



Barbados

Land

Governance

Assessment

ANALYSIS

Methodology - Activities

Strengths

- widest participation across all spheres of land discipline.
- Through coverage of land administration and management.

Weakness

Increase amendments due to :

- Little to no distinction between urban and rural application with respect to land.
- Limited available literature on land governance.

Land Governance - Overview

- *Land administration and management environment*
 - 20+ governing laws and regulations
 - network of 12 core governmental ministries & agencies
 - serving end users (professional and civil society)
 - engaging formal and informal dealings in land.
- *A dual title recording structure*
 - deed of conveyance and certificate of title
 - dual land register recording systems.
- *Transition to urbanization trends*
 - Warrens and Six Roads developing to service needs of growing residential communities.
 - adoption of an urban corridor (UC) .

Overview continued

Factors that warrant consideration

- planning and property rights issues related to land use change.
- efficiency of land transactions and access to land information.
- containment of urban sprawl ensuring protection of natural & built environments.
- financial sustainability of the social housing and slum upgrading agenda.

Overview continued

Issues raised in the public arena:

- time duration for planning decisions and land transactions;
- information constraint;
- transparency in availability, concessions granting and delivery of services and products across the land market.

Land Policy

“The land policy of Barbados is to improve the status of the country’s citizens by affording everyone the opportunity to use and acquire the rights, in a formal way, to the tenure they hold in real property regardless of how they came into that tenure”.

Legislative Framework

- land policy direction and regularity requirements;
- processes and procedures in dealing with land and dispute resolution;
- control on land professionals, services delivery methodologies and products form;
- matters of tenure rights, control and security;
- recognition & protection of groups & associated rights regardless of gender, ethnicity, wealth, age, special needs, social status, religion and nationality.

Institutional Framework

- Agencies/departments functions relate to managing & executing.
- Ministries involved with overall policy direction, amendments, improvements & funding.
- Lands & Surveys Department charged with effecting spatial responsibilities.
- Land Adjudication Unit & Land Registry charged with effecting non spatial right & privileges.
- National Housing Corporation charges with effecting housing policy.

Tenure Topology

Tenure Type	Key Characteristics (Barbados Context)
<p data-bbox="208 254 504 315">Freehold.</p> <p data-bbox="108 348 600 686">Absolute ownership largest category of tenure</p>	<p data-bbox="633 254 1663 315">Securest form of formal tenure.</p> <p data-bbox="633 348 1715 701">Legal instruments conferring title are Certificate of Title (land registration districts) & Deed of Conveyance (all other situations).</p>
<p data-bbox="200 732 513 793">Leasehold</p> <p data-bbox="108 826 591 1272">Contractual agreement for a fixed term of years (1 to 99 yrs)</p>	<p data-bbox="633 732 1605 879">Second securest form of formal tenure.</p> <p data-bbox="633 912 1831 1059">Legal instrument conferring tenure is a registered lease contract / agreement.</p> <p data-bbox="633 1092 1823 1415">Utilisation is mainly in the industrial, commercial & agricultural sectors & to a lesser extent in the residential sector.</p>

Tenure Topology continued

Tenure Type	Key Characteristics (Barbados Context)
<p>Rental Contractual agreement for periodic term (weekly, monthly or yearly)</p>	<p>Relatively secure formal tenure mainly in the building unit category of real property. Lease contract or agreement conferring tenure may or may not be registered. Rental receipts can serve as proof of tenure in event of disputes.</p>
<p>Property Right A recognized interest applicable separately to land or development on it</p>	<p>Cover access (right of way); use (easements & minerals extraction); transfer (mortgage), etc. Formal recognition of tenure supported by legal documentation of right/interest held but not in all cases. Mortgages comprise the majority, Mineral extraction the minority & Easements relate to use by utilities.</p>

Tenure Topology continued

Tenure Type	Key Characteristics (Barbados Context)
Formalization Incorporation of informal occupation and/or possession into the formal land & housing market	Voluntary conversion of informal to formal tenure through application to the court. Applicable to individuals or groups usually for the private real property category but the State is not immune to claims. Legal instrument issued by court to confer tenure is certificate of title.
Regularization (of settlements) National policy directive to legally change by statute the status of ownership of residents of entire settlements	Applicable to individuals and groups. Legal instruments used to confer tenure are Certificate of Title and Deed of Conveyance. The largest conversion is under the Tenancies Freehold Programme initially on plantation tenancies but expanded to include all lands falling under the definition of a tenantry in rural and urban areas.

Tenure Topology continued

Tenure Type	Key Characteristics (Barbados Context)
<p>Customary Rights to use & access to land due to cultural norms. (in minority)</p>	<p>Best example is the informal right to access and use all beach lands for recreation by the public.</p> <p>Many specific access has been created but no legal instrument exist to confer the right of use.</p> <p>No large scale opposition to customary right by affected formal tenure holders of property along coastline.</p>
<p>Informal Development Developed outside the formal (legal) planning and subdivision systems</p>	<p>Minority occurrence; Little addressing to resolution has been undertaken.</p> <p>There are challenges with formalization/ regularization of this informal tenure due to planning restrictions (e.g. restrictive water zone) in force within the area of illegal development.</p> <p>Applicable to individuals or groups on state or private lands.</p>

Projects & Initiatives

Initiative / Project	Entities Involved	Description
<p>2013: Barbados National Building Code revision. [completed]</p> <p>Administrative structure and implementation [ongoing]</p>	<p>Ministry of Transport and Works (MTW)</p> <p>Barbados National Standards Institute (BNSI).</p> <p>Building Standards Authority (BSA).</p>	<p>The building code sets out standards to minimise risk due to disasters (natural or man-made) at the time of building construction.</p> <p>No mandatory enforcement of compliance.</p> <p>MTW is working towards the finalisation of the legal & administrative structure for its mandatory implementation & legislative enactment.</p>
<p>2011: Starter Homes Policy. [ongoing]</p>	<p>National Housing Corporation (NHC)</p>	<p>This policy provides low-income earners less than \$3000 monthly, opportunity to purchase house & land between \$70,000 & \$100,000 with expectation of improvements over time.</p>

Projects & Initiatives continued

Initiative / Project	Entities Involved - National Housing Corporation (NHC) - Description
2009: Housing Every Last Person (H.E.L.P) [ongoing]	To provide housing for persons earning less than \$4,116 per month. House price ranges from \$100,000 to \$175,000 , lots separately at prices ranging from \$17,500 to \$35,000.
2009: Rent-To- Own [ongoing]	Persons earning less than \$3000 per month can become home owners. Recipients pay two months deposit & make monthly payments equivalent to 30% of income as rent for seven years. At end of this period, these payments go towards the eventual purchase of the unit.
2008: Transfer of Terrace Units Programme [ongoing]	To improve security of tenure to NHC tenants. Tenants who have occupied their rental units for 20 years or more and are up to date with rent payments will have their units transferred to them free of cost.

Assessment Results- Ranking Scale

The definition for the ranking scale used to rate land governance is as defined below.

- A – optimal (current performance is at or approaching ultimate desired result).
- B – acceptable (current performance is well within tolerable levels but some improvement still needed).
- C – satisfactory (current performance is only average and requires major improvements).
- D – inadequate (current performance is poor and requires total improvement).

Land Dimensions Ranking

Law and Public Policy (**Ranking score – A**)

Standardized assessment indicator Performance

Good	Poorer	Challenges
<p>Full equality regardless of gender, ethnicity, wealth, age, special needs, social status, religion & nationality.</p> <p>Condominium regime – provision for effective management of common property.</p> <p>Security of tenure facilitating real property as collateral.</p>	<p>Fulfilment of benefits and policy directives.</p> <p>Speed of clearance & redevelopment of overcrowded conditions in neighbourhoods.</p> <p>Limited use of alternative dispute resolution.</p>	<p>Fiscal restraint.</p> <p>Limited provision for use of ADR in dispute resolution.</p>

Quality of Rights to Land & Real Property

(**Ranking score – A**)

Standardized assessment indicator Performance

Good

Poorer

Challenges

High tenure security perception.

Low incidence of disputes.

Effective process for eviction under rental tenure.

Better legislation or regulation for rental tenure.

Registry & Cadastral Information Systems & Services (**Ranking score – B**)

Standardized assessment indicator Performance

Good

Poorer

Challenges

Level of transaction registration is high.

Time to record title & survey plan low.

Land administration services available in public & private sectors

Records reliable & accessible to public.

Data sharing and synchronization.

Time to obtain title & survey document is high.

Sustainability of services.

No e-commerce facility.

No data linkages.

Slow progress on title registration & cadastre.

Fiscal restraint.

Land Use Planning & Management (Ranking score -B)

Standardized assessment indicator Performance

Good

Poorer

Challenges

Physical development plan adequately governs the land use allocation.
Planning decision processes manage demands on the land resource.

Enforcement on restrictions to land ownership transferability.
Installation of infrastructure lagging behind urban expansion.
Time to complete planning application process.

Deficiency in monitoring mechanisms
Fiscal restraint.

Taxation and Valuation (**Ranking score – A**)

Standardized assessment indicator Performance

Good

Clear valuation process & taxation methodology exist.
Majority of taxable property holders on tax roll & assessed tax is collected.

Poorer

Transparency of application of tax exemption.
Availability of tax roll information.

Challenges

Lack of access policy for tax roll data.

Access to Land in Urban Development & Land Markets (**Ranking score – B**)

Standardized assessment indicator Performance

Good

Active formal & informal land market for sale, lease & rental tenure with low illegality.

Private & public financing options available.

Poorer

Public land allocation process in practice is unclear and fails to meet targeted demands.

Challenges

Need for clear sound policy directives

Public Land Management (Ranking score – B)

Standardized assessment indicator Performance

Good

Public lands are record on plan, maps or ground. The majority of expropriated land is transferred to its destined use. Compensation is paid for expropriated land. Complaint and objection mechanism against expropriation exist.

Poorer

Poor management of public land. No prompt payment for expropriated lands.

Challenges

Responsibility & administration at wrong level. Insufficient resources at all levels.

Land Tenure Regularization (Ranking score – B)

Standardized assessment indicator Performance

Good

Effective, efficient mechanism for harmonization of occupants and title holders' rights exists. Regularized title at issue is secure, of high quality, supported by recorded documents, acceptable and understood by public. Adequate monitoring & evaluation systems.

Poorer

Sustainability of harmonization. Ad hoc execution approach in city. Insufficient public notification resulting in lower levels of participation in process than desired. Process is timely to conclude.

Challenges

Fiscal restraint
No city wide plan.
Limited hardware, software & human required resources.

Monitoring Progress (**Ranking score – A**)

Standardized assessment indicator Performance

Good

Positive performances from:

- equality of rights across the board including gender
- taxation & valuation levels;
- quality of rights;
- security of tenure;
- use of real property as security for credit & financing facilities.

Poorer

Shortcomings in:

- the level of mapped identified rights;
- the timeliness of compensation payments for expropriation;
- readily available data for statistical analysis

Challenges

Lack of analysis base structure to data recording

Overall Ranking

Overall Land Governance (**Ranking score – B**)

Standardized assessment indicator Performance

Good

Laws, structures, policies, procedures and initiatives are soundly in place.

Ongoing transaction activity in all forms of real property for formal & informal tenure.

Poorer

Deficiency in administering, managing & sustaining development & utilization of the limited land resource.

Challenges

Fiscal restraint & slow economic growth

Challenges to furtherance of Land Governance

(1) Finance availability and budget restraints

- Policies, initiatives & programmes affected resulting in inability in satisfying the needs of land agencies & public.
- ❖ Sourcing of new financing options desirable requiring input of political and top level administrative stakeholders.

(2) Review of aspects of legislation and regulations

- clarification of responsibilities & roles of agencies & associated key posts;
- compensation for expropriation; role for use of ADR;
- monitoring of restrictions on disposal of formal title;
- effective management of the rental tenure - re: eviction process;
- ❖ The input of technical & administrative stakeholders within the relevant agencies affected would be required to facilitate the drafting of revisions or amendments to existing laws.

(3) Full digital automation, linkage and synchronization

- Improved searches between land datasets within & across agencies.
- Creation of online access to data & business transaction facilities and processes.
- Protocol policies to facilitate data linking and sharing will have to be developed across the different agencies.
- ❖ There is no apparent objection to data linkage and sharing, relevant technical stakeholders within each agency must buy in to concept, develop the technical logistics for its operation & bring on board the administrative policy makers to effect implementation.

(4) Documentation of processes (manuals)

- needed to ensure efficiency and transparency in the change from informal to formal tenure (formalization & regularization tenure).
- ❖ The input of technical and administrative stakeholders within the relevant agencies affected would be required to facilitate the drafting of such manuals.

(5) Prolong time frame for dealings in land.

Predominant view that many aspects of dealing in land take too long to be completed

- Certain aspects of land dealing can be improved and speeded up but would require a renewed and greater thrust to the full operation of the land register and cadastre systems under a certificate of title recording regime.
- While the general consensus is that significant benefits can be gained from a switch to a fully functioning land register, issues related to items (1), (2), (3) above have hampered progress.
- ❖ A reciprocating educational thrust highlighting the causes for time durations, between stakeholder agencies affected by time complaints, and other agencies, administrators, policy makers and the public, may be the best first response to addressing this prolong time perception.

(6) Data recording focused on socio-demographic factors

such as gender to provide more readily available data for statistical analysis.

- ❖ This would fall to each agency to create the necessary dataset within its records.

(7) Training provision for personnel

- Training needs include land administration, registry processes, law, global positioning systems, geographic information systems, cartography and web development.
- ❖ Due to fiscal restraint, more sharing of acquired knowledge would be required by stakeholder agencies' personnel at conclusion of study.
- ❖ Individuals from any one agency trained in any aspect of training identified would share their knowledge with others within and outside of their respective agency.
- This has the additional benefit of continuity as trained personnel move on to other institutions.

Conclusions

- Legislative & institutional frameworks were found to be sound & effectively cover the tenure topology.
- Quality & security of rights is high & recognized across the continuum of formal & informal circumstances.
- There is complete gender equality at all levels.
- Provision of affordable housing or access to land for housing continues to be a prime social policy of the government.
- Single most important area for priority is addressing the fiscal challenges. The lack of financial resources was a recurring theme throughout the assessment project and was found to significantly impact on the resolution to other areas of deficiencies.



Thank You

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Analysis