overhead or actual costs of lodging and recording the documents.

The process of registration is one of a deeds-type registry and has several weaknesses, these are:

- no mandatory requirement for registration of deeds and document, and
- Deeds and documents are stored in alphabetical order by date. Therefore, title searches require searching by name of party through each subsequent transaction.

Title searches are therefore required for each transaction in order to assure that the seller is the true possessor of those rights. Given the complexity of the records and the increasingly convoluted state of the records it is imperative that lawyers be used for property transactions and this increases the burden on the public.

The debate for such change in The Bahamas has been continuing since 1969 with the presentation of three draft Bills for Land Surveying, Adjudication and Title Registration. The Land Surveyors Bill was enacted in 1975, but the others were not entered into the Statutes. The Land Adjudication Bill provided for a process of systematic adjudication of

land titles for the purpose of compiling the registers to be maintained under the Land Registration Bill.

Information systems regarding rights in real estate are generally of two types: 1) a system of registration of transactions and 2) registration of the title itself. A system of registering (recording) the transactions provides, that the documents relating to real estate are recorded in chronological order, found by the use of indices either set up by name or by parcel. No assessment is made by the government at the time of recording as to the validity or sufficiency of the documents recorded. Determining the status of title at any given time requires examining all of the documents over the history of transactions for a parcel in order to form an opinion on the state of the title.

This system of recording was adequate for determining ownership and other rights in real estate in the initial stages but as the number of transactions for a particular parcel of real estate increases over time the determination of ownership and valid encumbrances becomes a complicated task which requires the services of specialist lawyers and title experts, requires time-consuming record searching, and results in an expense to those interested in title information. In the US this system is supported by private title insurance which is paid for by the buyer (usually) to protect the interest of the mortgagor and themselves against an inadequate title search.

A true title registration system, supported by appropriate legislation, provides a legal framework, which calls for a certificate of title created and maintained by the government and guaranteeing the ownership and incumbrances information contained on the certificate of title for a specific parcel of real property. The certificate of title establishes with certainty the ownership of a parcel of land, free from all claims and encumbrances, except those noted as memorials on the certificate of title. Examination of the certificate of title is all that is necessary to determine the status of ownership of the property, leases, mortgages, etc. On transfer of ownership a new certificate of title is created and no terminated encumbrances are carried forward to the new certificate of title, but all those which continue in existence are. The status of ownership of a parcel can be determined from the certificate of title at any time.

Real Property Tax

An assessment of the Real Property Tax Department shows that it suffers from many of the same problems as other departments dealing with land, namely it us:

- Understaffed – particularly for assessments,
- Under funded – equipment is outdated as is base map information,
- Processes are designed for manual methods and for environments that pre date independence,
- Lack of coordination and integration with other departments for needed land information causes duplication and redundancy, and
- Staff can barely keep up with responding to ad hoc requests that come in from the government and the public.

The main act governing real property taxation in the Bahamas is the Real Property Tax Act (1969). It is re-codified in the Statute Law of the Bahamas, Revised Edition 1987, Chapter 339, and Real Property Tax and has been amended several times. The Real Property Tax Act lays out a reasonable framework.

The real estate market in the Bahamas is vibrant, especially in New Providence and in resort and high end property developments in the Family Islands that continue despite the impact of September 11, 2001. According to data published in the 1999 Statistical Abstract, the volume in 1997 (the latest year for which data were available) was \$325 million, up from \$227 million in 1989.

Neither the Valuation Section nor the Department of Lands and Surveys systematically monitors property prices, however, some core data sets indicate a broad range of prices. High value oceanfront properties on the North West and North east coasts of New Providence and Paradise Island routinely sell for more than US \$1 million with per foot prices ranging from \$400 to \$1,200 per square foot. Condominiums are priced in the range of \$200 to \$300 per square-foot. Typical single-family dwellings in central Nassau may sell for under \$100,000. Prices quoted for private island resort development range between \$48,000 per acre (\$1.10 per square foot) to \$120,000 per acre (\$2.75 per square foot).

Records related to real property are fragmented and the situation at RPT is no exception, despite the fact that they have the most comprehensive set of maps showing approximate property boundary outlines, particularly for New Providence. These maps were digitized into the GIS system as part of the BNGIS project. The RPT staff has to gather copies of new deeds as they are recorded in order to ascertain changes in boundaries or legal descriptions. Using 1972 1:1200 scale maps changes are updated manually to existing paper maps.

A complete and up-to-date set of cadastral maps forms the foundation of an effective real property tax system. These maps are needed to ensure that all land has been accounted for, that no assessable land has been omitted, and that no land areas have been taxed twice. The Valuation Section has a set of 1968-vintage photogrammetric cadastral maps (known as "grid maps") covering New Providence. The Family Islands have never been systematically mapped. There is a cadastral numbering system. The numbers are known as grid numbers (after the grid maps). They also are referred to as unique property reference numbers (UPRNs). The components of the number include a two-digit map index number, a four-digit map sheet number, a three-digit block number, and a two-digit parcel number. The sheet number combines elements of UTM coordinates (eastings and northings). Grid numbers are in the following format: 01 6971 259 05. In design, the grid numbering system is adequate. This number currently forms the best common identifier of land information in the Bahamas and was the key element in putting together the Pinewood Gardens pilot project.

Only land parcels that have entered the assessment system via the filing of a declaration are mapped which means that a map sheet may contain unmapped areas. Property tax

records are kept to maintain history and billing but have no link to the parcel maps resulting in an inability to use modern Computer Aided Mass Appraisal (CAMA) techniques. As part of the Pinewood Gardens pilot demonstration tax index records were linked with the appropriate parcels and the ability of the GIS to model such variables as proximity of schools, roads, water access etc. as part of the assessment process was clearly illustrated. The pilot also showed how the use of up to date ortho imagery could be used as a way in which to rapidly conduct updates of real property by identifying roof areas, presence of other buildings in the lot, swimming pools, driveways etc. all factors that could be measured on screen instead of having to send staff out to the field.

Another missing data set is the absence of an addressing system in the Bahamas. To find a property, one either has to know where it is or stop and ask until one finds someone who does. Houses are sometimes built on the wrong plot with little or no ramifications. Valuation officers cannot easily find properties to assess them, and tax bills are not sent to about 42 percent of tax accounts because of problems with the addresses of taxpayers (although this affects only about 9 percent of taxes due).

The real property tax in the Bahamas is loosely administered, for example; in order to be taxed, property must first be assessed yet thousands of potentially taxable properties are not on the assessment list. According to the 2000 Census of Housing there were nearly 79,000 buildings containing dwelling units (of which 46,954 were in New Providence) but the total number of assessments (including unimproved land) in the 1999 draft assessment list was only 60,000. Also, new buildings become taxable when an occupancy permit is issued yet the backlog of occupancy permits is estimated to total more than 2,000.

Additionally there is an overly burdensome transfer tax - the stamp tax (the Stamp Act of 1925, as subsequently amended) which is levied when a deed or other transfer document is recorded creates a considerable cost to that transaction. The basis of the tax is the consideration of the property. However, since the recording of the deed is not mandatory these high rates create a considerable disincentive to not record property transfers as the stamp tax is not levied until a deed (or other conveyance document) is presented to the Registrar General for recording. Crown grants and leases are exempt from stamp tax.

Table 8: Stamp Tax Rates

From	To	Stamp Tax
\$0	\$20,000	2%
\$20,000.01	\$50,000	4%
\$50,000.01	\$100,000	6%
\$100,000.01	\$250,000	8%
Over \$250,000		10%

The 1999 draft assessment list shows that collection could be improved. Current payables (new taxes due in 1999) total \$33.6 million; while past due taxes and penalties total \$156.5 million. Actual collections in 1995 (the latest year for which statistics are available) were \$24.6 million.

Not only are the current systems not able to keep up with the existing real property base but they are additionally burdened by exemptions which are numerous and complicated in nature. The Real Property Tax Act and other acts provide for many exemptions and property tax relief. Many Bahamians and enterprises enjoy substantial, if not total, exemptions. The Act contains a number of conventional exemptions as well. For example, property owned by the government, by foreign states, and by religious, educational, educational, and charitable organizations are exempt and property owned by the Bahamas National Trust is exempt.

In addition to exempting *all* property owned by Bahamians in the Family Islands, undeveloped land owned by Bahamians on New Providence is exempt. In effect, the exemption of undeveloped land encourages inefficient use of land and speculation. It also encourages persons to not apply for permits for improvements on the land – something that the use of ortho photos again could help to short circuit. The Bahamian property tax system provides substantial property tax relief for Bahamian homeowner in addition to the general relief provided by taxing the first \$250,000 of the owner-occupied properties at a zero rate.

In addition to exemptions specified in the Real Property Tax Act, a property may be exempt under other acts. Most property of government corporations, such as Batelco, is exempt under such legislation. There also are incentive exemptions. The most notable of these is the Hotels Encouragement Act, which encourages the construction and renovation of hotels by relieving hotel properties of taxes and duties, including the real property tax.

Planning

In the Bahamas today there is an absence of any strategic land use planning for sustainable development of the land and marine resources which results in:

- conflicts in the use of land,
- conflict between the various land development agencies, and
- Poor service delivery of utilities and infrastructure.

The most serious conflict comes from the rapid urban expansion (particularly in New Providence and to a lesser degree in Grand Bahama) driven by private real estate development, government supported low income housing schemes, and illegal squatters (primarily on Crown Land) and the need for other uses.

Compounding these problems is that there is no comprehensive and legally mandated environment plan or land use plan nor guidelines on how to develop land, particularly in environmentally sensitive areas.

In general the agencies tasked with planning in the Bahamas all suffer from:

- Limited Resources (Staff and Budget),
- Lack of access to a complete and up-to-date information base,

- Lack of access to suitable monitoring tools e.g. high resolution aerial photography on a regular basis,
- the absence of a comprehensive planning approach and a clear 'Integrated National Land Use Policy',
- Duplication in functions between sector agencies,
- fragmented administrative responsibilities, and
- Lack of legal mechanism and political commitment to enforce breaches of existing rules or policies.

The main agencies responsible for planning and physical development are the Department of Physical Planning and the Bahamas Environmental Science and Technology Commission (BEST).

Department of Physical Planning

The Department of Physical Planning (DPP) has been responsible for land use planning in New Providence since the introduction of the Town Planning Act in 1961 and in the Family Islands after the Act was extended to cover the Family Islands in 1964.

The DPP is also responsible for:

- formulating plans for the control and regulation of long-range spatial and physical development,
- controlling and regulating development subdivisions,
- assisting the various Town Planning Committees (as established under the Town Planning Act),
- controlling and regulating the size, type and number of signs, preventing their proliferation and unsightly visual effects on the landscape, and
- Statutory zoning as required under the Town Planning Act.

As with other departments, DPP suffers from a lack of staffing, resources, and data resulting in DPP acting more as a processing center attempting to deal with incoming permits and environmental impact assessments (EIA's) from BEST. Even where time and resource is made available to focus on strategic planning the information base is inadequate; the last inventory of land resources was completed in 1977 based on 1968 and 1972 black and white aerial photography.

Bahamas Environment, Science and Technology Commission (BEST)

Formed in 1994 the major role of the commission is the coordination of a National Conservation and Sustainable Development Strategy and environmental impact assessment associated with development activities.

In an attempt to address issues related to land use conflict and development a National Land Use Committee was established under BEST. The committee has since disbanded as the technical scope of the work was unsustainable given the lack of information and of a legally mandated planning framework to move decisions forward.

BEST also suffers from a lack of information required to perform its tasks. The BNGIS project was able to assist BEST in providing GIS data and analysis to assist in EIA's but only for the island of New Providence and only through the use of the 1999 color ortho photographs.

Several other government departments have mandated roles in land use policy and control. These are:

- The Department of Agriculture (DOA) which manages agricultural land policy through the Agriculture and Fisheries Act (1964); and, the protection of wild animals, plants and birds through the enforcement of the Plants Protection Act (1916), the Wild Birds Protection Act (1952) and the Wild Animals Protection Act (1968).
- The Department of Environmental Health (DEH) established under the Environmental Health Services Act, 1987. The department is charged with the responsibility of promoting and protecting the public health and providing for and ensuring the conservation and maintenance of the environment. In particular, DEH is tasked with:
 - the prevention and control of pollution of any waters,
 - measures for monitoring and ensuring the safety of water supplies and prevention of the supply and use of unsafe water for human consumption,
 - The regulation and control of the environmental health aspects of seaports, harbors, marinas and airports; and,
 - Prevention and control of contamination of land and for control of use of land for deposit of contaminants.
- Ministry of Public Works. Under the Public Works Act of 1963 the Ministry of Public Works is responsible for Building Control, Public and Private Roads and Sub-Divisions. However, these sections are more concerned with engineering and compliance than planning.
- The Water and Sewerage Corporation Act (1976) defines the responsibilities of the Water and Sewerage Corporation (WSC) and makes it responsible for providing potable drinking water as well managing Sewerage. As a result it is tasked with managing the water fields and aquifers in the Bahamas to ensure that they are not contaminated with industrial, manufacturing, or household waste and discharge.
- The Department of Fisheries (DOF) which under the Agriculture and Fisheries Act (1964) is charged with the implementation of Fisheries Development Policy and enforcement of the Fisheries Resources (Jurisdiction and Conservation) Act (1997), which makes provisions in relation to the conservation and management of fisheries resources. The Act also extends powers for the establishment of an Exclusive Economic Zone, and its limits, based on the International Treaty of the

Laws of the Sea Protocol agreement on exclusive fishery zones. The DOF is currently dealing with the following high profile issues:

- Rapid coastal zone development, including docking harbors, marinas, hotels, sand dredging,
 - Destabilization of shorelines caused by reef blasting and large numbers of cruise ships,
 - coastal erosion and coral destruction caused by storm surges and hurricanes,
 - Over exploitation of the fish resources,
 - Oil spills and pollution, and,
 - Illegal poaching.
- The Bahamas National Trust (BNT or the Trust) is a unique organization established by an Act of Parliament in 1959. It is a collaboration of the private, scientific and government sectors, dedicated to the conservation of the natural and historic resources of The Bahamas and is the sole producer of a national strategic plan aimed at protecting the country's land and marine resources.

There is considerable overlap between these agencies and often due to a lack of enforcement capabilities little gets done although everyone is aware of the problems at hand. In order to begin to move forward with comprehensive planning it is important that the government clarify the roles of the agencies, define their specific responsibilities, and how they will be coordinated.

We recommend introducing an Integrated Land Use and Coastal Zone (land and marine) Planning and Management (ILCZPM) methodology. This approach will allow for policy orientation and development of management strategies to address the issue of resource use conflicts and control the impact of human intervention on the environment. In addition, the ILCZPM model would provide an institutional and legal framework, focus on environmental planning and management, and coordinates various sector agencies to work towards a common objective.

Sectoral planning and management is still important, however it would be carried out under the general framework of ILZCPM in which the roles and responsibilities of each agency would be clearly defined. It also provides for a two way linkage between planning at different levels (National, Regional, and Local) and has a high level of public participation. The framework for ILCZPM is structured on a tiered system – the number of which can be modified – with different roles and responsibilities at each level. At each level there is a need for:

- A land use and coastal zone strategy,
- Policies that indicate planning priorities,
- Projects and programs that address the priorities, and,
- Operational action plans and budgets.

Recommendations

In order to realize effective land administration we recommend that the current administration needs to address the following:

- Governance Reform and Institutional Strengthening. Introduce a comprehensive government land use policy to enable a more strategic approach to land use planning and physical development. We recommend an Integrated Land Use and Coastal Zone (land and marine) Planning and Management (ILCZPM) methodology,
- Modernization of public administration agencies dealing with land into a single executive agency¹³, to include Real Property Tax, Department of Lands and Surveys, Department of Agriculture (leases), and the Registrar Generals office (land functions only),
- Initiate a land adjudication process to settle commonage and generational land issues,
- Create a National Spatial Data Infrastructure that will develop a consistent comprehensive government approach to land information
- Update legislation to allow mandatory preparation and recording of surveys and the adoption of a common parcel identification number,
- Efficient Cadastre. Establish the framework for an efficient multipurpose cadastre capable of recording, maintaining and dealing in all interests in land. This would include the migration from a deeds registry to a parcel based deeds registry and eventually a title registry,
- Equitable Property Taxation and Accurate Valuation. Rationalize real property tax policy, legislation, and administration focusing on improved identification, accurate valuation, and efficient collection, while ensuring that the real property tax system harmonizes with national goals, such as ensuring that property tax burdens on citizens are moderate.

The results of these activities will lay the foundation for land administration in that the relationship of land parcels, the use to which the land is put and the proprietary interests residing in that land would provide a means of achieving a sound fiscal base to meet social and community needs. Additionally, they will establish an effective decision-making framework in relation to decisions that concern the natural environment and the impact of development on that environment.

¹³ As per the National Land Agency of Jamaica