

LAND TENURE DATA AND POLICY MAKING IN LATIN AMERICA

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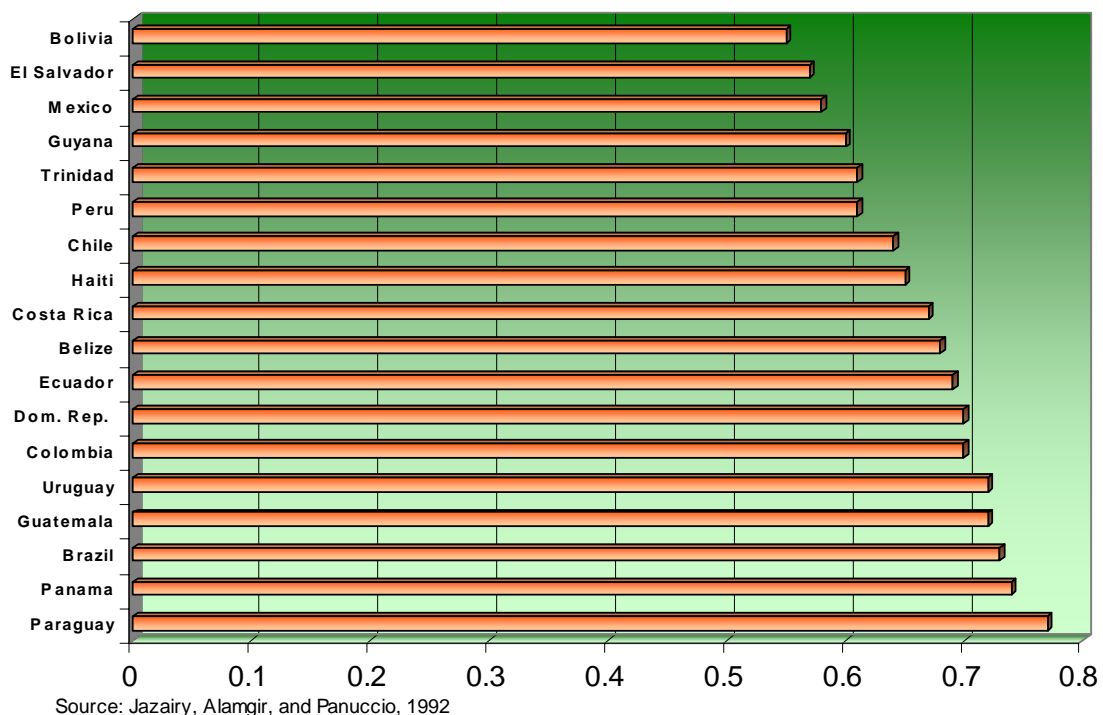
Abstract: This summary focuses on the study conducted by Grenville Barnes, Byron Real and Mariana Herrera, for FAO to examine the status of land tenure data in Latin America. It argues that despite land tenure data is a critical component for sustainable development, this type of data is lacking in many countries of the region and that the data available is not at an appropriate scale for policy analysis. The paper identifies activities that might assist in collecting, standardizing, maintaining and disseminating more extensive land tenure data.

¹ The views expressed in this paper are the author's, and do not reflect the views of the OAS General Secretariat or its member states.

CONTEXT OF POLICY ANALYSIS

Although at least 75% of the total population in Latin America live in the cities, agriculture remains a key economic and subsistence activity in the region for four reasons: its contribution to employment and GDP; its impact on the environment; the contribution of the rural sector to development of other sectors of the economy; and the higher incidence of poverty in rural areas. The magnitude of wealth inequality measured by the Gini coefficient of income distribution in the region goes from 0.4 in some countries of the Caribbean to 0.6 in Brazil and other countries of South America. Serious problems of equity exist with respect to land distribution, which is one factor in determining the distribution of income. Figure 1 reflects the Gini coefficient of land distribution in some countries of the region between the 1970s and 1980s.

Figure 1. GINI Coefficient of land distribution²



To allow land access to poor people, land reform programs, particularly in the 1960s and 1970s, attempted to expropriate large landholdings. Due to the limited effect of most agrarian reforms this policy changed from its original meaning towards one that is more focused on land tenure reform. Moreover, at present there is little disagreement among policy makers that the formalization of land tenure is a prerequisite for the effective functioning of land markets.

In Latin America countries have adopted significant economic liberalization policies in the 1980s and 1990s. Governments have implemented policies aimed at opening up and deregulating internal markets, as well as privatization programs, in an attempt to improve market functioning and increase foreign direct investments and international competitiveness. However, given the

² The Gini coefficient of land distribution is a number between zero and one that measures the degree of inequality in the distribution of land. The coefficient would register zero inequality (0.0 = minimum inequality) for a country in which each individual received exactly the same amount of land and it would register a coefficient of one (1.0 = maximum inequality) if an individual got all the land and the rest got nothing

impact these policies had on the social equilibrium “second generation reforms” are being called for to address inequalities and poverty alleviation.

The application of structural adjustment measures in the agricultural sector have led many Latin American countries to consider land markets as a suitable strategy for addressing access to land. But in order to develop such markets, attention has to be given to land tenure regularization. A significant effort is underway to formalize land that has never been titled or where the registered information does not reflect the de facto land tenure situation. Just in the last ten years more than 50 projects in the region have been supported with loans from the World Bank or the Inter-American Development Bank to develop land tenure regularization programs. These projects seek to establish reliable systems of land records, implement mechanisms to secure land tenure and create cadastral mechanisms for mapping and land registration. The next table shows the number of projects per country and the total amount the country has received to implement land tenure regularization projects.

Table 1. Land Administration Projects in Latin America and the Caribbean 1994-2004³

Country	Number of Projects	Amount of Loan (millions US\$)	Lender institution
Bahamas	1	5	IDB
Barbados	1	30	IDB
Dominican Republic	3	210	IDB
Guyana	1	1.355	MIF
Jamaica	1	10.2	IDB
Trinidad and Tobago	2	165	IDB
Belize	2	11	IDB
Costa Rica	1	92	IDB
El Salvador	4	249	IDB/ WB/ GEF
Guatemala	4	243	IDB/ WB
Honduras	8	225	IDB/ WB
Mexico	1	4	IDB
Nicaragua	4	68	IDB/ WB / MIF
Panama	2	103	IDB/ WB
Bolivia	3	59	IDB/ WB
Brazil	5	807	IDB/ WB
Colombia	1	103	IDB
Ecuador	1	16	IDB
Paraguay	2	60	IDB/ WB
Peru	3	144	IDB/ WB
Venezuela	2	150	IDB
TOTAL	52	2755	

³ For a detailed list of land administration projects and its activities, see LandNetAmericas Portal at <http://www.landnetamericas.org/docs/Proyectos%201994%2D2004%2Exls>

Land adjudication processes have been a constant part of public policy since there is little question that land tenure data is critical for policymaking, in particular for policy related to food security, environmental protection and poverty alleviation.

It is also important to mention that although Latin American countries share a common culture and civil law due to their colonization experiences, still they differ significantly in their post-colonization approaches to land tenure problems. From a land tenure perspective (see Table 2), countries in the region may be divided into the following categories: 1) post-conflict countries; 2) countries with significant indigenous lands or community-held property; 3) countries with significant biodiversity; and 4) countries with developed market economies.

Table 2. Countries from land tenure perspective

Category	Example of countries
Post-conflict	<u>El Salvador</u> *, Guatemala, Nicaragua
Significant indigenous lands or community-held property	<u>Bolivia</u> , Peru, Ecuador, <u>Mexico</u>
Significant biodiversity	Brazil, <u>Costa Rica</u> , <u>Ecuador</u>
Developed market economies	Argentina, <u>Chile</u>

*The countries underlined were used as specific case studies in the original report.

CURRENT SOURCES OF LAND TENURE DATA

Historically, agricultural censuses were the main source of land tenure data given that normally the censuses defined whether the parcel occupant had a title or any other official document as proof of tenure. Since the 1990s however, the data collection efforts through agricultural censuses experienced a decrease. Despite the fact that land tenure remains a critical socio-economic issue, the data available on land tenure is inadequate for policy making efforts. The statistics collected in recent agricultural censuses are oriented towards market liberalization and economic performance studies and therefore, in most cases are not a viable or useful source of current land tenure information. As explained before, the governments of the region are focused on the development of sustainable land markets in order to strengthen the agro-export sector. Hence, agricultural censuses are being designed to promote economic activity and social development.

Although collection of data on land tenure has essentially been non-existent in recent agricultural censuses, Chile is one of the few countries that has made an effort to collect land tenure data in its agricultural censuses focusing primarily on farm size, number of owners, and number and area of land under agriculture. Ecuador in its census of 2002 included a question regarding the legal status of agricultural units which relates the type of tenure for each landholder. The 1994 agricultural census in Peru reported that the country comprised 5.7 million parcels, of which 41.2% were held under titled individual ownership, 53.5% were under untitled individual possession and 2.3% were under leasehold. While this data is useful, it must be remembered that it only applies to agricultural parcels.

The next two tables show whether land tenure data has been present in the last agricultural censuses, the years these censuses took place and if data is available electronically. In some countries there is gap of more than twenty years between one census and the next one.

Table 3. Dates and Format of Agricultural Censuses in South America

Country	Previous censuses	Land Tenure data	Electronic data	Institution
Argentina	1947, 1960, 1974, 1988, 1997, 1998, 2002	yes	yes	Instituto Nacional de Estadísticas y Censos
Bolivia	1950, 1984, 1999	no	no	Ministerio de Asuntos Campesinos y Agropecuarios
Brazil	1960, 1970, 1985, 1995-96	yes	yes	Instituto Brasileiro de Geografia e Estatística - IBGE
Chile	1929, 1975, 1997, 2002	yes	yes	Instituto Nacional de Estadística
Colombia	1993, 1998 (livestock).	no	yes	Departamento Administrativo Nacional de Estadística
Ecuador	1954, 1974, 2000	no	yes	Servicio de Información y Agrícola del Ministerio de Agricultura y Ganadería
Panama	1950, 1971, 1980, 1990, 2001	no	yes	Ministerio de Desarrollo Agrario
Paraguay	1991	no	yes	Dirección General de Estadísticas, Encuestas y Censos
Peru	1961, 1972, 1994	yes	yes	Instituto Nacional de Estadística e Informática
Uruguay	1980, 1986, 1990, 2000	yes	yes	Oficina de Programación y Política Agropecuaria
Venezuela	1950, 1961, 1971, 1987, 1997	no	no	Instituto Nacional de Estadística e Informática

Table 4. Dates and Format of Agricultural Censuses in Central America

Country	Previous censuses	Land Tenure data	Electronic data	Institution
Costa Rica	1955, 1984, 2002	no	no	Instituto Nacional de Estadística y Censos de Costa Rica
Cuba	N/A	no	no	Oficina Nacional de Estadísticas de Cuba
Dominic. Rep.	1960, 1998, 2002	yes	yes	Oficina Nacional de Estadística de República Dominicana
El Salvador	1961, 1993, 2001	no	no	Dirección General de Estadística Agropecuaria DGEA-MAG Dirección General de Estadísticas y Censos (DIGESTYC)
Guatemala	1950, 1964, 1979, 1996, 2003	no	yes	Ministerio de Agricultura Ganadería y Alimentación de Guatemala Instituto Nacional de Estadística de Guatemala
Honduras	1952, 1965, 1993, 1998-99	yes	yes	Instituto Nacional de Estadística
Mexico	1939, 1972, 1980, 1991	no	yes	El Instituto Nacional de Estadística, Geografía e Informática (INEGI),
Nicaragua	1963, 1971, 2001	yes	yes	Instituto Nacional de Estadísticas y Censo de Nicaragua

Other sources that might contain land tenure data in Latin America are described in the following table. The column to the right describes the type of data available in the institutions mentioned in the column to the left.

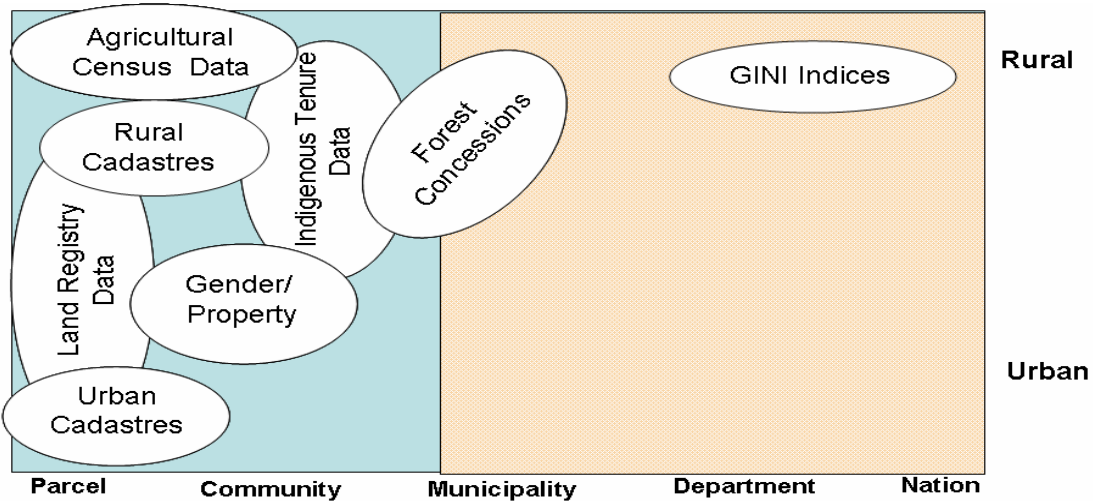
Table 5. Sources of land tenure data in Latin America

INSTITUTION	TYPE OF DATA
Public registries Public Notaries Superintendency of Notaries and Registries	Legal data on formally registered rights and duties contained in titles, deeds and mortgages.
National or departmental cadastre	Land registries and taxation records, cadastral data describing property parcels
Ministries of Agriculture National Geography Institutes	Land use data
Tax revenue offices at the national and municipal level	Fiscal cadastres and property taxes
Donor agencies Consulting agencies Multilateral banks	Land Market surveys
Think tanks Ministries of information and statistics Ministries of agriculture and land	Statistics describing the distribution of land
Periodic agricultural censuses Ministries of agriculture and land	Data on farm size and distribution
NGOs Think tanks' studies on gender and indigenous peoples	Tenure data on women's land rights, indigenous peoples and communities

CHALLENGES IN COLLECTING LAND TENURE DATA IN LATIN AMERICA

The different types of data available reflect that data is collected at different scales. Most of the data is at the parcel or individual level with the exception of protected areas, indigenous tenure and gender studies where data is collected generally at the community level and Gini indices that are at departmental or national levels.

Figure 2. Different scales of land tenure data



Currently, almost all countries of the region are implementing or have implemented property formalization projects. These projects seek to formalize land tenure and create the bases for updating and maintaining tenure data. Yet, land tenure data at the parcel level is not at an appropriate scale for policy analysis. Policy makers require a much more generalized view (macro scale) of land tenure. Moreover, the data alone does not inform policy makers about, for example, poverty alleviation, but making the linkage between land tenure data and food security, environmental and poverty variables may indeed illuminate whether or not property formalization has any effect on these issues.

Transforming it into a policy-useful form will require generalizing land tenure data by sorting it into different categories based on such characteristics as size (area), type of tenure (private vs. common vs. state), title status (formal vs. informal), and land use (forest vs. agriculture vs. vacant). With this data policy makers will be able to integrate this into their decision-making processes and address these questions:

- How much land is under different tenure regimes?
- To what extent do land rental markets provide access to the poor?
- Does property formalization through titling result in greater tenure security to landholders?
- What type of data is necessary to assist in pre-event mitigation measures and post-natural disaster reconstruction?
- How property formalization through titling facilitates the establishment of land markets?
- What are the linkages between land tenure data and food security, environmental and poverty variables?
- What is the most effective mechanism for acquiring land taxation data?

RECOMMENDATIONS AND POSSIBLE ACTIVITIES

Acquiring more reliable basic information on land ownership (who owns what?) which is one aspect of land tenure data, may be done by incorporating ownership questions into the agricultural censuses, although this may still not be enough where large areas of the country are not defined as agriculture (e.g. private forest). Data on parcels is the other aspect of land tenure data. These two aspects combined (ownership and parcels) forms the information foundation of property tax systems as it identifies the basic spatial unit (parcel) as well as who is responsible for paying the taxes. Updated land taxation systems are essential for decentralization and municipal reform programs since municipal taxes are being used as a primary means of funding local governments.

There are several organizations and forums in Latin America which relate directly to land tenure and may contribute in the work of data compilation. These include:

- www.LandNetAmericas.org this portal is a tool where the community of practitioners, researchers, educators, government administrators and policy makers concerned with property information systems can share and access information related to all aspects of land tenure. While promoting progress towards the goals of the various Summits of the Americas, it also encourages consensus-building and coordination across donors, governments and civil society in order to advance property rights systems in the region.
- The Inter-American Alliance for Real Property Rights brings together advocates for the advancement of property rights systems in the region to support countries in their individual and collective efforts to meet the commitments for strengthening property rights made at the Special Summit of the Americas in Monterrey, Mexico in January, 2004. The Alliance has developed a tool for policy makers called the *Blueprint for Strengthening Real Property Rights* to measure real property rights systems in a specific country against a set of common principles and standards.
- The Council of Property Registrars for Central America and Panama (Consejo Registral Inmobiliario de Centroamerica y Panama CRICAP) meets every year to discuss issues such as integration of registry and cadastre, training and capacity building, sharing of lessons learned and best practices among other issues.
- Central American Network for Training in Land Administration (Red Centroamericana de Capacitación en Administración de Tierras – RECCAT) provides academic training in land administration by offering on-line courses as well as a depository of documents on economic, social and legal aspects of land administration in Central America (www.bivicat.org)

These forums can also assist with the collection, standardization, maintenance and dissemination of land tenure data in Latin America. However, basic land tenure data per se does not have much value to policy makers. Longitudinal studies made by these or other organizations can be used as a bridge between basic data and the data policy makers need and value.

The following are also other activities that can complement the work of obtaining land tenure data for policy making:

- Undertake a “User Needs Analysis of Policy Makers’ Requirements.” Such an analysis would illuminate potential areas where land tenure data can contribute to policymaking and monitoring.
- Adding certain land tenure questions to the agricultural census will enable policy makers to have access to broad-based land tenure data. The questions should enquire about the tenure status of the land parcel, whether or not it is titled, whether or not it is titled in the

- name of the occupant, whether or not the title is registered, and the gender of the titleholder.
- Encourage local governments to get involved in the collection, standardization and maintenance of land tenure data for purposes of land value (valuation and taxation of land and properties). Municipalities will benefit from obtaining this information since it will allow them to obtain taxation revenues.
 - A perfect database on land tenure will be of little use and value to civil society if it is not accessible. Making this data available to the public via the internet and other methods should be examined.

CONCLUSIONS

Despite the fact that practitioners, researchers, and policy makers have long recognized that land tenure is key for economic development, the land tenure data that is available is scarce and inadequate for policy makers since it is not at a scale that is appropriate for addressing policy-level questions. Agricultural censuses in Latin America in the past 50 years have not been taking place periodically and in few exceptions have included questions about the parcel occupant and tenure status. Since agricultural censuses are the most common and often the only source of statistics on land tenure adding some questions such as tenure information, type of title and gender of the owner or occupant, would be an efficient way of acquiring broad-based land tenure data that can be integrated into policy formulation.

Local governments and organizations and forums of experts in land tenure can also share the work of collecting, standardizing and maintaining land tenure data in view of the fact that they need this information. Municipalities can use it for obtaining funds through land taxation. Forums such as the Inter-American Alliance for Real Property Rights will benefit with better data to measure progress of property rights systems with the *Blueprint for Strengthening Real Property Rights*.

Finally, data alone will be of little use if policy makers do not include land tenure data in policy analysis of issues such as agricultural productivity, food security, access to land markets and post-natural disaster reconstruction efforts.