

NATIONAL LAND POLICY

OF

JAMAICA

GOVERNMENT OF JAMAICA

Jan 1997

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FOREWORD

Land which includes the surface, aquatic, atmospheric and subsurface areas is the primary element of the natural and man made environment. Jamaica over the years has used its land/natural resources indiscriminately, with some 50 - 70% of development taking place outside of the formal system. Illegal buildings, poor agricultural practices, degradation of forests, unplanned urban and rural development, squatting and environmental pollution, are but a few of the problems existing.

A recognition of these and other issues made it incumbent that the Government and people of Jamaica recognize the value of these assets and the need to develop this comprehensive Land Policy.

The goals and objectives of this Policy are to ensure the sustainable, productive and equitable development, use and management of the country's natural resources.

The aim is to compliment socioeconomic development initiatives of the country. The policy challenges and seeks to remove inefficient, onerous and outdated legal, administrative, management and other barriers that affect the planning, use, control, development, protection and conservation of Jamaica's physical resources.

It allows for the development and implementation of a rational set of strategies, programmes and projects to facilitate stable and sustainable development.

This Policy identifies and seeks to ensure among other things:

- The establishment of an effective network and land/geographic information management system, the basis for all planning, development, utilization and management and administration of land.

- affordable and legally secure access to land for the majority.
- Property taxation measures that would allow for the provision of necessary services.
- Incentives for property development.
- Recognition of the disasters to which the country is prone, and the protection and conservation of sensitive and scarce resources, while pursuing development initiatives in an environmentally sound manner.
- Divestment and acquisition procedures and mechanisms, and pricing formulae that are transparent and rational.
- Innovative and more dynamic approaches to land use planning and development. A participatory approach to planning and development with private sector, non-government and community based initiatives to deal with settlements and environmental issues and to implement solutions.
- Effective land management and administration institutions.
- A programme of Reform for legislations dealing with land.

Many of the above policies are already being elaborated on and some are being implemented. The broad based participatory process used to develop the National Land Policy establishes the framework needed for Jamaica to become more progressive, transparent and modern in its approaches to land/geographic information management systems, land administration and utilization, land resource/environmental management and land development planning.

The Policy is comprehensive and adequately identifies the implementation of sustainable strategies, projects and programs for the use of land resources in Jamaica's agenda for social and economic development. It also addresses the legal and institutional mechanisms to facilitate efficient and effective implementation.

A Note of Appreciation

The overall preparation of the National Land Policy for Jamaica was a process based on an interactive strategy. The process involved a partnership of government bureaucracy, the private sector, professional organizations, non-governmental organizations, community based organizations and the public at large. I have consistently emphasized the importance of such

partnerships in facilitating national development. On behalf of the Government and people of Jamaica, I wish to thank all the participants who contributed their time and expertise free of cost to the preparation of this policy.

P.J. Patterson

Prime Minister
July 1996

BACKGROUND

The preparation of the Comprehensive National Land Policy was done in two stages. The first was the development of the Green Paper No 4/94. The second he revision and elaboration of the Green Paper in the preparation of this comprehensive policy.

The method used in the preparation of both documents was a broad based participatory process effected by the establishment of a national committee and seven sub-committees. The committee membership included senior government and quasi-government officials, private sector members and representatives from professional organizations and non-governmental organizations (NGO's). The sub-committees also established technical sub-groups and or arranged for individual experts to prepare sub-group reports and position papers to assist them in their tasks. Secondary sources including local and international studies and reports on matters relating to land were also used.

In addition, a Cabinet sub-committee comprising Ministers of Government whose portfolio responsibilities encompass land and or land-related matters was established to facilitate their input into the Green Paper. A retreat was held where the first set of drafts from the various committees were discussed. It brought together members of the political directorate, the diplomatic community, all the land policy committees, heads and staff of the major ministries and agencies, members of professional organizations, the private sector, NGO's and CBO's. The group identified areas of further work and cooperation. The output was then used to refine the policy which was summarized and presented as approved by Cabinet and tabled as a Green Paper in the House

of Representatives.

The Green Paper was launched by the Right Honourable Prime Minister in September 1994 for extensive public consultations in all parishes and with various interest groups throughout the island. In addition, numerous written and verbal comments were received locally as well as from a number of international organizations and individual professional experts in the field. These were compiled and used in revising the document by a selection of Government and other experts. The result is this document which is presented as the National Land Policy.

The Comprehensive National Land Policy of Jamaica, is a refinement of the specific policies and includes the rationale, strategies, activities, programmes, projects, and changes that are either proposed or are being implemented in relation to land, and are presented in the following nine chapters:

- I. Introduction
- II. Land Information Management System
- III. Land Use and Land Resources
- IV. Land Titling, Land Tenure, and Access
- V. Acquisition, Pricing, and Divestment of Government Owned Lands
- VI. Taxation and Incentives for Property Development
- VII. Environment and Disaster Management
- VIII. Legislation
- IX. Institutional Framework and Reform

Several aspects of the National Land Policy are being implemented and efforts to develop other strategies, projects, and programmes are being pursued. Some chapters are also being elaborated and will be sold individually. .

CHAPTER ONE

INTRODUCTION

In July of 1996 the National Land Policy was laid on the table of the houses. This policy was developed out of the recognition that land is critical to all aspects of human life. An examination of the physical resources and the socio-cultural and economic needs of the country illustrated the need for a more complete understanding and appreciation of the finite nature of these resources and the advocacy for sustainable use. The land policy reflects the recognition that dealing with land is a complex issue requiring the consideration of a wide range of influencing factors and players.

Land which includes the surface, aquatic, atmospheric and subsurface areas must supply all of man's basic needs - food, clothing and shelter. The quest to fulfil these needs has resulted in the development of agriculture, industry and settlements. Human needs for self-sufficiency, comfort and a better quality of life have created increased demands for infrastructure, transportation, public utilities, community facilities and amenities, as well as for employment opportunities. These needs as well as political, psychological and sociological factors have serious repercussions for locational decisions made to accommodate the multiplicity of uses.

This policy establishes the framework to enhance the efficient planning, management, development and use of land. It is comprehensive in order to achieve complementary and compatible development which is in harmony with economic and socio-cultural factors. It keeps as its focus the view that land in Jamaica, including the foreshore, territorial waters and the exclusive economic zone, is a finite resource, which must be used as a national

asset for sustainable development. It is formulated to operate within a macro-economic framework whereby Government's policies on land will positively impact on stability, economic growth, social and physical development.

This Comprehensive National Land Policy takes into consideration the demands made on the natural resources by Government, the private sector and communities in general. It was formulated through an interactive process including islandwide consultations with the nation in a public participatory and advocacy process. Comments were received from local and international sources. Government and the numerous persons who helped to formulate this policy recognize that its implementation must be supported by crucial components such as reliable information, logical and effective management structures, institutional arrangements, and appropriate legislation to manage, guide and control the use of land.

It is intended that individuals, communities and the country will be positively affected by the adoption and implementation of this land policy.

CHAPTER TWO

LAND INFORMATION MANAGEMENT SYSTEMS

2.0 INTRODUCTION

The Government of Jamaica has recognized that to effectively manage land, it is vitally important that a uniform, comprehensive and integrated computerized system be established to provide graphic textual information on every parcel of land. A land information system with these characteristics efficiently serves the interest of institutions responsible for land management, land distribution, land registration, physical and environmental planning, utility planning and implementation, development control, valuation and taxation. It provides government with data for effective policy formulation, planning and implementation and will also be of tremendous benefit to the entire society.

2.1 GEOGRAPHIC DATA MANAGEMENT SYSTEMS

Fundamental to the effective execution of policies aimed at optimizing the use of land is the knowledge of, and access to accurate, up-to-date, timely, complete and comprehensive geographic data. Geographic data encompass mapped/graphic and textual information on natural resources, environment, land ownership, land use, transport, communication, demography and socio-economic factors where such data can be related to geographic positions including, terrestrial, aquatic, atmospheric, and subsurface regions. Empirical studies have found that approximately 80 percent of government's administrative decisions are related to, or impact on, the geographic domain.

Geographic Data Management Systems (GDMS) provide the procedures and technology to enable the efficient, effective and responsible application of geographic data to support decision-making by all actors in the land/geographic arena.

2.1.1 Issues

A number of major issues have precipitated government's need for a national policy framework for land information systems through geographic data management systems:

1. Data comparison and cross-correlation is severely hindered by the several non-standardized land records reference systems and map scales which are operated across agencies.
2. Lack of knowledge, and inaccessibility to existing data stores has resulted in difficulties in compiling basic inventories of land assets including government owned properties.
3. Adequate mechanisms do not exist to facilitate inter-agency sharing of information, therefore leading to costly duplication of data collection and storage efforts.
4. Sub-optimal land-use decision-making resulting from inadequate geographic data.
5. Critical shortage of geographic information systems management specialists and skilled operational staff.

2.1.2 Policies

Government has adopted the following policies to:

1. Establish a comprehensive computerized land information systems network linking all land related agencies of government by the Year 2000.
2. Create national standards for geographic data collection, storage and exchange.
3. Develop the human resources required to manage and operate Geographical Data Management Systems (GDMS).

4. Establish a national digital geographic information database comprising topographic, cadastral, land use, soil, environmental, natural resource, infrastructural and socio-economic components.
5. Develop a digitized cadastral index and cadastral map for Jamaica to ensure that the graphic aspect of a networked geographic information system can be established and to facilitate a national Land Titling Programme, and efficient land markets.
6. Commit all relevant Government Ministries and agencies to the National Geographic Information Systems Network.
7. Develop user mechanisms and tools to facilitate access to and ease of use of digital mapping information by the general community. Access will be limited in cases of security and confidentiality, and
8. Implement measures to ensure that all digital data prepared or used during government projects will be turned over to the executing/implementing agency of Government.
9. Ensure that all Projects/Programmes being undertaken by government agencies which include land/land related data collection and preparation be properly coordinated and are done according to standards set by Survey Department and LICJ.

2.1.3. Implementation (Strategies, Programmes and Projects)

1. The Land Information Council of Jamaica (LICJ) was established by Cabinet in 1991 with the long term mandate to develop an integrated land information network based on a corporate data model for managing and accessing data. The LICJ is being expanded to incorporate a number of non-governmental and professional organizations.
2. A National Geographic Information Systems Action Plan is being developed to enhance the country's land management capabilities. As part of its implementation activities, Government will also establish a unit to develop the National Action Plan. The Co-ordinator for this unit is already in place at the Office of the Prime Minister. The National Action Plan will detail the key milestones to be achieved on an on-going basis by the Year 2000.

The major tasks to be undertaken are:

- i. Establishment of, management and monitoring of the Network.
- ii. Coordination of aspects of work and staff relating to digital land Information and the agencies dealing with land and land related agencies.
- iii. Management of the implementation plan.
- iv. Maintenance of the national geographic information systems.

Some assistance has been obtained by Government and further help is being sought for the preparation of a plan of action for the proposed networked GIS as well as a number of relevant project and programme proposals for funding. Approaches will be made to access funding for these projects from various multi-lateral and bilateral sources.

3. The textual component of a digital database has been constructed by the Land Valuation and Estate Department. The graphical component is being developed by the Survey Department and the Land Valuation and Estate Department.
4. Copyright protection for the creators of digital data will be established. The Copyright Committee of the Land Information Council of Jamaica has undertaken an initial study of the existing Copyright Act and will do further work to determine appropriate amendments for protecting digital data providers.
5. Projects undertaken using spatial data will employ the government's existing data sets when possible. This will be co-ordinated by the Survey Department, which will maintain a list of available data sets.
6. A programme of ongoing training in Geographic Information Systems will be maintained and institutionalized in the curriculum at the Management Institute for National Development, the University of the West Indies, and the University of Technology. The Training Committee of the Land Information Council of Jamaica has developed and started to deliver training/sensitization modules to the policy, executive and technical level staff of Government. This will be ongoing. The Training Committee will work towards introducing Geographic Information Systems education into other tertiary and secondary level institutions. A fully equipped Geographic Information Systems Laboratory has been established at the Management Institute for National Development through the Land Titling Project.

7. A data dictionary will be developed detailing levels, classes and tables of data to support the Geographic Data Management System. The system will include their distributed locations, their ownership and structure, the dates of creation and update cycles and unique key references for each table. The Land Information Council of Jamaica will prepare and maintain a directory on land data through its Data Dictionary Committee. Grid and location references will be developed in order to provide standardized access to geographically related features/data.
8. The data base of the major land agencies will be fully automated by the Year 2000. The procedural and administrative framework within each agency will be reviewed and re-engineered for improved efficiencies. The equipment and software resources to facilitate the conversion of existing analogue records into a digital format will be provided.
9. The infrastructure to facilitate communication of geographic data among agencies and their users will be developed. A systematic plan will be designed for the rational and phased conversion of each agency's data. Systems specification will be developed for ensuring open standards in communications and connectivity among agencies.
10. Arc Info and related products have been adopted as the standard software for supporting spatial and aspatial enquiries on the Geographic Data Management System.
11. A central repository for the off-line storage of geographic vector, raster, and text data is being considered. The Government will adopt a relational database management system.
12. An integrated approach to staffing will be developed, including the formation of a core cadre of professionals and technicians, to support geographic information systems technology.
13. A programme of on-going research and collaboration with relevant countries and institutions will be continued in order to keep abreast of technological advancements in digital land records management.
14. Use of the global facility, the INTERNET, will be encouraged, enabling Jamaica to keep abreast of global technological trends relating to digital geographic information procedures, technologies and tools. This strategy will also facilitate interconnection between Jamaica and other countries, institutions and companies involved in similar and or relevant geographic data development, implementation and management. Agencies will be assisted in creating their own home page. The infrastructure of the worldwide web will be utilized by the Land Information

Council of Jamaica agencies for providing, maintaining, and disseminating information on available data application and services.

15. A public online/kiosk system will be developed.
16. A wide area optical fibre network linking the Office of Titles, Land Valuation and Estate (Lands Section) and the Survey Department is being constructed and is scheduled for completion in 1996.
17. A digital topographic database is being constructed from 1:50,000 scale base maps by the Survey Department with the assistance of the Geological Survey Department.
18. A digital cadastral map will be constructed by the Survey Department and reproduced at scales varying from 1:2,500 for urban areas and villages to 1:12,500 for remote and sparsely populated areas.
19. A national digital cadastral index database is being constructed by the Survey Department. The cadastral database will be developed in 2 stages:

Stage 1: A cadastral parcel layer will be established from existing land valuation maps to produce a general spatial and aspatial index for property identification. This will provide a basis to record valuation, ownership, rating data, develop a database to satisfy user demands, and facilitate land transactions. This stage is being undertaken through the Land Titling Project and is scheduled for completion by December 1996.

Stage 2: A more precise and accurate digital cadastral parcel layer will be constructed over a 10 year period from:

(i) deposited plans, diagrams, and certified plans, using Global Positioning Systems (GPS) technology to produce parcel boundaries for 330,000 lots and partial spatial coverage of the island.

(ii) cadmapping technology developed under Phase 1 of the Land Titling Project to survey 320,000 lots not previously surveyed, the remainder of the spatial coverage for Jamaica, and a densified control point network.

Fifty-six percent will be completed within the first 4 years of the project, the remaining 44% will be completed by Government over a six year period.

20. A digital topographic map of the Kingston Metropolitan Area is being developed at a scale of 1:2,000 by the Survey Department. The LICJ and Survey Department are in consultation with a number of Government and quasi-Government agencies and the private sector with respect to the possibility of cost sharing for map preparation.
21. A digital soils database has been constructed by the Rural Physical Planning Division. A programme of maintenance is ongoing.
22. A digital forest database to identify and assist in the management of forest reserves and plantations will be undertaken by the Forestry and Soil Conservation Department.
23. An environmental database is being developed by the Center of Nuclear Studies, University of the West Indies, while another is being developed by the Natural Resources Conservation Authority. A Geo-chemical Atlas of Jamaica at scale 1:1,000,000 has been completed.
24. An organization-wide environmental database is being developed by the Natural Resources Conservation Authority to encourage and assist other agencies, including Fisheries Division, Forestry and Soil Conservation Department, and environmental non-governmental organizations, in preparing and utilizing spatial databases in their daily operation.
25. Utility geographic information systems are being developed by the Jamaica Public Service Company, National Water Commission, and Telecommunications of Jamaica in support of facilities mapping analysis for planning, operations, maintenance, and engineering.
26. An assessment and monitoring system for water resources including determination of the extent, reliability, quantity and quality of major stream flows, ground water levels, and sediment yields in selected rivers and watershed areas is being implemented by the Water Resources Authority.
27. An integrated water supply network and sewerage system using the Automated Facilities Mapping System will be developed within the next 5 years by the National Water Commission. This will facilitate analysis of facilities performance, potential impacts of land development on water supply and sewerage systems, scenario

- modeling of production/distribution cost minimization, and an integrated customer service billing database. A pilot project in the Greater Mandeville Water Supply Scheme will commence in 1996.
28. Socio-economic spatial and aspatial databases including Population and Housing Census data will be developed by the Planning Institute of Jamaica and the Statistical Institute of Jamaica.
 29. Digital land use maps are being developed by the Town Planning Department for all urban areas, growth centers, and townships. This will form the basis for the preparation of Development Plans for the six planning regions:
 - i. Hanover - St James - Trelawny
 - ii. Westmoreland - St Elizabeth
 - iii. St Ann - St Mary
 - iv. Manchester - Clarendon
 - v. St Thomas - Kingston and St Andrew - St Catherine; and
 - vi. Portland.
 30. A comprehensive tracking and processing system to better manage the processing of development applications and compliance with building and subdivision regulations is being developed by the Ministry of Local Government and Works (Local Government) in collaboration with Parish Councils through its programme of Local Government Reform. This will incorporate the Development Control Tracking System (DCTS) that has been in place in the Town Planning Department since 1988.
 31. A bauxite land data system using the Land Valuation Maps as a base to store information on ownership, use, and status of bauxite lands is being developed by the Jamaica Bauxite Institute.
 32. A 1:250,000 digital topographic base and geo-physical base maps have been completed. A digital geological base map is being developed at scale 1:50,000 by the Geological Survey Department, which is expected to be completed by December 1996.
 33. To improve the quality of its housing and land information data, the Ministry of Environment and Housing will embark on a programme to map, develop and maintain a property register for all parcels of land owned by that Ministry.

34. An expanded digital database to include location, size, existing and future land uses, and property tax will be developed by the Urban Development Corporation for its land holdings. A second database will be prepared for all its development plans and drawings.
35. The digital hazard database on storm surge, prepared with the assistance of the Organization for American States, will be expanded by the Office of Disaster Preparedness, to include landslide, seismic data, and flood lines information on a scale of 1:12,500. This database will form the basis for a digital natural hazard mitigation plan and later used in the development of a technical hazard map of high risk areas for vulnerability and risk assessment. The database will be used by the Town Planning Department and Parish Councils for planning purposes and will be publicly available to advise and guide building and development applications and persons involved in property insurance.

CHAPTER THREE

LAND USE AND LAND RESOURCES

3.0 INTRODUCTION

Jamaica consists of 10,940 sq. km. or about 1.1 million hectares of land. Approximately two-thirds of the island consists of a central range of mountains and hills which rise to a maximum altitude of 2,256 meters at the Blue Mountain peak. Forestry, agriculture and human settlements are the main land use categories: with forests accounting for 24 percent; shrubs and woodlands 20 percent; agriculture, including pasture lands for 46 percent; and urban and rural settlements, including industrial and commercial uses,

accounting for approximately 4 percent. Mining, water and wetlands account for the remainder of the land uses.

Population growth coupled with industrial and commercial expansion has resulted in intense competition for land. Over the years, successive policies have not adequately addressed these demands. As a consequence, several problems continue to exist including: urban sprawl; inefficient use of land; urban blight; scattered and ribbon development; and inadequate provision of housing, recreational and community facilities, especially for the lower income groups.

The following are some of the broad sector policies that will be utilized in determining the national land use strategy and planning guidelines. These have emanated from National Physical Planning activities and support the National Socio-economic Development Plan, and the Industrial Policy.

3.1 AGRICULTURE

Agriculture is yet to achieve its full potential in providing a comfortable way of life for the majority of farmers and to be developed to the point where there is sufficient produce to satisfy local consumption and meet export demands.

3.1.1 Issues

1. Under-utilization of large areas of arable lands.
2. Speculative subdivision of agricultural lands.
3. Small inefficient and fragmented farms including many located on land of low capability.
4. Over-intensive cultivation and misuse of steep slopes.

5. High person/land ratio on micro farms.
6. Planting of crops with little regard to ecological /environmental conditions.
7. Inadequate marketing and transportation facilities.
8. Negative social attitudes towards agricultural employment.
9. Traditional approach to seasonal production of food crops.
10. Inappropriate agricultural techniques and practices.
11. Difficulties faced by farmers in obtaining credit, for example, high interest rates and lack of collateral.
12. Accelerated erosion resulting from land degradation and abandonment of large tracts of farm lands.
13. Deforestation of many watersheds.
14. Praedial larceny
15. Unavailability of land and insecurity of tenure for many small farmers.

3.1.2 Policies

Agriculture is traditionally the principal employer of labour in Jamaica. This position must be maintained through concentrated programmes of incentives and activities to improve production, increase average earnings, and to change the general attitude to manual labour by young members of the labour force. The following policies are being pursued:

1. Greater effort is being made to preserve all arable lands, in particular Class I and II lands, as far as this is viable and possible.
2. Agricultural land use maps are being upgraded to identify land capability and suitability for various types of crops.
3. Conservation measures and better agricultural practices are being implemented to reduce soil erosion, help to maintain soil fertility and to increase productivity.
4. Government will continue to bring about a significant reduction in the amount of under-utilized arable land.

5. Government will continue to provide financial assistance for agricultural production.
6. The development of improved pastures is being encouraged.
7. Declaration of Agricultural Zones for the preservation of the country's agricultural lands from fragmentation and uneconomic use.
8. Permits must be obtained for all new agricultural developments (including change of agricultural use) of 10 hectares and over, from the Natural Resources Conservation Authority, with the appropriate conditions and with inputs from the Ministry of Agriculture and Mining. Agricultural developments of 25 hectares and over may require on Environmental Impact Assessment (EAI).

3.1.3 Implementation (Strategies, Programmes and Projects)

1. Greater efforts to preserve all arable lands is being undertaken within the Ministry of Agriculture and Mining through the Rural Physical Planning Division (RPPD), the Ministry of Environment and Housing through the Land Development and Utilization Commission, and the Town Planning Department.
2. The Rural Physical Planning Division is currently reviewing land capability and suitability maps to update and create new crop zone maps, which will help to improve land use and maximize overall agricultural output.
3. Research work is currently being done through the Soil Nutrients for Agricultural Productivity (SNAP) Programme, the Caribbean Agricultural Research Development Institute (CARDI), the Rural Physical Planning Division (RPPD) and the Hillside Agricultural Project (HAP) and other programmes to determine and update soil loss data by water erosion and to develop and recommend simple soil conservation measures for hillside farming. Incentives will also be provided for this purpose.
4. The Land Development and Utilization Act, passed in December 1966, will be amended to deal with idle lands of twenty (20) hectares and over

instead of the existing forty (40) hectares and over, in an effort to encourage the use of idle lands in the country.

5. Increased livestock production will be encouraged through agencies under the Ministry of Agriculture and Mining such as the Research and Development Division, the Rural Agricultural Development Authority (RADA) and private sector agencies such as the Livestock Association.
6. Financial assistance for farmers will be channeled through the Agricultural Credit Bank (ACB), Micro Industries Development Agency, (MIDA) and the local People's Cooperative Banks.
7. The implementation of the National Soils Policy for Jamaica which has been finalized with assistance from the FAO will further support the proper utilization of soils and land resources.

3.2 SETTLEMENTS

The population of Jamaica is expected to increase to three (3) million by the year 2000. Urban areas (the proportion of the population living in nucleated settlements of 2,000 or more) is also expected to increase and will include over 60 percent of the population.

There are many aspects to urbanization. These include increasing population/residential densities, availability of services, the psychological dimension of familiarity with the urban complex and its services, and functional links between urban areas and between urban and rural areas (not necessarily contiguous).

Rural development is also multi-dimensional - involving protection of watershed and fragile areas, exploitation of mineral resources, and crop and livestock production. Urbanization and rural development must be complementary and guided by a national settlement strategy and framework as an integral part of national development.

A comprehensive settlement policy establishes the physical framework within which sectoral policies and national investment can be coordinated.

Out of a total of some 1,150 towns and villages throughout Jamaica, 120 have been chosen for concentrated urban development. They consist of 96 district centers, 17 sub-regional centers, 6 regional centers and 1 national centre.

3.2.1 Issues

Some of the difficulties being experienced in settlement development include:

1. High incidence of rural/urban drift.
2. Insufficient employment opportunities.
3. Scattered, small human settlements and linear development.
4. Disparity in the provision of facilities and amenities.
5. Insufficient integration of urban and rural development.
6. Inadequate guidelines and criteria for locational analysis of development projects.
7. Some 50 to 75% of all development takes place outside of the formal regulatory or economic sector.
8. A bureaucracy that has been more concerned with controlling and regulating development rather than facilitating same.
9. The lack of proactive approaches to development and the large number of persons in the society, who are not involved in the formal approach to development.

3.2.2 **Policies**

Government will adopt policies to:

1. Provide incentives for development based on the existing hierarchy of district, sub-regional and regional centers identified in the National Settlement Strategy.
2. Provide a physical planning framework within which sectoral policies and national investment can be coordinated.
3. Promote diversification of the economic base in various areas thereby making smaller urban areas and rural communities more attractive with potential socio-economic prosperity that could encourage residents of Kingston and other principal urban areas to relocate.
4. Encourage and facilitate new economic activity to create employment in the most suitable areas of all parishes, with emphasis on areas with a greater degree of untapped or underutilized resources.
5. Provide social services with emphasis on educational, cultural and health facilities so as to contribute to the maximum development of the people in order for them to participate effectively in, and enjoy the benefits of the country's overall development.
6. Facilitate the provision of different living and employment opportunities to increase choices of place of employment, housing, life style and recreation to alleviate population growth pressures on Kingston and other fast growing urban areas.
7. Provide land to accommodate a range of shelter solutions with emphasis on low cost and self help housing types and a variety of secure tenure patterns.
8. Facilitate affordable settlement solutions through a rationalization of standards for infrastructure development and the adoption and use of acceptable minimum "starter" standards and design criteria for use in low cost settlement. This will be done through a programme of incremental development by legally constituted community groups of beneficiaries of land under approved schemes within agreed periods of time. This will be done within the provisions of relevant laws and agreements with appropriate agencies.
9. Establish mechanisms for public participation in the planning and development control process including monitoring, for example, using

professionals, interest groups, business groups, NGO's and CBO's in the planning process.

10. Allow physical development plans to be undertaken through joint public (central and local) and private sector initiatives. Plans have been completed by the Town Planning Department for Lucea, May Pen, Ocho Rios/St. Ann's Bay, Negril, Mandeville and the South West Coast. The Montego Bay plan, being prepared by the Greater Montego Bay Redevelopment Company, a joint public and private sector initiative, is currently in its final stage of completion. Plans for Falmouth and Savanna-la-mar are also being prepared by Town Planning Department, as well as a plan for the South Coast with assistance from the Urban Development Corporation.
11. Prepare plans for major urban areas, including the Kingston Metropolitan Area (KMA), as defined by the National Settlement Strategy.
12. Revise the National Physical Plan for the Country.
13. Decentralize the decision making in agreed areas in the planning, approval, development and monitoring processes. These activities will be co-ordinated so that the relevant government and quasi government agencies could continue to participate when required to do so. Decision on large scale developments, having major environmental, social or economic impact, will not be included.
14. Finalize the following: (i) a Building Law and Building Codes for Jamaica, and (ii) a new Town and Country Planning Law for Jamaica.

3.2.3 Implementation (Strategies, Programmes and Projects)

1. A revision of the National Physical Development Plan is being undertaken. An overview of the National Settlement Strategy has been done.
2. Development plans for urban areas identified as growth points in the settlement strategy will be prepared on a priority basis commencing with Kingston, Falmouth, Port Antonio, Port Maria and Spanish Town.
3. Development limits for all other urban and rural settlements will be delineated to safeguard against urban sprawl, encroachment on agricultural and mining lands and unplanned and uncoordinated developments. Some have already been delineated, the remainder will be done when the parish development orders and other town plans are being prepared.

4. Appropriate planning standards will be developed for all urban and rural settlements and these will be subjected to constant review. A revision of the Manual for Development which establishes guidelines for planning and subdivision developments is being undertaken.
5. Lands for expansion of settlements will be identified at an early stage in the development process so that they may be given priority treatment by the relevant agencies with respect to the provision of infrastructure, social services and amenities, thereby satisfying the needs of the future population.
6. Government will continue its programme to improve infrastructure and social facilities under the Comprehensive Rural Township Development Programme, managed and implemented by Urban Development Corporation with financial assistance from the Inter-American Development Bank.
7. Government will also continue its upgrading programmes in all urban areas. The Ministry of Local Government and Works, the Urban Development Corporation, and the Kingston Restoration Company will continue their activities in upgrading infrastructure and services in settlements under their respective programmes.
8. Parish Development Plans and Orders to guide land use development will be prepared to bring the entire island under the Town and Country Planning Act.
9. Government, through "Operation PRIDE" Programme for Resettlement and Integrated Development Enterprise) is making more lands more easily available to larger numbers of low and middle income persons for agricultural, industrial, commercial, housing and other activities. Public sector workers are also benefiting under this programme.
10. The Ministry of Environment and Housing will encourage the increasing use of town\neighborhood meetings and charettes, by the planning authorities and those involved in the preparation of development plans, to achieve greater levels of public participation in the planning process.
11. Government will establish inter-sectoral task forces\groups on an area (Parish, urban, rural) basis for greater involvement of all government agencies in the planning and development process.

3.3 INDUSTRY

Government will continue to provide and zone industrial lands within urban boundaries and other appropriate locations to form an integral component of the national settlement strategy and to facilitate the implementation of the industrial policy. Special attention will be given to the layout and planning of industrial estates, so that they are not established in isolation but as part of a comprehensive community settlement plan. The industrial areas will relate in a safe and harmonious fashion to surrounding land uses such as residential and commercial districts and be linked by transportation routes to minimize conflicts between industrial and other traffic.

Areas will be earmarked for diversification of manufacturing and other industrial enterprises in a variety of sizes and locations. These locations will include:

1. Isolated sites for heavy and noxious industries and hazardous wastes.
2. Industrial estates of 8 - 40 hectares to accommodate industry of a non-noxious nature.
3. Industrial blocks (or mini-estates) to accommodate small factories, and
4. Commercially zoned areas for small enterprises.

3.3.1 Issues

1. Non-conforming and illegal industrial and commercial uses.
2. Absence of sites for noxious industries and hazardous wastes.
3. Under-utilization of lands zoned for industrial purposes.
4. Inadequate arrangements for the disposal of industrial wastes.

3.3.2 Policies

The following policies will be adopted:

1. Serviced industrial sites will be identified for development throughout the island in order to disperse economic benefits and diversify the employment base of urban and rural areas.
2. Adequate lands for industrial purposes will be zoned in urban and rural areas to satisfy present and future demand.
3. Where possible, mixed land use activities will be encouraged to minimize the distance between employment and residential areas and to encourage more efficient and economic land use patterns.
4. A review will be made of unutilized lands zoned for industrial purposes, which are affected by criminal and other activities in order to prepare a plan of action to ensure their use. Other lands zoned for industrial use which are blighted or under-utilized will be examined and plans made for their use.
5. Appropriate sites will be identified for heavy and noxious industrial use and hazardous and solid waste disposal.
6. Zoning regulations and planning control will be more stringently enforced, to prevent industrial development in residential areas.
7. Priority in allocation of land under the Government's divestment programme will be given to integrated agriculture and agri-processing operations.
8. Bureaucratic delays will be eliminated in the identification and acquisition of land suitable for industrial projects, especially as it is expected that the private sector will play a lead role in the development of factories.
9. The Jamaica Export Free Zone Act will be amended to facilitate the establishment of free zones in locations other than port areas. The amendment will also enable the establishment of the Jamaica Free Zone Council as a statutory body to administer new free zones. The Council will have the power to designate areas of land, buildings or parts of buildings as free zone areas.

3.3.3 Implementation (Strategies, Programmes and Projects)

1. The revision of the National Physical Development Plan being undertaken by the Government will include the appropriate analysis of the future land use needs of the industrial sector. This analysis and the land use

requirements will be reflected in the plans being prepared by the Town Planning Department.

2. Development plans for seven (7) towns are already completed and reflect the industrial needs of the respective areas.
3. The National Industrial Policy has been coordinated with the National Land Policy.

3.4 MINING

Mining is a developmental issue which deserves particular attention and requires the formulation and implementation of sequential land use programmes. This capital intensive activity, especially the area dominated by the bauxite/alumina industry will continue to be geared towards fostering linkages with other sectors of the economy. It will also influence the direction of urban growth and settlement development, and share capital intensive transport and other infrastructure facilities. There will be continued monitoring to ensure that mining is undertaken in an environmentally sound manner, with minimum destruction of the landscape or the ecological balance.

Mining will continue to be a controlled activity which ensures beneficial exploitation and encourages maximum linkages with other sectors to enhance socio-economic and physical development. It is not expected however that mining activity will permanently foreclose other development options.

3.4.1 Issues

The main issues are:

1. Tardiness and failure to rehabilitate mined out areas.
2. Pre-emption of areas with mineral deposits by other land uses.

3. Hazardous environmental effects of mining operations.
4. Inadequate quarry zones and ad hoc and illegal quarrying operations.
5. Illegal sand-mining.

3.4.2 Policies

Government has adopted the following policies:

1. Mined out lands will continue to be rehabilitated to an environmentally and geologically acceptable topography and vegetation shortly after mining is completed. The planting of tree crops and cash crops will be undertaken where feasible and these lands will also be examined for possible residential/settlement use. The lease or sale of such lands will be considered, depending on the merits of the requests;
2. Steps have been taken to zone areas with mining potential. Other areas are to be zoned to prevent the sterilization of mineral deposits by other development activities;
3. All mining and quarrying will be undertaken in a manner which ensures that environmental considerations are adhered to, in accordance with the rules and conditions set out by the Commissioner of Mines, NRCA, JBI and other coordinating / regulating agencies. The mining operations will be subjected to close monitoring by the responsible agencies;
4. Other quarry zones will be delineated in order to assist easy monitoring, and encourage safe exploitation and adequate preservation of the environment;
5. Sand mining activities will be comprehensively assessed in order to minimize the environmental problems presently being experienced, such as the rapid erosion of river beds and coastal areas, erosion of footage/support of many bridges, and sedimentation of reefs; and
6. Institutions will be further strengthened to effectively manage, monitor and control mining activities.

3.4.3 Implementation (Strategies, Programmes and Projects)

1. Public education programmes highlighting the dangerous and deleterious effects of illegal mining and quarrying operations will continue;
2. The Police, other enforcement officers and the Judiciary will be sensitized to the deleterious effects of illegal mining and quarrying and they will be requested to enforce laws relating to the control of these activities;
3. A survey identifying needs and illegal sand quarrying activities was undertaken by the Quarries Division of the Ministry of Agriculture and Mining, and this will be used to better control illegal activities;
4. The effective control of illegal mining and quarrying could result in a shortage of certain materials within the construction sector especially in certain parts of the island. The government will therefore play a proactive role by encouraging increased production through stone-crushing, for example, of mettle, aggregate and sand by using other indigenous materials;
5. The NRCA has delegated to the JBI the responsibility of monitoring the Bauxite Industry under agreed conditions;
6. The use of reclaimed mined out lands is being diversified to include pastures, vegetables, tree crops, fuelwood plantation and some settlement development. When activity is being contemplated for leasehold or freehold on rehabilitated mined out lands, inputs from the Ministry of Agriculture and Mining and the Jamaica Bauxite Institute will continue to be sought. However where non-agricultural activity is being contemplated the input of the Town Planning Department, local authorities and other relevant agencies will continue to be obtained.

3.5 TOURISM

Tourism is one of the fastest growing industries in the world. Jamaica's tourist industry has been experiencing consistent growth, emerging as the leading foreign exchange earner since the mid 1980s. The government has decided to develop an integrative and holistic policy framework in order to ensure sustainable growth of the industry. Policies, programmes and design solutions for the development of the industry will have multiple objectives, and the expansion of the industry will no longer be planned in isolation of the

other major sectors. Sustainable and integrated growth of the industry requires co-ordination with other sectors to ensure that the demands on infrastructure, and amenities are met. Other sectoral objectives include affordable settlements, agricultural development, environmental conservation, historic preservation, open space and recreational area development and preservation. In an effort to ensure that tourism remains a sustainable option, an integral approach must be taken to achieving environmental, social and economic objectives.

3.5.1 Issues

The primary significance of this industry to the nation's development, requires the resolution of the following issues which have been identified as critical to its continued success:

1. Unplanned and sprawling resort developments;
2. Inadequate provision of infrastructure and social amenities in resort areas;
3. Insufficient provision of affordable housing in resort areas;
4. Inappropriate development and destruction of conservation areas;
5. Inefficient or a lack of environmental management;
6. Pollution of coastal areas and beaches;
7. Insufficient access to recreational areas;
8. Insufficient open spaces and recreational areas, and increasing despoliation of visual amenities, areas of natural beauty and heritage;
9. Increasing demand for an eco-tourism product; and
10. Inadequate and ineffective linkages with other related sectors.

3.5.2 Policies

Government has adopted policies to:

1. Improve physical planning and infrastructure development in resort areas;

2. Create and strengthen linkages with other sectors of the economy, and other major land use categories.
3. Encourage the concentration of resort developments within areas so designated under the National Settlement Strategy.
4. Examine incentives for private sector involvement, including NHT's continued participation in affordable settlement/housing solutions with specific reference to the needs created by Tourism.
5. Prioritize the identification of sites in major resort areas for lower income settlements development under "Operation PRIDE" and other programmes.
6. Ensure the preservation and or development as well as access by all of public open spaces and recreational areas.
7. Continue to improve and diversify the tourism product through the development of cultural assets, attractions and eco-tourism.
8. Continue to improve the infrastructure and social amenities in resort towns and maintain appropriate growth management policies and strategies in all present and future resort areas.
9. Require environmental impact assessments, audits and statements as necessary for new resort development projects before approval is granted.

3.5.3 Implementation (Strategies, Programmes and Projects)

1. A terrestrial park in the Blue Mountain and John Crow Mountains, and a marine park off the coastline of Montego Bay are being developed; other parks are being planned for development.
2. Continue to develop and restore areas of historical importance, cultural and natural value and beauty.
3. Expedite and finalize the implementation of projects to improve the sewage and water systems in Negril, Montego Bay and Ocho Rios.
4. Expedite and finalize work on the North Coast Highway from Negril to Port Antonio.
5. Finalize and promulgate the Development Order for the South West Coast Development Plan and implement it with the involvement of all relevant Government and Private Sector interests.

6. Support the development of "clusters" of tourism and related industries and amenities and other integrated development strategies.
7. Revise and update the National Physical Plan and National Settlement Strategy to identify land/properties for eco-tourism and new resort developments.
8. Encourage the development of a programme for "Bed and Breakfast" facilities.

3.6 WATER RESOURCES

Population growth, economic and social development have resulted in increasing pressure on the island's water resources. Although adequate to meet the needs for the foreseeable future, these resources are unevenly distributed with respect to season and location. It is estimated that approximately 85% of the island's reliable surface water is unutilized and therefore can be made available to support additional development. The problem lies in the absence of plans, effective mechanisms and adequate funding to develop and store these resources and to distribute water. Ensuring environmental integrity is critical to this process.

All activities, whether domestic, commercial industrial or agricultural give rise to waste discharges. The designation of land for any of these uses will have some impact on the quality of both surface or subsurface water resources.

The nexus between land use policies and water resource management is undoubtedly of major importance in the optimization of two of the country's most valuable and finite resources.

3.6.1 Issues

1. The need to expand the existing and develop new sources of supply to meet present and future demand.
2. Ground and surface water pollution by siltation, saline intrusion, pesticides and chemical contamination by domestic, agricultural and industrial waste.
3. Shortages of domestic, agricultural and industrial water in some areas, especially parts of southern Jamaica.
4. Conflicts in the allocation and use of identified sources among competing demands.
5. The preservation and reforestation of watersheds to ensure recharging of aquifers and controlling water flows to reduce problems such as flooding and turbidity.
6. Lack of sufficient forward planning in the development of water resources including distribution of same.
7. The unavailability or shortage of water for irrigation and other activities not requiring potable water and use of domestic water for same.
8. Water supply for appropriate sewage disposal methods.

3.6.2 Policies

1. Government will endeavor to continue to expand the availability of irrigation water. This would also help to address the issue of under-utilization of arable land.
2. Government will continue to institute programmes to eliminate the pollution of rivers and streams by pesticides, herbicides and other pollutants.
3. The use of fire to clear hillside land will not be allowed.
4. Vegetated watercourses in hillside areas would be conserved.
5. The areas which surrounds the major reservoirs - such as Hermitage and Mona Dams must be free from squatters and maintained in natural forest/vegetation with minimal human activity.
6. All designated watershed areas will be protected by proper management measures and legislation.

7. Lands in the catchment areas which are still in private hands will be protected through legislation and acquired by the state if necessary. Incentives will also be considered for land owners for conducting environmentally - friendly activities in these areas.
8. Waste discharge arising from existing or proposed land use activities will be carefully assessed for impact on water resources. Appropriate conditions for new development and remedial action with existing problematic development will be enforced.
9. Open dumping of solid waste will not be permitted within certain proximity to identifiable water bodies.
10. Open-face and other mining activities, especially sand mining, will be carefully analyzed for its likely impact on available water resources.
11. The National Water Commission or relevant agency responsible for the provision of water must be consulted at the feasibility stage as to the availability and cost for providing water to a proposed development.
12. Private companies may develop and provide their own water supply if this is approved by the relevant authorities;
13. Development will be encouraged in areas where water supply infrastructure already exist and adequacy is assured.
14. All development proposals will be examined and assessed and if necessary use and density will be determined as they relate to possible pollution of water resources.
15. Development will be encouraged in areas where adequate sewage systems already exist or is likely to be least costly.
16. Sewage in certain volumes cannot be adequately handled on-site, that is by individual lot systems. Any large scale proposed housing development should seriously consider the implications of adequate waste disposal. If the development cannot bear the cost of a central sewage system, on -site upgradable solutions will be considered for low income settlements.
17. Sewage treatment by ponding system will be the first method considered in all circumstances and should only be rejected by a subsequent process of elimination.
18. The rehabilitation of old and the construction of new water-supply schemes will be implemented to meet existing and future demand.

19. Government will allow the use of "water shops" in low income settlements as an initial solution to water supply problems.
20. Householders will be educated and encouraged to separate "grey water" from sewage, and use same in a prescribed manner.
21. All households are to be encouraged to install in both new and existing units, private storage facilities which would utilize water collected from rain and or public supplies.

3.6.3 Implementation (Strategies, Programmes and Projects)

1. The preparation of the National Irrigation Development Plan is currently being undertaken by the National Irrigation Commission. The plan will define policies for the irrigation sector as well as the rehabilitation of existing irrigation systems and the development of new irrigation schemes in irrigable areas throughout Jamaica.
2. Users of pesticides, herbicides and other pollutants would not be allowed to wash or dispose of containers in gullies, streams, rivers or lakes. The Pesticide Control Authority and the NRCA will approve the types of pesticides, herbicides, fungicides and other chemicals to be used for agricultural and other purposes;
3. The Government is increasing the level of investment in the construction of domestic water supply schemes, and the replacement and upgrading of existing schemes.
4. In upland watershed areas, the following strategies will apply for the protection of water resources:
 - i. No lease of land by Government for seasonal or cash crops will be granted.
 - ii. All open areas will be re-afforested with various trees including food forests.
 - iii. If logging becomes necessary, the following conditions will apply:
 - Reaping and replanting must proceed at the same pace so as not to leave any extended area uncovered.

- Extraction of logs must be by cables and not by skidding.
 - Disturbance of the ground must be minimal and use of fire prohibited.
 - Protective barrier of 35m on either side of streams must be left in natural or plantation trees.
- iv. No clear-felling of cultivated forest shall be permitted. The maximum extraction shall be 60% of existing trees.
- v. No clear felling of natural forests shall be permitted.
5. A distance of 400 metres around impoundments for potable water (reservoirs) should be kept in natural vegetation.
6. The provisions of water tanks and/or catchment areas will be a prerequisite for subdivision approval when the National Water Commission supply may be inadequate. Rain water catchments will also be encouraged islandwide and specifically in low income settlements.
7. A moratorium on development will be considered in areas where water resources are threatened by pollution or where sewage treatment and disposal systems are inadequate to meet the needs of development.
8. The regulations in the Natural Resources Conservation Authority Act will be enforced especially with regards to pollutive industries. Other laws dealing with environment and health will also be enforced to protect water resource.
9. Low cost sewage disposal solutions using safe and simple technology will be encouraged in all low cost settlements to ensure protection of underground water resources.

CHAPTER FOUR

LAND TITLING, LAND TENURE AND ACCESS

4.0 INTRODUCTION

It is estimated that Jamaica contains approximately 650,000 land parcels of varying sizes. It is further estimated that at present less than 45 percent of land parcels are titled in spite of the fact that the country has been operating a well developed land registration system since 1889.

The reluctance on the part of land owners to register their lands is attributed to three main factors; namely, high survey fees, high advertising charges and high legal fees. In addition, the titling process is time consuming. There are also questions relating to other forms of traditional land ownership such as "family lands". Although having no legal meaning, "family land" can be defined as land that is passed undivided to a group of relatives, with each person having customary rights, which he or she does not lose through non-exercise for any period of absence from the island. All the relatives irrespective of gender and birth status can work the land, claim a house spot and reap fruits from trees planted by the original owners. However, opportunity of any relative to work "family land" is strongly influenced by the social relationship which exists among the kin. No heir is free to sell all or any of the holding.

4.1 LAND TITLING AND LAND TENURE

In Jamaica land is predominantly held under either the freehold system or the leasehold system. Frequently, some of these lands are occupied by squatters. Such lands are sometimes converted into freehold ownership after being in peaceful and undisturbed occupation/possession for certain statutory periods.

Freehold ownership is proved through the registered title, which is superior to the common law title and is considered to be conclusive evidence of ownership.

Financing is often inaccessible to persons who lack a registered title as proof of land ownership, or who are unable to go through the process of establishing ownership under the Facilities of Titles Act. The land titling process must therefore be expedited.

Considering the psychological, social and economic benefits which flow from possessing registered titles, the Government is establishing mechanisms to make the process simpler, quicker and less costly.

4.1.1 Issues

The main issues relating to land titling and tenure are:

1. Lack of a comprehensive computerized cadastral map.
2. The titling system is too long and too costly.
3. Inadequate computerization of operations at the Titles Office and the Survey Department.
4. Difficulty in accessing credit facilities because of non-possession of registered title.
5. High incidence of squatting.
6. Difficulties in establishing an effective land market.
7. "Family land" is not consistent with the codified and recognized legal system. The practice of this type of ownership is viewed as a stumbling block to the ambition of individuals who desire unencumbered land ownership.
8. The absence of documentary evidence of ownership of family land also thwarts Government's effort to obtain information on ownership for use as a basis for taxation. "Family land" is therefore virtually unmarketable.

9. Unprobated wills.
10. Illegal subdivision of lands.

4.1.2 Policies

1. Government will continue the programme to putting in place programmes and measures to streamline the land titling process; and modernize land registration activities.
2. The Government will deal with the issue of "family land" to determine how this cultural practice can be recognized and dealt with legally. Solutions to be examined include restricted freehold structure, mandatory land registration, possibility of co-heirs leasing the land and in establishing a legal framework in which this type of tenure can be registered; and
3. A study on squatter settlements will be undertaken to determine the nature, scope and quantity of persons squatting or who have captured land.

4.1.3 Implementation (Strategies, Programmes and Projects)

1. The 17 Weeks Land Titling Model was designed to register ownership rights to land in an accurate and timely manner. The emphasis is on reducing the time taken for the land titling process. By rescheduling the current process flow of titling activities and making changes to the method of checking surveyors plans, it is possible to reduce the typical time period for new registrations from approximately 46 weeks to 17 weeks. The 17 weeks model which was developed in consultation with the Titles Office and Survey Department retains and reinforces the strengths of the current titling practice and tradition but will require some changes in the department, the availability of cadastral maps as well as legislation to cater for changes in sequencing. This model is already approved by Cabinet;
2. The Survey Department is preparing a Digital Cadastral Index Map for the efficient operation of a system of registration of titles. The 1:12,500 and 1:2,500 topographical maps of Jamaica form the base on which the Cadastral Index is being compiled. Considerable amount of fieldwork and mapping have already been undertaken by the Survey Department on this project, as the completion of this initiative is a prerequisite for the completion of the Land Titling Project.

3. Government will put in place a programme to prepare a digital Cadastral Map of scale 1:2,500 for urban areas and villages and 1:12,500 for remote or sparsely populated areas which will expedite the titling process;
4. Government will design administrative mechanisms and provide the technological capabilities to facilitate easy access to land and land related information among agencies and the public;
5. The Titles Office will gradually replace the existing dual-method of registration by requiring that land titles be supported either by surveyors' plans or by extracts from the cadastral map;
6. All government owned lands will be registered under the Registration of Titles Act and information on these properties will be maintained in a computerized Land Information System which is being put in place through the Land Titling Project. Over 12,000 titles have been issued to persons in land settlements. A further 25,000 land settlement titles will also be dealt with, as well as a number of titles for housing and land development projects implemented by the Ministry of Environment and Housing;
7. Inter-agency networking will facilitate the undertaking of a study on the question of "family land" to ascertain whether and how this form of ownership can be recognized legally. Land adjudication is another method which will be used to deal with the issue of "family land." The Land Adjudication Committee is in the process of addressing this matter. The Committee comprises a number of Government agencies, individual experts and the relevant professional organizations;
8. In addition to the financing programmes of the Peoples Co-operative Banks, other self-help financing programmes will be developed to assist farmers with land acquisition. The National Housing Trust presently accepts letters of undertaking from the Commissioner of Lands with respect to lands sold/leased to individuals who have not yet obtained titles as a means of establishing ownership etc. for loan purposes. This is also accepted by the Agricultural Credit Bank, the National Development Bank and other Government lending agencies. It is proposed that discussions take place with the Private Sector Financial Institutions re their acceptance of these letters of undertaking by Government for loan purposes; and
9. The Government is dealing with the problem of illegal land tenure through the development of a number of policies, strategies and programmes, some of which will result in various forms of legal tenure.

4.2 LAND ACCESS

The problem of inaccessibility has resulted mainly from the inability of formal agencies, both financial and developmental, to provide adequate and affordable land and housing solutions for a large portion of the population. The general state of existing landlessness among the majority of the population relates to obvious factors of historical ownership patterns, limited occupiable land, population growth, affordability and accessibility, high rural to urban migration, self-employment options, inadequate physical infrastructure and insufficient viable programmes organized by the bureaucracy on a timely manner. As a result, poor families invade suitably located usable lands as well as road verges, reservations, gully/riverbanks, hillsides, marginal lands and flood-prone or swamp lands which are publicly owned. They also capture good quality and problematic privately owned lands. Such lands have been used for a variety of purposes, housing, commercial, vending, industrial operation, religious and recreational uses etc. Buildings range from the well constructed dwellings to those built with make-shift materials. The problem of capturing and squatting on land has become chronic.

The relatively high cost of even low income housing and land excludes a significant percentage of the population from accessing either, despite noteworthy efforts such as the Sites and Services Programmes of the 1970's and 90's and recent efforts by the National Housing Trust which provides house lot loans, home improvement loans, graduated mortgage plans and other subsidies and incentives to increase home ownership. The backlog of supply and constantly expanding demand for affordable, adequate legal shelter, or land for housing and other uses have not been satisfied.

The need for accessible and affordable land therefore applies to people requiring land for housing, peasant farming and other agricultural pursuits, as well as lands for small scale

entrepreneurs involved in commercial and industrial activities, recreational facilities, social facilities and even land strategically located for general economic activities.

4.2.1 Issues

1. The high cost of urban land due chiefly to the factors of speculation, high level and cost of infrastructure, high interest rates and scarcity, makes land unaffordable to the majority of Jamaicans
2. Land is held for speculation in an underdeveloped state or is used as collateral by owners for several years;
3. Inadequate infrastructure and the cost of installing new infrastructure to open up new affordable areas for development;
4. Absentee ownership often results in land being held in an underdeveloped state and in many cases contact with owners is impossible;
5. Density and land use zoning identifying new lands for development have not kept pace with expanding population growth and in some instances have caused lands to be unaffordable;
6. Lack of effective land data base;
7. Financial institutions have a bias against investment in certain areas which are considered high security risk areas. Persons in these areas are unable to obtain mortgages or loans, in order to undertake development;
8. Landlessness among the rural agricultural sector has frustrated food production and has led to squatting on marginal lands which are poorly managed. Many of the agricultural land settlements have been done on marginal lands which have been subdivided into invariable lots, and without sufficient financial and technical support to the beneficiaries;
9. The increase in demand for commercial sites for vending as the number of vendors in urban areas increase;
10. Public access to recreational open space, beaches, reservations and other recreational and conservational areas are sometimes denied;
11. Many persons have qualified and are benefitting from the National Housing Trust (NHT) and other programmes, but their (NHT) resources are unable to deal with all those who are still in need; and

12. Thousands of persons have found alternative means of obtaining land and shelter generally outside the legal system by squatting on lands owned by the Government and private sector.

4.2.2 Policies

1. The Government will seek to reduce the incidence of squatting by eviction, relocation, regularization and upgrading where necessary;
2. Government will make more land available to people who are seeking land for the first time, especially the lower income earners and public sector workers;
3. More lands will be made accessible to meet the increase in demand for land for commercial uses/vending especially within the informal sector;
4. All lands will be priced at market value. Government will however provide special subsidies on lands, to be utilized for social projects to widen the land access and ownership base for housing, agricultural, commercial and other opportunities for lower income groups, the indigent, the aged and the handicapped;
5. Government will address the issue of inadequate infrastructure in low income settlements by working in partnership with low income groups, especially beneficiaries of divestment of greenfields sites and squatter upgrading programmes, to allow communities who form legal entities to enter into contractual agreement with Government to develop infrastructure and utilities on an incremental basis; and
6. The Government will undertake long term leases of Government owned lands for agriculture and other uses to prevent speculation, fragmentation or conversion of agricultural lands to non-agricultural use, while at the same time providing lessees with secure tenure to facilitate mortgage/loan financing.

4.2.3 Implementation (Strategies, Programmes and Projects)

1. In the case of lands for social projects two types of subsidies are proposed:
 - a. A Discounted Price based on household income, similar to income bands used by the National Housing Trust (NHT) or a general

"across the board" discount per scheme determined by average income of the beneficiaries; and

- b. Variable Interest Rates for mortgages, using the various income bands as currently defined by the NHT to provide a range of lower interest rate on mortgages for lower income earners.
2. When it is deemed necessary, a combination of the above subsidies will be used as well as other arrangements used by the NHT such as graduated mortgages, etc;
3. "Peppercorn" leasing of lands within settlements for the indigent, the aged and the handicapped will be applied. Arrangement will also be made with the relevant Government and Non-Government Organizations to erect houses to assist such persons;
4. Families/Persons who are earning an annual income of J\$500,000 or more and have squatted on Government owned lands, or families/persons whose homes are valued over J\$500,000 and have built on Government owned lands illegally, will not benefit from any subsidies or special considerations being given to other low income persons where settlements in which they live are being regularized;
5. Where a development project includes the Government of Jamaica providing infrastructure and funds are collected for this purpose, the monies for installing infrastructure and utilities, realized from the commercial sale of land or sales of lands for social projects will be put into a special interest bearing fund in commercial banks to be used for infrastructural developments as required. This will also ensure that future payments for infrastructure are not delayed and escalation of costs avoided;
6. Where low income communities have benefitted from lands under Operation PRIDE or social projects and are being allowed to put in their own infrastructure on an incremental basis, such communities must establish an infrastructure development fund for that purpose. The Government will give consideration to the establishment of a fund to match savings or funds saved by the community at an agreed ratio for incremental improvement of utilities and infrastructure. All individuals in these communities as well as the legal entity formed by the community would be required to sign a legal agreement with the relevant Government agencies to improve infrastructure over time to what is the normally acceptable standard;

7. The Squatter Management Unit was established in the Ministry of Environment and Housing to address the problem of squatting and to enforce the laws which applies to the illegal occupation of land. Several priority locations including the key tourism towns of Montego Bay, Ocho Rios and Negril as well as certain areas which are threatened from an environmental point of view, have been identified by the Unit with a view to eliminating squatting;
8. For people who are involved in squatting to perform commercial or light industrial activities (especially the informal sector) the solutions will include upgrading of existing sites or constructing facilities at more appropriate locations. Where these are done by Government they will be offered for rent or sale. Numerous vendors' arcades, the construction of new markets and the upgrading of old ones have been undertaken for this purpose and others are proposed. It is also proposed that vendors can form legal entities and develop areas of land sold or leased to them by Government;
9. In order to enable greater access to land by low income earners, Operation PRIDE (Programme for Resettlement and Integrated Development Enterprises) was developed. This programme concentrates on land divestment using an enabling approach which focuses on making lands available to lower income households and Government employees at affordable prices and with secure tenure. This is being done through the regularization of illegal settlements or development of new settlements. Government will allow the use of minimum development standards (starter standards) in such communities with legally agreed programmes with beneficiaries for incremental development to upgrade such areas to normal standards through individual and community organized (including self-help) efforts. The use of community initiatives and resources are critical to the success of the programme. Land will be made available within settlements for various uses to ensure viable communities;
10. The expansion of Government's land divestment programme through Operation PRIDE will facilitate squatters on agricultural lands benefitting from regularization of their occupancy through land titling or relocation to more appropriate areas. Government's land divestment activity will also facilitate new agricultural land settlement especially where the agricultural communities are willing to participate in developing their own sites. Land will also be made available for light industrial and commercial uses;
11. Government under Operation PRIDE has begun upgrading and regularization of some squatted residential areas. Relocating persons might be necessary if the area is disaster prone or environmentally sensitive. Persons on all sites would be required to form community

organizations, legally register themselves and participate in the development of their community;

12. Operation PRIDE has forged links with the Association for Settlement and Commercial Enterprise for National Development (ASCEND) which is a non-government organization (NGO), to assist in the molding of a comprehensive land divestment process in which lands owned by the Government, church groups and NGO's can be made more easily accessible. Some of the initiatives of ASCEND include the development of manuals for beneficiaries, 'starter' standards, legal requirements, community development and empowerment and house designs as well as the design of a pricing formula for land.

CHAPTER FIVE

ACQUISITION, PRICING AND DIVESTMENT OF GOVERNMENT OWNED LANDS

5.0 INTRODUCTION

Government, as the largest owner of real estate, is committed to ensuring a transparent land acquisition and divestment policy. Analysis of its land inventory indicates that the government owns approximately 45,000 parcels, held by over 20 entities. Some of these parcels are under-utilized and not properly managed.

Recognizing the critical nature of the land tenure patterns in Jamaica and its related social and economic implications, the government has decided to accelerate its land divestment programme. The policy for land divestment is intended to alleviate the problems associated with landlessness, while motivating the nation to realize higher levels of productivity. This is consistent with Government's privatization policy. More recently Operation PRIDE has become involved in the divestment process. The main focus of the programme is to provide land, for low income earners, squatter settlement upgrading and regularization, and for Government employees.

In addition to the lands it already owns, Government will acquire lands when necessary for future development of infrastructure, provision of social facilities, urban upgrading, housing, commercial and industrial activities, environmental and historical preservation.

5.1 Issues

1. Inadequate and outdated information on government owned properties, including the lack of registration and outdated land records;
2. Insecurity of land tenure among government tenant farmers;
3. Insufficient monitoring and control of the use of divested government lands;

4. Long delays in the finalizing of subdivisions and the issuing of titles for lands divested by Government;
5. Problems associated with the acquisition of lands for historic and environmental preservation;
6. Insufficient collaboration between government entities holding, divesting and acquiring properties for development;
7. Ineffective monitoring and evaluation of government's divestment programme;
8. Relatively high incidence of speculation;
9. Delays in effecting acquisition and divestment of property;
10. Excessive cost of land acquisition, especially for lands required for infrastructure projects;
11. Lack of transparency in the disposal of land; and
12. Perceived inequities in land distribution;

5.2 Policies

1. The Government land divestment programme is an ongoing exercise. It include lands for agricultural development, low cost and middle income housing, land settlements, recreational uses, conservation, commercial, institutional and industrial activities. The programme is being accelerated through the special programme of the Government called Operation PRIDE, as well as the divestment of lands through NIBJ for commercial projects;
2. Government will determine which of its properties are to be divested in keeping with its land use and land development policies and strategies;
3. The potential approved use of land will be determined prior to the divestment of land, so that the proper market prices in accordance with use could be determined;
4. The methods and procedures for valuation and pricing of Government owned lands will depend on purpose of the valuation and the type of

property being valued, ie, residential, commercial, industrial, agricultural, etc;

5. The Land Valuation and Estate Department will value all lands owned by the Commissioner of Lands at market value. All lands for formal commercial businesses including agriculture, industry, housing, tourism, etc. will be valued, priced and sold at market values. Private valuers will be contracted when required;
6. Where the Government sees the need to offer locational incentives for the purpose of attracting commercial/industrial investment to an area, then such incentives, including incentives that might result in prices which are less than market value will be clearly stated prior to transactions taking place;
7. Where Government is undertaking special/social projects, a land pricing policy will be applied to make lands more affordable for low income earners;
8. When land is being developed/subdivided, the full cost of the development, to include infrastructure, legal, survey fees, advertising, professional services and other fees will be included in the market price of the site or lots being sold. Sales agreement will reflect the possibility of escalation and prices adjusted accordingly;
9. Different market values are likely to occur for similar plots of land, however sale prices may differ in accordance with Government policy;
10. Clear guidelines, procedures and institutional mechanisms will be maintained to ensure transparency and fairness in the allocation of government lands;
11. Public disclosure will be made with respect to divestment of Government owned lands;
12. Greater security of tenure including the timely issue of titles will be emphasized in the government's land settlement programmes;
13. Community based organizations, civic groups and other NGO's will be encouraged to develop and manage public recreational areas, conservation areas, beaches and preservation properties for public and private uses;
14. Penalties for the misuse and abuse of divested government properties will be included in new sales/lease agreements and these as well as those in existing agreements will be enforced;

15. Government will implement measures to ensure that greater portions of its divested land resources are utilized according to their optimum capabilities;
16. Government will encourage Parish Councils to divest some open spaces to capable and willing Citizens Associations, NGOs, CBOs and civic groups for development and maintenance as recreational areas for community purposes;
17. Government will not be exempted or above any laws/policies designed to control "idle lands."

5.3 Implementation (Strategies, Programmes and Projects)

1. The Commissioner of Lands is undertaking a project to computerize Government's land inventory. The Ministry of Environment and Housing will develop a project to map and computerize its own land data;
2. Under the Land Titling project, government has begun the process of registering all lands distributed under the land settlement schemes, under the Registration of Titles Act and the issuing of titles to the beneficiaries;
3. Government will strengthen its estate management capabilities. Institutionalization of inter-agency collaboration in the acquisition and divestment of government lands, and the acceleration of its divestment programme are among the steps being taken by the government to rationalize its land ownership;
4. Government will strengthen its monitoring, control, evaluating, coordinating capabilities and responsibilities over its divestment programme and its land resources. Penalties for the misuse and abuse of divested government lands will be enforced. Such penalties could include forfeiture of property in accordance with the terms of the contracts effecting the divestment;
5. As part of its overall ongoing effort to ensure transparency, fairness and efficiency in the divestment of government owned lands, further steps will be taken to standardize all divestment procedures; while any excessive levels of bureaucratic discretion in the process will be eliminated;
6. Existing government offices will be used to assist in the divestment of Government owned lands throughout the island;

7. The Government will seek to acquire land for infrastructure projects at reasonable costs. However, when the Government is faced with excessive claims or valuations on land being acquired, it will utilize the provisions of the Land Acquisition Act to acquire land at a fair price. As a last resort, when all negotiations fail, the Government will acquire lands through compulsory acquisition or formulate other alternative arrangements;
8. All islands and cays which are in Jamaican territorial waters are land resources with respect to conservation or development with foreign exchange earning and other economic potential. The Government will take steps to acquire these if possible. As a result of having direct control over these islands more effective measures will be taken to protect the ecosystems of these environmentally sensitive areas;
9. The Government through the National Heritage Trust will acquire lands through direct purchase, when necessary, from private sector owners of historic properties for protection and appropriate development. There will also be acquisition by lease from public sector entities and corporations, for sub-lease to private sector entities for approved development. By these approaches, heritage properties will be identified, acquired or divested for restoration and use that are of direct benefits to historical preservation, tourism and education;
10. Government will continue to observe, as a general rule, the market value as the basis for the disposal of its lands. However, in cases where social objectives are to be satisfied, such as low income settlements\housing, social amenities, or land settlements, Government may apply a pricing policy by discounting market prices, or using varying interest rates, etc;
11. The Urban Development Corporation will continue to undertake activities aimed at making development happen in a planned manner in its existing designated areas, or such areas as may be determined by government, and will expand this role to other areas of importance such as the South Coast. Acquisitions and divestment in these areas will be done in accordance with the Government's land acquisition and divestment policies;
12. The zoned use of divested Government land will be maintained and enforced. The Government will impose conditions on divested lands and ensure that the permitted use for which lands are divested is maintained;
13. The Land Development and Utilization Commission will be strengthened to enforce laws dealing with large idle properties;

14. The Government will continue to reserve land for public recreation, conservation, urban expansion, and institutional purposes such as cemeteries etc; and
15. It is not considered necessary or expedient to divest all Government owned lands.

CHAPTER SIX

TAXATION AND INCENTIVES FOR PROPERTY DEVELOPMENT

6.0 INTRODUCTION

The government, as a part of its National Land Policy, has adopted policies and initiated measures in a number of specific areas for dealing with matters such as land taxation and incentives for property development.

6.1 TAXATION

6.1.1 Property Tax

Land taxation is an integral part of the revenue base from which Government derives its income to meet its socio-economic, physical and community development obligations. It is also a reliable source of revenue for financing local government services and facilities. The efficient administration of the tax systems is therefore of great importance in determining the quality of infrastructural and community services.

6.1.2 Issues

The main issues are:

1. Inadequate revenue from property tax to meet the cost of providing land-related community services such as roads, sanitation, fire protection and street lighting;
2. Inefficient and low level of collection;
3. Inability of certain categories of landowners to pay property tax;
4. Failure to recoup capital expenditure by Government on infrastructure development; and
5. Taxation as a means to encourage agricultural land utilization.

6.1.3 Policies

1. Government will take steps to update land values on a more frequent basis (every three years), keep the property tax rate structure under review and (where appropriate) introduce Special Rates for providing specific services and facilities as measures to ensure buoyancy of the property tax;
2. Government has put in place various means to ensure property tax compliance and will continue to seek other means of ensuring further compliance;
3. A system of derating for special properties and for relief in special cases will continue;
4. All businesses seeking renewal of licenses will be required to submit evidence that payment of property tax is up-to-date, in order to discourage delinquency in paying property tax;
5. Measures will be introduced to ensure that all transfers of property are accompanied by a certificate of payment of property tax, to reduce the level of evasion;
6. Enforcement measures for the collection of property tax including the introduction of legislation to provide for less cumbersome procedures for forfeiture of property for the non-payment of tax are being pursued;
7. To encourage greater utilization and increased production and investment in agriculture, idle lands will be charged tax at the standard rate and derating relief will only be available for lands actually in agricultural use. Additionally, farmers who are engaged in prescribed agricultural activities will get incentives under the Income Tax Act; and
8. Property tax relief will continue to be granted in cases where landowners, especially the elderly and pensioners, have genuine hardship in paying their taxes.

6.1.4 Implementation (Strategies, Programmes and Projects)

1. Property tax is based on the Unimproved Value (Land Value or Site Value) largely because of its administrative simplicity and cost effectiveness when

compared with the problems associated with a Capital Value or Self Assessment System. For these reasons property tax will continue to be levied on the Unimproved Value.

To facilitate the administration of the Tax System, Valuation and Tax Rolls were updated in 1992. In addition, the Land Valuation Department is in the process of developing a computerized Land Sales Data Bank in order to provide for a more frequent updating of the Rolls as a necessary step in maintaining buoyancy in tax and equity in the Tax System;

2. Initially to avoid hardship, Government had in place a system of derating for agricultural properties and hotels. However on the introduction of the new valuations in 1993, the derating of hotels was discontinued and the rate for agricultural properties reduced from 75 to 50 percent. This was in accordance with Government policy to phase out derating;
3. Government has established a special Unit in the Ministry of Finance, to process cases where landowners, especially the elderly and pensioners, have genuine hardship in paying their taxes;
4. There is a need to improve the low level of efficiency in Property Tax collection over the last two (2) decades (averaging at 60 percent). In order for Local Government to provide adequate property-related services, such as roads, sanitation, street lighting and fire protection, administrative and legal procedures for the collection of property tax will be strengthened. In this regard:
 - a. The provisions for a certificate from the Collector of Taxes confirming that property tax payments are paid to date at the time transfer and mortgage documents are submitted for stamping and registration will be rigidly enforced;
 - b. Measures have been introduced to ensure that all transfers of property are accompanied by a certificate of payment of property tax to reduce the level of evasion;
 - c. Legislation have been drafted and will soon be put in place to provide for the sale of a property for non-payment of taxes after two years have expired. This will be a last resort after all other remedies for collection including demand notices, prosecutions and levy writs are exhausted. This is also aimed at preventing delinquency in payment by absentee owners;

- d. Government is preparing legislation to ensure the collection of arrears beyond the present six-year limit; and
 - e. All businesses seeking renewal of licenses will be required to submit evidence that property tax is up-to-date to discourage delinquency.
5. Government will appropriate property taxes to local authorities for better management in accordance with Local Government Reform; and
 6. As soon as computerization is completed it will be possible to pay property taxes at any collectorate throughout the island. It will be possible to send payments by registered post at no cost to the taxpayer.

6.1.2 Transfer Tax

In the absence of a Capital Gains Tax on real estate transactions, it is essential that a tax be maintained on property passing *inter vivos* or on death. At the same time, due to significant escalation in property values, the rate structure must be the subject of periodic review.

6.1.2.1 Issues

1. Undue delays in valuation of property for transfer on death;
2. Failure to modify the current transfer tax rate structure in the light of escalating property values over the years; and
3. Level of transfer tax and stamp duty for properties transferred from one relative to another/others especially when it relates to properties conveyed by a deceased to children or other relatives.

6.1.2.2 Policies

1. Steps will be taken to streamline the valuation process consistent with the Tax Administration Reform Programme to expedite the settlements of estates of deceased persons;

2. The transfer tax including the rate structure will continue to be reviewed to ensure, equity and efficiency in administration of the tax and that escalation in property values does not create undue hardship on land owners in discharging their tax liability;
3. The Government will examine the level of transfer tax on properties transferred from parent to children with a view of keeping it as low as possible; and
4. All properties to be transferred should generally be assessed at a value no less than the valuation on the tax roll. Provision is made in the Transfer Tax Act for the Commissioner to assess where he/she is not satisfied that a true value has been stated.

6.1.2.3 Implementation (Strategies, Programmes and Projects)

1. It is considered necessary that the Stamp Duty and Transfer Tax system, as it affects real estate, be reviewed from time to time as in the case of other major areas of taxation such as income tax and indirect taxes;
2. A number of legislative changes have recently been enacted to counteract evasions. At the same time, stamp duty in respect of mortgages on dwelling houses have been substantially reduced. However, the rate structure as well as the tax base itself are areas where further examination is being undertaken;
3. Where there is a gift between parent and child/children, only a nominal figure is used for stamp duty. Transfer tax would be at market value, but where the residential property is valued at less than \$150,000 no tax will be payable;
4. The transfer tax and stamp duty is being reviewed currently, where it relates to properties conveyed by a deceased to children or other beneficiaries. Government has already taken a decision to extend the categories of family members, (i.e. immediate relatives), to whom relief will also be granted and legislation is being drafted to this effect; and
5. In order to ensure that survivors of beneficiaries of social programmes continue to benefit from lower expenses, transfer tax levels will be examined with a view of reducing them.

6.2 RECOVERY OF GOVERNMENT EXPENDITURE ON INFRASTRUCTURAL WORKS

6.2.1 Issue

1. Taxation as a means of cost recovery of expenditure on Government's infrastructural projects.

6.2.2 Policy

1. Government will impose a Special Rate, User Charge or Impact Fee to recover the cost where substantial capital expenditure has been made by Government to provide infrastructural works such as sewerage, drainage, reclamation and major highways.

6.2.3 Implementation (Strategies, Programmes and Projects)

1. When Government incurs substantial expenditure in providing infrastructure such as roads, water supply and sewerage, some element in the resulting increase in the value of properties should be recovered by Government in the form of taxes or fees;
2. Legislation already exists for the imposition of a land improvement tax, capital gains tax and a development duty charge to recoup expenditure. The laws giving effect to these measures have never been seriously enforced. At the same time, a portion of Government's cost is recovered under the Land Valuation Act by way of property tax on the incremental values accruing from the expenditure; and
3. Government has accepted as a policy measure, the imposition of a Special Rate User Charge on properties within specified areas for which special public services have been provided and will recover cost where substantial capital expenditure has been made by government to provide infrastructure works.

6.3 INCENTIVES FOR PROPERTY DEVELOPMENT

Many communities especially within inner city areas, have experienced rapid deterioration in their socio-economic and physical conditions. There is therefore an urgent need to

revitalize these areas by the redevelopment, preservation, and restoration of buildings and the creation of economic activity to provide employment and improved conditions. To facilitate investment in these high risk areas, special tax incentives are necessary, to attract private sector investment on the massive scale required.

Incentives are also required for the development of the Hotel Industry. Although some incentives exist, it is felt that recognition should be given to an area of growth not fully explored by Jamaica, that is the provision of Retirement Villages/Homes and Nursing/Health Care facilities for foreigners and returning residents.

6.3.1 Issues

1. Inadequate investment in blighted, derelict, dilapidated and decaying urban areas;
2. High incidence of crime; poor, inadequate and non-existent social amenities; and lack of employment opportunities in areas of blight, dilapidation and decay; and
3. There is the need for further development in the Tourism/Hotel Industry and in the provision of Retirement and Nursing Care facilities to cater to foreigners and returning residents, as well as for the development of attractions.

6.3.2 Policies

1. Tax incentives will be granted to encourage the redevelopment of blighted, derelict and decayed urban areas;
2. Government will continue to offer incentives for the development of hotels and resort cottages;
3. Government will offer incentives for the development of tourism attractions;
4. Government will offer incentives for Retirement and Nursing/Health Care facilities; and

5. Government has in place incentives for the preservation of monuments and national heritage properties.

6.3.3 Implementation (Strategies, Programmes and Projects)

1. Special tax incentives including investment tax credit, tax free rental income and interest free Urban Renewal Development Bonds, will be granted to encourage investments in blighted, decaying, dilapidated and derelict urban areas. This programme is being administered through the Urban Development Corporation. The first areas to benefit are sections of Downtown Kingston where physical infrastructure has deteriorated due to neglect and relocation of businesses and residences to other urban areas. In addition the programme will benefit communities by generating employment in construction, allied industries and commercial activities;
2. Existing tax incentives for the development and operation of free zones has been changed to encourage private sector investment and the location of free zones outside the traditional areas in Kingston and Montego Bay, ie "stand alone" free zone;
3. Government will put in place the mechanisms for tax incentives (similar to those obtained for hotels and resort cottages), for the development of Retirement and Nursing/Health Care Facilities catering to the needs of foreigners and returning residents;
4. Under the Jamaica Investment Promotions (JAMPRO) Modernization of Industry programme, capital goods as they relate to the development of tourism attractions will be exempted from General Consumption Tax (GCT); and
5. Incentives for the preservation of monuments or protected national heritage can be obtained under the Income Tax Act pursuant to the Jamaica National Heritage Trust Act.

CHAPTER SEVEN

ENVIRONMENT AND DISASTER MANAGEMENT

7.0 INTRODUCTION

Unsustainable development patterns and environmental practices together with increasing population and rapid urbanization, have placed severe stress on Jamaica's natural resources. Concomitantly, Jamaica's geographic location and subsequent exposure to hazards, both natural and technological, further exacerbate the problem.

The demands on land resources, to provide the basic physical and socioeconomic needs of the society, have resulted in the intensive utilization of such resources. The conservation and preservation of the environment, and the promotion of sustainable development are equally important in order that the society can enjoy a balanced and satisfying way of life. Quality of life is not maintained solely through economic activity. Continuous attention to the conservation and sustainable use of natural resources is essential so that they are not destroyed or misused in the process of development. It is projected that by 1998, based on the current rate of population increase, there will be a man/hectare ratio of 1:0.423. This will consequently result in increased competition between the various land use classes.

7.1 ENVIRONMENTAL MANAGEMENT

The delicate balance between population pressures, limited natural resources and sustainable economic development practices requires astute natural resource conservation and environmental management.

The lack of appropriate legal instruments, institutional capacity, a rational organizational framework and limited human and financial resources have historically impeded

Jamaica's ability to address environmental issues in general as well as those related to land in particular, in a serious way.

7.1.1 Issues:

Among the major environmental issues facing Jamaica are:

1. Severe watershed degradation and its effects including soil erosion;
2. Lack of national plans and adequate coordinated efforts to manage watersheds, forests, protected areas, coastal resources, and waste including hazardous waste;
3. Pollution of the air, surface and underground water and the coastal zone.
4. Lack of awareness of the importance of proper management systems for natural resources;
5. Inadequate infrastructure and utilities;
6. Lack of environmental assessments and baseline data to guide decision making;
7. Competing land uses especially in environmentally sensitive areas;
8. Insufficient access to recreational space, including beaches;
9. Loss of land-based ecosystems; and
10. Poor agricultural practices;

7.1.2 Policies

The Government has moved towards practical solutions for these problems by adopting a number of appropriate policies including building on past initiatives and policies:

1. The development of environmental legislation and regulation (The Natural Resources Conservation Authority (NRCA) Act came into effect June 1991);
2. The process of environmental policy formulation, involving public participation, consultation with major groups and consensus building, is

already in existence and will be reinforced and further formalized. The participation of the private sector, communities, trade unions, churches, educational institutions and NGOs in all aspects of sustainable development and environmental management, including monitoring and enforcement activities, is being achieved through a variety of initiatives;

3. The acceptance that economic, social and physical development must be ecologically and environmentally sustainable, which has informed the National Five Year Development Plan and other Development Plans and Project initiatives;
4. The creation of a system for Environmental Assessments including Audits, Impact Assessments and where appropriate Environmental Statements to guide decision making for the appropriate siting and implementation of projects, have been accepted and detailed guidelines have been prepared and put into practice. Systems to ensure implementation, following the mitigation measures agreed upon at inception, are also being established;
5. The establishment of the procedures for the auditing and the cleaning up/modernising of existing polluting industries, has been effected;
6. A detailed National Soils Policy for Jamaica has been finalized with assistance from the FAO, as an elaboration of a critical component of the National Land Policy;
7. The Forest Land Use Policy and the Action Plan have also been finalized and published as a Green Paper for public comments. The Policy and Plan are being finalized;
8. In an effort to elaborate on Government 's Policy on Parks and Protected Areas, a System Plan to ensure that renewable resources including forests and wildlife are conserved in a manner consistent with sustainable development, has been prepared. It has been published as a Green Paper entitled " Towards a National System of Parks and Protected Areas for Jamaica" which was distributed and public discussions have taken place;
9. The "Polluter Pays Principle" and "User Pays Principle" have been adopted as environmental management tools. Economic and other measures in addition to legal enforcement will be elaborated through discussions with various organizations;
10. Public lands of environmental importance will remain vested in Government or could be leased for approved uses/management with relevant conditions. These areas would include watersheds, national parks, marine parks, protected areas, wild life sanctuaries and cays; and

11. The the use of natural resources including land for the greatest social and economic benefit of the nation while minimizing harmful environmental impact, will be encouraged.

7.1.3 Implementation (Strategies, Programmes and Projects)

To meet the stated national policies and objectives, the Government has executed or is implementing the following strategies, projects and programmes:

1. The preparation of the Jamaica Country Environment Profile (CEP) completed in 1987 and published in 1988, has been updated for reissue in the latter half of 1996;
2. The National Conservation Strategy (NCS) process was undertaken between 1989 and 1991 and was successful in sensitizing the public on the importance of conservation, and was used as a medium for national consultation;
3. Jamaica's National Environmental Action Plan (JANEAP), originally drafted in 1991, and updated in 1992, with public participation, was thoroughly revised in 1994. The 1995 JANEAP was finalized and circulated;
4. The implementation of a wide range of environmental management programmes to solve environmental problems and to protect, conserve and where appropriate rehabilitate the natural resources and environment of Jamaica. Many of these programmes are being undertaken by environmental non-governmental organizations; eg. beach rehabilitation, and the monitoring of development activities;
5. Host seminars, training programmes, discussions and meetings with groups and relevant industries to improve the attitudes and behaviour individually and collectively of persons/groups which are responsible for, and oriented towards action in environmental protection and the sustainable use of natural resources;
6. Ensure that urban and rural land is used in the most beneficial and sustainable manner. Apply the relevant environmental assessment methods to new proposals and use environmental auditing for existing facilities;
7. Take necessary action to ensure that surface and underground water are in sufficient quantities and quality, appropriate for present and future human

needs and ecosystem integrity. Publicize of new water resource management legislation which has been promulgated;

8. Participate in global environmental co-operation and security with special attention to the needs of other developing countries and circumstances of vulnerable and small island developing states.
9. The orientation of environmental education and training for specific target groups to encourage the achievement of overall environmental objectives;
10. Develop an appropriate organizational framework, with adequate institutional capacity and human resources to implement programmes and projects and to ensure enforcement measures and compliance with environmental standards;
11. Provide, in principle, incentives for good environmental practices, for example, industries being required to make major capital investment to improve their capacity to deal with various environmental problems such as disposal of various types of waste;
12. Prepare/finalize regulations for the Natural Resource Conservation Authority Act and other laws dealing with environment/health matters; and
13. The State of the Environment (SOE) Report has also been prepared with assistance from USAID.

7.2 FORESTRY

"Due to the mountainous and rugged nature of the island, a large proportion of the forest estate has a primarily protective function, in conserving water supplies and reducing both erosion and flooding. In former years the country was well endowed with forest resources. Prior to Hurricane Gilbert in 1986, it was estimated that the total area which could be termed forest in the broadest sense (more than 10% covered with trees) was between 308,000 and 550,000 hectares.

Apart from the devastation of the hurricane, however, there has been a long history of largely uncontrolled forest exploitation which has resulted in great reduction in the natural forest. With increased population, there has been

massive deforestation resulting from felling of trees for fuel, yam sticks, fence posts, lumber and severe pressure to convert lands under forest cover for other purposes such as agriculture, industrial development and shelter. It has been estimated that the annual rate of deforestation is 3-5%. This has affected timber and water production, accelerated soil erosion, flooding and siltation, and other environmental degradation such as loss of biodiversity, wildlife habitat and aesthetic values".

[Draft Forest Land Use Policy, May 1995]

7.2.1 Issues

Successive governments have supported the development of an effective legal and institutional framework to maintain a comprehensive forest management plan which addresses issues of forest rehabilitation, replanting denuded slopes and providing resource enhancement through the establishment of economically beneficial stands, including fuelwood plantations. The main issues are:

1. Illegal harvesting of forest trees;
2. Denudation of forest slopes and accelerated erosion;
3. Lack of awareness of the importance of forestry to national development;
4. Lack of proper management of forests, and
5. Insufficient reforestation including planting fast growing trees for fuelwood, yamsticks, fence posts etc.

7.2.2 Policies

Priority attention will be given to the conservation and protection of forests, the management of forested watersheds and forest lands, the promotion and regulation of forest industries, forest research, public education and forestry training, for the purpose of managing the forest estates of the Island on a sustainable basis. The Government is in the final stages of preparation of the new Forest Act 1996. The preparation of this Act reflects Government's stated policies and calls for the strengthening of the Forest Department which will be required to develop a National Forest Management and Conservation Plan to be tabled in the Houses of Parliament. Incentive strategies to encourage conservation

practices and forestry development will be considered, as well as proposals for a Forest Management Committee to be established to monitor the condition of the forest reserves and forest management areas. The roles of the Government agencies involved in the achievement of the stated aims of the policy will be defined in the Forest Land Use Policy:

1. Where Forest Lands are owned by the Commissioner of Lands, these will be leased only on the recommendation and agreement of the NRCA and the Conservator of Forests;
2. The Government will continue to promote the development of the eco-tourism industry and other forest related recreational activities;
3. The mandate of the Government Agencies involved in forests and watershed areas and the co-ordination of management activities, will be clarified;
4. Encouragement will be given for the participation of the Private Sector, Community Based Organizations and Non-Governmental Organizations in forest development, protection and conservation, as well as forest related economic activities; and
5. Forest-related research will be promoted to increase the understanding of the ecosystem of Jamaica and forest production.

7.2.3 Implementation (Strategies, Programmes and Projects)

1. The development and management of Forest Lands by Government and private sector to ensure maximum economic and social benefits to the country will be encouraged. The new Forest Act provides for the establishment of Local Forest Management Committees;
2. The development of schemes to plant fast growing trees will increase, especially for use as fuel, and to eliminate the cutting down of large areas of national forests for fuelwood, charcoal, burning, yam sticks etc;
3. The conservation of sufficient forest lands to protect and enhance the endemic flora and fauna of the island, and the dedication of existing acreage to ensure the maintenance of the integrity of forest resources;
4. The promotion and regulation of forest related industries;

5. The prevention and conservation of existent indigenous stands on steep slopes vulnerable to erosion;
6. The control of the harvesting of forest products and minimizing the impact on the environment, while promoting a programme of replanting of trees to include the provision of food for wildlife habitats;
7. The development and encouragement of the understanding of the benefits of forest development and management particularly with regard to the aesthetic and recreational values which it provides, and its importance to soil and water conservation;
8. Surveillance and monitoring by wardens and rangers, will increase and intensify. They would be made mobile and have communication equipment. The development of trails and their maintenance will be encouraged with limited addition of roads, to reduce erosion and avoid exploitation;
9. Programmes will continue to be developed to increase public awareness of the national importance of forests and forested watersheds;
10. Legislation will be reviewed with the objective of providing incentives for all forestry development including fuelwood forests and penalties to deter destruction and degradation;
11. The Forest Department has been reorganized and strengthened, new staff are being recruited and employed and a number of others are being trained at Universities and in Technical Institutions;
12. The implementation programme for a National Forestry Action Plan has been prepared and is awaiting the signatures of relevant parties;
13. The three (3) year Agro Forestry Project in North Eastern Jamaica funded by the Netherlands and Jamaican Government through the FAO is proceeding. The Rio Grande, Swift and Spanish River Watersheds will benefit from the project. In the Rio Grande four (4) demonstration and four (4) industrial farms have been developed;
14. The Forestry Department has identified a number of areas which are to be reforested. Two new projects will see 5,348 hectares replanted at a cost of J\$198 million. Some 200 hectares of this will be done with small farmers. In addition a second project will deal with 50 hectares of fuelwood and 250 hectares of agro forests at a cost of J\$87 million;

15. The European Union funded Agricultural Development Project in the Morant Yallahs Watershed area will include a forestry component; and
16. The IDB and GOJ with assistance from the Nordic Fund will undertake the preparation of an investment project for the Hope and Great River Watersheds.

7.3 COASTAL AREAS AND FISHERIES

The potential development of the fishing industry is in the process of being reassessed because the territorial waters and exclusive economic zone is 25 times the land area of Jamaica.

The important land use consideration as far as fisheries development is concerned, is the rational location of service points and auxiliary facilities with easy access to fishermen. Service points are not restricted to the land area of Jamaica, but also includes the territorial waters and the exclusive economic zone. While there is reasonable amount of fish and marine life to be exploited for contribution to the economy; fisheries development is stunted because of the fluctuating territorial marine zone, the scarcity of capital and skilled seamen. There is also the increasing danger of over-exploitation of fisheries reserve as a result of the inability to adequately police these areas.

Steps are being taken to overcome these obstacles so that deep sea fishing can be developed rationally, as it is in this area that the greater potential for marine fishery development lies. Inland fisheries development and the production of freshwater fish has assumed growing importance both for the local and foreign market and appear to have even greater potential.

The preservation and efficient use of Jamaica's coastal resources including its beaches has been the subject of a separate policy document. The policy states that "a vibrant tourist industry is essential for the continued growth of the Jamaican economy. However, tourism can only truly be successful in the context of a harmonious local social climate in

which visitors and residents can share and enjoy the natural environment. The Beach Policy addresses this issue and sets out a new policy framework for public access to beaches. The Beach Policy is central to a comprehensive coastal resource strategy."

7.3.1 Issues

The main issues are:

1. Irrational fisheries development practice;
2. Inadequate development and preservation of fishing beaches;
3. Inadequate legislative provisions to ensure effective monitoring and control;
4. Inadequate facilities for fishermen; and
5. Inadequate, poorly developed and maintained public bathing beaches.

7.3.2 Policies

Government will continue/adopt policies to:

1. Continue to rationalize fisheries development so that all aspects of the industry will prosper;
2. Ensure the conservation and enhancement of fisheries resources to guarantee sustainability and viability of all the species and develop management plans for endangered species such as the Queen Conch;
3. Develop and preserve good fishing beaches and protect them against encroachment;
4. Conserve near shore water areas, and control sports and commercial fishing in designated areas;
5. Review legislation relative to the practices affecting the sustainability and viability of the fishing industry;
6. Promote and encourage research for the enhancement of fisheries development; and

7. Strengthen the capacity to effectively monitor and police Jamaica's territorial waters and exclusive economic zone.

In addition the Draft Beach Policy (1995) proposes:

- a. Removal of any vestige of real or implied discrimination against Jamaicans in the use and enjoyment of their national heritage;
- b. Expand beach-related recreational opportunities for both local residents and all segments of the tourism market; and
- c. Protect the traditional rights of fishermen to access the foreshore and the sea, and beaching rights on their return from sea, and establish guidelines in the leasing and monitoring of the near sea shore seabed for mariculture development.

7.3.3 Implementation (Strategies, Programmes and Projects)

1. Identify partners to develop and maintain adequate public recreational beaches and beach facilities;
2. Maintain the marine environment and resources in Jamaica's territorial waters and economic zones at a quality appropriate for the designated use and ecosystem requirement;
3. Develop major rivers as fishing grounds as well as inland fisheries facilities;
4. Encourage the development of the fish processing industry to a more advanced stage so that storage and distribution can be better facilitated;
5. Monitor and control over-fishing of the more productive shelf areas; and
6. Assist with the development of facilities for fishermen on fishing beaches.

7.4 CONSERVATION AND RECREATIONAL AREAS

Unregulated development and competition for scarce land have resulted in irreparable damage to areas of ecological importance and the threat of encroachment on others.

While development is imperative, it must be carried out in a manner that will enhance the country's natural beauty, maintain the delicate balance within and between ecosystems while affording maximum production. A protected area is one of land or water that is managed for the protection and maintenance of its ecological systems, biodiversity and/or specific natural, cultural or aesthetic resources. With its extraordinary diversity of flora and fauna, land and water habitats, Jamaica has plans for the establishment of a system of protected areas as a key part of its national development strategy.

The development of a national system of protected areas is important. Such a system will be an expression of Jamaica's commitment to protecting its environment and resources that are recognized to be of national and international importance. The country's two existing national parks and others still to be created, have a crucial role to play in preventing degradation of land and marine ecosystems. Special types of protected areas will be equally crucial to maintaining the island's extraordinary biological, scenic and cultural diversity. In most instances, the creation of additional parks and protected areas will not reduce the private use and ownership of land. On the contrary, it will lead to more productive use on a sustained basis, with benefits for local residents and for Jamaica's economy.

7.4.1 Issues

The main issues are:

1. Increasing despoliation of areas of natural beauty and heritage;
2. Lack of a suitable inventory of all conservation areas; and
3. Unregulated development.

7.4.2 Policies

Government has adopted policies for:

1. Conservation, preservation, rehabilitation and careful management of special areas so that they provide maximum long term benefits without unduly inhibiting resource development;
2. Ensure that physical development take cognisance of the diverse land and water features of Jamaica so that the unique and beautiful landscape characteristics are maintained; and
3. Preservation and enhancement of those natural features of coastal scenery and landscape which attract visitors and provide recreation for residents.

7.4.3 Implementation (Strategies, Programmes and Projects)

1. Continue the identification and mapping of all areas of outstanding natural beauty, historical, cultural and architectural significance which reflect the flora, fauna and geology of Jamaica's land and water environments, for the education and enjoyment of residents and visitors;
2. Design and implement a project aimed at developing an inventory of areas which must be conserved and protected and creating a sustainable National Park and Protected Area System. To date, functional parks have been established in the Blue and John Crow Mountains and the Marine Park in Montego Bay. New parks planned for other areas include the Cockpit Country and the Black River Morass;
3. Preservation and rehabilitation of protected and potential protected areas;
4. Encourage the enhancement the natural beauty spots of the island in rural areas, built-up areas, roadway verges, and open spaces on both public and private owned land; and
5. Creation of opportunities through which protected areas can provide avenues for productive and recreational activities for all sectors of the society.

7.5 DISASTER MANAGEMENT

Jamaica, like most Caribbean countries, is vulnerable to the impacts of natural and man created or man induced disasters. These disasters, when they occur can seriously affect national development as was demonstrated by hurricanes Gilbert and Hugo. Hurricane

Andrew, in fact, proved that even for a developed country like the United States of America, the overall impact can be devastating.

There is a growing recognition of the link which exists between planning, development and disaster management. In fact, it can be stated that for Caribbean countries, the concept of sustainable development cannot be realized unless disaster management and mitigation become an integral part of development projects. It is only by ensuring the protection of social and economic development projects from these events that true sustainability can be achieved.

Development planning, therefore, needs to be sensitive to the environment to which it applies and take cognizance of locations with respect to vulnerability. Careful consideration therefore must be given in determining the location of development projects to ensure that they are being safely sited away from known hazard prone areas.

7.5.1 Issues

1. The higher capital cost of development and insurance, necessitates that proper site analyses be conducted for major projects. These analyses should examine the vulnerability of the area to natural and man-made disasters;
2. External financial resources for disaster recovery/rehabilitation have been severely depleted by the dramatic upsurge of catastrophic events over the past decade. Jamaica therefore, is unlikely to receive the same level of assistance that it received following hurricane Gilbert should it be affected by a major disaster in the immediate future;
3. The loss of reinsurance capacity in the region will have a dramatic effect on the ability of companies and individuals to recover from any severe disaster;
4. Jamaica's growing population will increase pressure on the land market and could lead to the occupation of high risk areas unless measures are put in place to prevent this; and

5. Many persons have settled in high risk disaster prone areas because of difficulties with respect to access to and affordability of land.

7.5.2 Policies

1. Vulnerability analyses shall be included as a part of Environmental Impact Assessment when required, and where necessary, mitigation measures incorporated in the design and execution of affected projects;
2. Government, on a gradual basis, will consider acquiring lands in vulnerable high risk locations. These lands may later be leased out for development based on prescribed government standards;
3. A disaster mitigation component and hazard risk zoning shall be incorporated in physical development plans;
4. Critical facilities such as hospitals, electricity plants, water distribution systems will be constructed to a higher standard than are recommended for industrial and residential developments;
5. Persons living in flood prone areas who normally receive government assistance after each flood will be encouraged to relocate to safe areas;
6. Where permission is granted for development to be undertaken in any vulnerable location, an emergency plan should be prepared as part of the overall development plan;
7. Developers shall be legally required to disclose to purchasers of lands or development, any dangers associated with the location, such as landslides, flooding or liquefaction;
8. The Natural Resources Conservation Authority, Town Planning Department, Geological Survey Department, and the Water Resources Authority will provide information on vulnerable/hazard prone locations to developers and purchasers of these areas; and
9. Technical agencies such as the Geological Survey Department and the Water Resources Authority will incorporate risk mapping as an integral part of their work activities.

7.5.3 Implementation (Strategies, Programmes and Projects)

1. The capability to prepare floodplain (hazard) maps already exists within the country. Mapping activities have been undertaken by the Water Resources Authority which has prepared flood plain maps of the Rio Cobre river basin;
2. The USAID/OAS Caribbean Disaster Mitigation Project (CDMP) is currently working with the Geology Department of the University of the West Indies, the Seismic Research Unit, the Geological Survey Department, the Water Resources Authority and the National Meteorological Office to develop local capacity to prepare landslide, seismic zonation, and storm surge maps. The maps, when combined with the floodplain maps prepared by the Water Resources Authority, will provide the necessary background geographic information for proper land use planning and decisions-making. The preparation of these maps will be undertaken by the Joint Committee consisting of the technical agencies of the Office of Disaster Preparedness and the Town Planning Department. The selection of the parishes to be mapped will be done using one of two options:
 - a. A systematic approach, moving from Kingston/St Andrew (which would have been prepared by the CDMP) to St Catherine, Clarendon, and so on; or
 - b. Areas prioritized based on population or level of development.

Once these maps have been prepared they will be incorporated in the development approval process by the Town and Country Planning Authority. The decision to develop or not to develop an area will be based on the extent, severity, and frequency of the natural hazard event (probability) and the availability of current technology to mitigate negative impacts of the hazard. Total rejection to develop land will be a last resort and will only occur in extreme cases of danger.

The United States Agency for International Development and the Organization of American States Caribbean Disaster Mitigation Project is willing to assist in developing the maps for the Kingston/St Andrew area and also assist in the training of staff members.

Government will continue to collect data on the effects of natural hazards and work towards preparing a national plan for hazard management based on prevention and mitigation where possible.

CHAPTER EIGHT

LEGISLATION

8.0 INTRODUCTION

In 1980 a list of Legislation, dealing with land was prepared by the Attorney General's Office and the Parliamentary Counsel's Office. Several of these laws have informed existing policies, outlined in this document. Many were analysed for relevance and consistency and in some instances amendments have been proposed. These laws and amendments have informed some of the recommendations made.

The list consists of one hundred and three (103) Laws summarized as follows:

1. Forty four (44) Laws which are Principal Legislation directly related to Real Property/Land and its uses, in particular conveyance of land, transactions involving land, land use, land utilization, land development and agricultural development;
2. Twenty (20) pieces of Legislation relating to, or accepting Real Property/Land and its uses, in particular Conveyances of land, transactions involving land, succession of land, land use, land utilization, land development, and agricultural development;
3. Nine (9) pieces of Legislation directly related to Real Property and in particular Legislation which deals with the use of specific areas of land or property;
4. Twelve (12) pieces of Legislation on financial or tax matters which affect Real Property/Land, and dealings or transactions involving Real Property;
5. Eleven (11) pieces of Legislation relating to or affecting Real Property/Land and its uses, in particular, legislation establishing bodies and institutions for the purpose of guiding, directing and participating in the utilization and development of land;
6. Seven (7) pieces of Legislation - English Statutes/Imperial Acts of Parliament which have been esteemed, introduced, used, accepted or received as Laws of Jamaica.

In addition to the above, the Natural Resources Conservation Act was promulgated in 1991 and the Water Resources Act on the 6th November 1995. The Water Resources Act deals with the management, protection, control and allocation of water. It also deals with the use of water resources, provides for water quality control and the establishment and functions of a Water Resources Authority, approved in April 1996. The Water Act and Underground Water Control Act have been repealed.

A number of new Acts are also being prepared by Government, these include:

1. An Act dealing with Physical Planning, which will consolidate the existing Town and Country Planning Act and the Local Improvements Act, as well as incorporate a number of additional sections dealing with areas not now dealt with under the existing Acts; and
2. A Building Act that will control and guide construction activities and allow for the adoption of a building code and building designs for the entire island or any part thereof.

These two Acts are being drafted with assistance from the UNDP/UNCHS programme under the Town Planning Department. The preparation of a number of new Acts and amendments to existing laws are also being undertaken as a result of the Local Government Reform Programme.

The Government recognizes that a serious Legislative Reform programme must be undertaken with respect to these laws dealing with land if the effective administration, management, use, preservation, development and control of the country's natural resources are to be undertaken in a coordinated manner. Legal Reform is also necessary if the institutional structures are to be put in place to more effectively implement the policies and programmes outlined.

The Government will undertake over the next five (5) to ten (10) years, an intensive programme to review the one hundred and three (103) pieces of land and land related legislation and regulations as well as those recently prepared with a view to putting in place laws which will more adequately deal with the physical resources of the country in a

comprehensive and coordinated manner. Where necessary and feasible, amendment, simplification and codifying of these laws will take place. A number of new laws will be formulated while others will be rescinded or made redundant. It is expected that this will result in a reduction of the excessive numbers of laws dealing with land. The Inter-American Development Bank has agreed to assist the Government under a Land Administration and Management Project to prepare a programme for funding to deal with the review and reform of Land Legislation.

Legal areas which will receive attention will include:

1. Planning, development and environmental legislation and regulations, including land use planning, development and infrastructural standards. A Starter Standard Manual has been prepared by the Association for Settlements and Commercial Enterprise for National Development (ASCEND) for low cost settlement. These standards will apply where legal agreements are made with beneficiaries who must form legal entities for incremental development to take place;
2. Land/Geographic Information Systems including mapping and surveying;
3. Land legislation and land regulations focussing on barriers to efficient land administration and management, land adjudication, titling, registration and use of land as collateral;
4. Drafting of new legislation to remove and reduce these legal barriers; and
5. Removal of barriers, such as out-moded and out-dated legislation, technical and administrative regulations and processes, to facilitate an efficient land market and productive use of land.

Government will also:

1. Establish Land Tribunals to hear appeals against planning, land acquisition, land valuation and environmental decisions and enforcement notices; and
2. Put in place measures to ascertain which properties exist that should eschew to the Crown for whatever reasons.

CHAPTER NINE

INSTITUTIONAL FRAMEWORK AND REFORM

9.0 INTRODUCTION

Government recognizes that institutional reform must be undertaken to enable the efficient administration and management of land resources. One of the difficulties that successive administrations continue to experience over the years, is the inefficiency and ineffectiveness in the planning, management and administration of Jamaica's natural resources and their impact on the overall environment and associated human settlements as well as socio-economic growth and development.

There is a plethora of Government ministries, agencies and departments with responsibilities for some aspect of land and land related activities, over sixty (60) of which have been identified. Overlap in responsibilities have resulted in conflicting development decisions, delays in planning and development processes, and conflict in the implementation of social and infrastructural development. It has also resulted in the inefficient use of limited technical, professional and financial resources, office accommodation, equipment and machinery.

9.1 INSTITUTIONAL REFORM

Government has begun a review of some of these agencies with a view to greatly reducing the number of organizations dealing with land and to streamline the role of government in this area. Three major areas have so far been identified for streamlining. These are:

1. The Management of Land Information Systems as contained in Chapter Two;
2. The establishment of one Institution which will co-ordinate Land Policy, Physical Planning and the Environment. This institution will bring together the main organizations dealing with Physical Planning and the Environment and includes:
 - a. The Town Planning Department;
 - b. The Natural Resources Conservation Authority;
 - c. The Rural Physical Planning Department; and

- d. The Land Development and Utilization Commission.
3. The establishment of an Institution to co-ordinate and deal with Land and Estate Management, which will bring together agencies involved in land records, data and the management of lands. These will include:
 - a. The Land Valuation and Estate Department; (the Land Valuation Department and Lands Department were brought together in 1995);
 - b. The Office of Titles; and
 - c. The Survey Department.

In January 1995 Government incorporated several agencies dealing with land, environment and housing, under the umbrella of one Ministry - the Ministry of Environment and Housing. This was done as the first phase of streamlining the activities of all the agencies dealing with land matters.

Government is implementing a Local Government Reform Program which seeks to give Parish Councils more autonomy in governance and control over the collection and allocation of its financial resources. Through the Reform process it is intended that Parish Councils, in the long term, would be less dependent on Central Government for funding of their daily activities. In addition, fees collected for property tax and motor vehicles licensing will be used directly by the Parish Councils to fund projects relating to the development of its land resources as well as operational expenditure. The necessary changes in legislation to facilitate this process have already been put in motion.

Other areas receiving attention are the shortage of skilled personnel, training and “continuing education” needs of professionals dealing with land/land related matters. The Management Institute for National Development, University of Technology and the University of the West Indies are to be part of the solution to these needs through the following:

- a. Sensitization and training sessions for the Judiciary and security forces in planning and environmental laws and regulations;
- b. Establishment of a training capability in Geographic Information Systems at the Management Institute for National Development and other tertiary educational institutions;
- c. The undertaking of discussions with the University of Technology, University of the West Indies, and Management Institute for National Development for continuing education programmes in Planning, Land Management and other disciplines relating to land matters; and
- d. The recruitment of graduates from the University of Technology to fill professional and technical positions in Central and Local Government.

Further, professionals, non-governmental organizations, community based organizations and the private sector will be utilized in improving the planning and development processes.

9.2 LAND ADMINISTRATION AND MANAGEMENT

A Land Administration and Management Programme, is being developed with assistance from the Inter-American Development Bank. This programme will result in the development of a strategic plan for the continued implementation of the policy in a coordinated and timely manner and prioritize critical areas for which a number of projects and programmes will be prepared. Funding for these will have to be identified to ensure implementation.

Within the macro-perspective, this project is intended to assist Government to promote sustainable land resource management, streamline the land administration process, facilitate and expedite access to land for low-income individuals, and enable and support economic growth and development in an efficient and transparent manner. It will build upon the foundation developed through the Jamaica Land Titling Project, currently in execution, and move to a broader project consisting of a number of components. Many of the components have been previously discussed and are summarized below:

- a. Institutional Strengthening and Administrative Streamlining:

- (i) strengthening of key land related institutions;
 - (ii) streamlining of administrative processes for land administration, especially land registration, land use and planning approvals;
 - (iii) training at all levels, from technical to managerial, on the importance of land information management;
 - (iv) strengthening of existing educational programs and development of a regional training institute for land administration; and
 - (v) design of a state land inventory and a computerized National Land Lease Management System.
- b. Land Tenure Regularization and Titling:
- (i) adjudication of land rights with special focus on the issues related to "family lands";
 - (ii) clarification of tenure, titling and registration of clear titles to land with special focus on the issues related to illegal occupation of land;
 - (iii) refinement and computerization of the 17 Week Titling Model;
 - (iv) development of a comprehensive digital cadastre;
 - (v) analysis and development of a plan for expanding and streamlining public agricultural land divestment and leasing programs; and
 - (vi) technical and administrative support for urban land titling and various projects focussed on providing land to Jamaicans in the lower socio-economic groups.
- c. Land Information Management:
- (i) continued development of a national network of geographic information systems for sharing and use of information between Government agencies and the dissemination of information to the public and private sector;
 - (ii) development of geographic and land databases of Government agencies;
 - (iii) development of GIS-based software application to streamline and improve Government decision-making and provision of public services; and
 - (iv) development of spatial data standards and procedures for the efficient transfer and sharing of geographic and land data.
- d. Land Legislation Review and Reform:

- (i) review of land legislation and land regulations focussing on barriers to efficient land administration and management, land adjudication, titling, registration and use of land as collateral;
 - (ii) drafting of new legislation to remove and reduce these legal barriers; and
 - (iii) reduction of barriers for efficient land markets due to technical and administrative regulations and processes based on out-moded and out-dated legislation.
- e. Land Use Planning and Resource Management:
- (i) review existing land use planning and physical development legislation, national and local jurisdiction plans, regulations, procedures and institutional arrangements;
 - (ii) identify integrated strategies, and activities to use land resources in an efficient and economical manner, including preserving arable agricultural lands, reducing environmentally inappropriate uses of land and limiting under-utilization and speculation of land;
 - (iii) determine the needs of land information in the daily work of the Rural Physical Planning Division as well as local communities; and
 - (iv) determine specific activities to support the revision of the National Physical Development Plan as well as development plans for identified and targeted growth areas and communities.

ACKNOWLEDGEMENTS

A number of persons have been instrumental in the preparation and finalization of the National Land Policy of Jamaica. These persons include the Hon Easton Douglas, Minister of Environment and Housing; Mrs Jacqueline daCosta, Senior Advisor to the Prime Minister on Land Policy and Physical Development and Chairperson of the Land Policy Committee, who co-ordinated the entire process; Mrs Ruth Potopsingh, Petroleum Corporation of Jamaica, who was responsible for the technical co-ordination; Mrs Minnette Mitchell, Director of Physical Planning and Mrs Sonia Hyman of the Ministry of Planning, Production and Development who assisted with the initial administration of the project; and Mr Lloyd McCarthy, former Director, Land Policy, Office of the Prime Minister, who coordinated the islandwide public fora.

Special acknowledgements to Miss Cheryl Gopaul, Consultant/National GIS co-ordinator; Mr Rollin Alveranga, Director, Land Policy; and Mr Garret Robinson, Technical Assistant, Office of the Prime Minister, who worked dedicatedly to finalize the document. We are greatly indebted to Miss Sonia Morgan and Miss Charlene Stephens who provided secretarial and administrative assistance, and to Mr Chester Campbell who assisted with photocopying.

The members of the Land Policy Committees, Sub-committees and overseas participants, who have made valuable contributions to the entire process are listed below:

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| Mr Oswald Seymour | - | Chairman Management of Lands Sub-Committee |
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| | Ossie Seymour | - | Recreational Development Company |
| | James Munroe | - | Commissioner of Lands |
| | Carlton Brown | - | Land Development & Utilization Commission |
| | Errol Jennings | - | Natural Resources Conservation Division |
| | Jacob Taylor (deceased) | - | NRCD |
| Misses: | Isbeth Bernard | - | STATIN |
| | Elaine Neufville | - | National Housing Trust |
| Mesdames: | Sandra Myers | - | Ministry of Local Government |
| | Ruth Potopsingh | - | Town & Country Planning Association |

Sub-Committee Members

- | | | | |
|---------|------------------|---|---|
| Messrs: | George Pencle | - | Ministry of Agriculture |
| | Hopeton Fraser | - | Ministry of Agriculture |
| | Richard Thompson | - | Natural Resources Conservation Division |

MANAGEMENT OF LAND COMMITTEE

- | | | | |
|---------|---------------------------|---|----------------------------------|
| Messrs: | Oswald Seymour (Chairman) | - | Recreational Development Company |
| | Coy Roache | - | Mines & Quarries Division |
| | Hugh Nash | - | National Heritage Trust |
| | Eric Budhlall | - | FIDCO |
| | Vernon Whiteman | - | FIDCO |
| | Albert Atkinson | - | A.L.E.V.S. |
| | Herbert Darby | - | Ministry of Construction (Works) |
| | Morin Seymour | - | KRC |
| | Robert Kerr | - | S.I.A. |
| | James Munroe | - | Lands Dept. |
| | Vincent Thompson | - | Lands Dept. |
| | Errol Lee | - | Rural Physical Planning |
| | James McFarlane | - | L.D.U.C. |
| | Lain Harris | - | JB I |
| | Jacob Taylor (deceased) | - | NRCD/BCA |

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|-----------|-----------------------------------|---|------------------------------------|
| | Roy Pennant | - | NWC |
| | Lucien Rattray | - | Port Authority |
| | Major John Prescod | - | J.D.F |
| | Dr. Rutty Mitchell | - | Consultant Sociologist |
| Mesdames: | Valerie Lewellyn | - | Ministry of Mining & Energy |
| | Josette Charlton | - | Ministry of Local Government |
| | Faye Pickersgill | - | Tourism Action Plan |
| | Violet Williams | - | Ministry of Agriculture & Commerce |
| | Ruth Potopsingh (Coordinator) | - | PCJ/MDPP |
| | Sonia Hyman (Technical Secretary) | - | MDPP |
| Miss | Daisy Calquhoun | - | Jamaica Broadcasting Corporation |

LAND PRICING, TAXATION AND INCENTIVES FOR PROPERTY DEVELOPMENT COMMITTEE

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| Messrs. | Edwin Tulloch-Reid (Chairman) | - | The Revenue Board |
| | Fred Campbell | - | Stamp Duty & Transfer Tax Dept. |
| | Orville Walker | - | Bankers Association of Jamaica |
| | Albert Atkinson | - | Association of Land Economy & Valuation Surveyors |
| | James Munroe | - | Lands Dept. |
| | Phillip Myers | - | Urban Development Corporation |
| | Colin Powell | - | Town Planning Dept. |
| | Paul Smith | - | Ministry of Tourism |
| Mesdames: | Elizabeth Stair | - | Land Valuation Dept. |
| | Betty Ann Jones-Kerr | - | Ministry of Finance |
| | Ruth Potopsingh | - | Town & Country Planning Association |
| | Maureen Vernon | - | Ministry of Development, Planning & Production |
| | Faye Pickersgill | - | Tourism Action Plan |

Co-opted Members

| | | |
|--|---|---|
| Morin Seymour (Executive Director) | - | Kingston Restoration Company |
| Miss Daphne Wilson (Chief Legal Council) | - | The Revenue Board |
| Miss Norma Breakenridge (Dir. - Property Admin) | - | Life of Jamaica |
| Ken Alison (Partner) | - | Allison Pitter & Co., Chartered Valuation Surveyors |
| Clive Nicholas (Sr. Asst. Revenue Commissioner) | - | The Revenue Board |

MEMBERS LAND RESOURCES & LAND USE POLICY COMMITTEE

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| Miss Joy Alexander | - | Town Planning Dept., Chairperson |
| Mrs. Jacqueline daCosta | - | MDPP |
| Mr. Colin Powell | - | Dep. Government Town Planner - TPD |
| Mr. Leroy Bulgin | - | Survey Dept. |
| Mr. Vincent Campbell | - | Rural Physical Planning Dept. |
| Mr. Roy Jones | - | Forestry & Soil Conservation Dept. |
| Mr. Coy Roache | - | Department of Mines and Quarrying |
| Ms. Marie Strachan | - | Ministry of Agriculture |
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| Mrs. Gloria Priestly | - | Ministry of Industry |
| Mr. Phillip Rose | - | Jamaica Bauxite Institute |
| Mr. Phillip Duncan | - | Kingston & St. Andrew Corporation |
| Dr. Henry Lowe, CD | - | Ministry of Public Utilities & Transport |
| Mr. Godfrey Perkins | - | Ministry of Mining & Energy |
| Mrs. Maisie O'Reggio Alexander- | - | Ministry of Local Government |
| Mr. Oswald Leake | - | Ministry of Tourism |
| Mr. Horace Edwards | - | Ministry of Youth & Community Development |
| Dr. Marcel Anderson | - | Natural Resources Conservation Dept. |
| Dr. Ted Aldridge (deceased) | - | MDPP |
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| Mr. Clinton Woodstock | - | Urban Development Corporation |
| Mr. Thorant Hardware | - | Underground Water Authority |
| Mr. Karl Bennett | - | National Water Commission |
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Mrs. Sonia Hyman

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Technical Secretary, MDPP

Following the publication of the Green Paper written comments were received from individuals, organizations and agencies of Government; these included

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| | Glyn O. Watson | Portland |
| | James Wilson | |
| | Hopeton A. Fraser | Executive Director, RADA |
| | Trevor Dedwney | Parish Advisory Committee, RADA, St. Catherine |
| | Lambert R. Russell | St. Catherine |
| | V. L. Neysmith | Lands Office, St. Catherine |
| | C. A. Tharkur | Parish Agricultural Officer, RADA, Westmoreland |
| | Selvin Richards | |
| | Victor Edwards | St. Thomas |
| | Eward Stewart | Darliston, Westmoreland |
| | Basil Waite | Elderslie, St. Elizabeth |
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| | Keith B. Brent-Harris | Revenue Board |
| | Lennox Salmon | Office of Metrication Board |
| | Basil Ferguson | President, Jamaica Association of Social Workers |
| | Carlton Brown | Land Development & Utilization Commission |
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| | Dr. Irvine Johnson | Retired Director, Agricultural Planning Unit |
| | Mrs. Minnette Mitchell | Ministry of Environment and Housing |
| | Father Haile Meleket | Ethiopian Orthodox Church |
| | Rev. Loyd Dobson | “ ” |

The Bureau of Women's Affair
National Irrigation Commission Ltd.

OVERSEAS COMMENTS were received from the following:

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| Ms Sylvie Lacroix | UNCHS, HABITAT, Nairobi, Kenya |
| Ms Nora Clichevsky | HABITAT, Buenos Aires, Argentina |
| Mr Antonio Daher | HABITAT, Chile |
| Consultants | RHUDO / USAID |

FINAL REVIEW COMMITTEE

Cabinet Sub-Committee

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| Hon. Easton Douglas | Minister of Environment and Housing |
| Hon. Horace Clarke | Minister of Agriculture and Mining |
| Hon. Roger Clarke | Minister of Local Government and Works |
| Hon. John Junor | Minister of Tourism |

Technical Review Team

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| Mr. Colin Powell | Dep. Government Town Planner, TPD |
| Mr. Franklin McDonald | Executive Director, NRCA |
| Mr. Learie Miller | Deputy Director, NRCA |
| Mr. Fred Campbell | Deputy Director, NRCA |
| Mr. Thorant Hardware | Permanent Secretary, MEH |
| Mr. Harry Armstrong | Consultant, MEH |
| Mr. Lloyd McCarthy | Director of Lands, MEH |
| Mr. Fitzroy Williams | Director of Housing, MEH |
| Mrs. Leonie Barnaby | Director of Environment, MEH |
| Mrs. Minnette Mitchell | Director of Physical Planning, MEH |
| Mr. Vincent Campbell | Director, Rural Physical Planning Unit |
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| Mrs. Marie Slyfield | Efficiency Reform Directorate, OPM |
| Mr. Silburn Clarke | Technical Chairman, LICJ |
| Mrs. Carolyn Hayle | Executive . Director, Tourism Action Plan |
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| Mrs. Diane Gordon | System Analysis, Jamaica Bauxite Institute |
| Mr. Paul Saunders | Snr. Director, ODPEM |
| Mr. Roy Jones | Director, Forestry Department |
| Mr. Andre Kong | Director, Fisheries Division, M.A. |
| Mr. Vincent Thompson | Legal Officer, Lands Department |

Special thanks to everyone else who contributed to the preparation of this Land policy and especially to:

- (a) the members of the public over 2500 persons who attended the several fora held in all Parishes across the island, for their interest, participation, recommendations and co-operation;
- (b) the NGO's, NEST professional, Community and other interest groups who held special meetings to discuss the policy; and

- (c) The Mayors, Secretary Managers and members of the The Parish Councils, the Mayor, Town Clerk and City Engineer of KSAC, Librarians, Chambers of Commerce, Ministry of Agriculture/RADA field officers, Jamaica Agricultural Society personnel, health official etc. for organizing and inviting persons to attend and participating in meetings islandwide.