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AGRARIAN REFORM IN THE DOMINICAN REPUBLIC:

THE VIEWS OF FOUR CONSULTANTS

by

Peter Dorner, C.W. Loomer, Raymond Penn,
and Joseph Thome

The text of reports submitted by four consultants who visited the Dominican Republic in 1966 and 1967 in response to an invitation from The Agency for International Development to the Land Tenure Center.

All views, interpretations, recommendations, and conclusions expressed in this paper are those of the authors and not necessarily those of the supporting or cooperating organizations.

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INTRODUCTION

In November 1966, at the invitation of the U.S. Agency for International Development, Professors Peter Dorner and Raymond Penn of the Land Tenure Center staff visited the Dominican Republic for two weeks for the purpose of evaluating the agrarian reform program proposed by the government. During the summer of 1967, two other Wisconsin staff members were in the Dominican Republic as consultants. Joseph Thome, assistant professor of law, made an evaluation of the legal aspects of the agrarian reform program. Charles Loomer, professor of agricultural economics, prepared a preliminary report on procedures to determine and record land titles.

The three reports prepared by the consultants are presented together in this paper.

Handicapped by the brevity of their stay, and by the fact that agrarian reform was primarily a political question, the consultants recognize the tentative nature of the reports. Their primary contribution is to bring ideas growing out of land tenure research in other Latin American countries to the problems of the Dominican Republic.

The assistance to the consultants provided by the Ministry of Agriculture of the Dominican Republic, the Instituto Agrario Dominicano, and the staff of USAID/Santo Domingo, is gratefully acknowledged. The advice and guidance provided by the AID staff was especially helpful. Particular thanks are due Alan Laflin of the AID staff, who worked closely with the consultants. His was a sincere interest in being of help to the Dominican people and their government's agrarian reform program.

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AGRARIAN REFORM IN THE DOMINICAN REPUBLIC

By

Peter Dorner and Raymond Penn*

WATERBURY
AUTHOR FILE

The Nature of the Problem

In the Dominican Republic, as elsewhere, agrarian reform means the creation of new alternatives in farming and developing the capacity of the people to exploit them--an expansion of secure economic opportunities. Land and people are the basic resources in rural areas, and the land must be used to develop the human capacities (judgement, decision making, creative abilities). Releasing the creative energies of the mass of rural people constitutes the real potential and provides the rationale for reform.

Programs to achieve such expansion of secure opportunities are complicated by the low level of literacy, skills, health, and social development of the rural population. But all these are overshadowed by the political history of this country. Since the 1961 assassination of Trujillo, which ended more than 30 years of dictatorship, there have been more than a half dozen changes in government, including a period of revolution and civil war. The distrust and bitterness resulting from this long experience of repression and turmoil are not easily eliminated. The long-run task thus is to construct a system of political, economic, and social institutions which will elicit the trust, the loyalty, and the stability so essential for development.

We mention this long-run requirement to provide a better means of evaluating the more immediate and short-run programs. With 60 to 70 percent of the people in agriculture and from 25 to 30 percent unemployed, the urgency of agrarian reform and rural development are obvious. If secure opportunities can be provided for large numbers of rural people in a short time period, this could be a major factor in creating the conditions for future stability and development.¹

*Director of the Land Tenure Center and professor of agricultural economics, University of Wisconsin, respectively.

¹This is consistent with the evaluation made by the study team on Dominican Republic Agriculture headed by E.D. White, March 14, 1966.

There is a justifiable pre-occupation with increased food production in this country. Average calorie intake is among the lowest in Latin America in spite of a vast program of Food for Peace through which up to 16 percent of the population received some food. There is likewise concern with increasing the production of export crops to augment foreign exchange earnings and reduce the balance of payments deficit of recent years.

As we view the circumstances existing in this country, the major concern in achieving this increased production must be with the opportunities it can offer for rural people. Without more industrial jobs, and with present unemployment in the city also at high levels, agriculture must provide these opportunities for some time in the future. Without due attention to the way this increased production is achieved and its fruits distributed, violence and disorder could increase along with production.

In the Dominican Republic, agricultural production per capita for the years 1960-65 averaged only about 94 percent of the 1957-59 level of output.² This was similar to the record achieved by Chile. On the other hand, Guatemala and Ecuador achieved more than a 17 and 9 percent increase respectively in per capita output during this period. Their increases were especially pronounced in export crops (cotton and bananas). Substantial amounts of outside capital and entrepreneurs have been attracted into the production of Guatemalan cotton. Some of our current Land Tenure Center research in that area shows that all this cotton development has created very precarious working conditions for the Guatemalan migrant workers without any real opportunities for these people. Large productivity gains can benefit a small group leaving the mass of population no better off than before. Under conditions existing in the Dominican Republic, we feel it is most important that the creation of viable opportunities for large numbers of rural people is not sacrificed in the process of achieving the needed increases in production.

In the Dominican, as in most of Latin America, with rapidly growing populations and insufficient employment opportunities, output per unit of land is a more significant measure than output per man. In all our Land Tenure Center research, we have found no evidence that large farms produce more per unit of land than small farms. It is, of course, conceivable that certain farming operations such as deep plowing should be done by machines. But this can be handled through custom rental or cooperative ownership. The small farmers in the rice growing area of Maimón, even with great insecurity of tenure, are getting per acre yields about twice as high as the national average. We shall deal with size of unit more specifically later in this report, but we mention it here to make the general point that it is a misdirected emphasis to worry

²"Indices of Agricultural Production for the 20 Latin American Countries," ERS - Foreign 44, January 1966.

too much about optimum economic size units. Adjustment of farm size in the future will take place given flexible tenure arrangements and sufficient opportunities elsewhere.

The nature of the problem of agrarian reform in the Dominican Republic, then, is to provide secure economic opportunities for large numbers of rural people. In most cases this will mean, as a first step, a more secure right in the use and control of land. A land tenure system defines the rights and obligations of individuals with respect to land, to other individuals, and to the state. And agrarian reform means a restructuring of the land tenure system in order to achieve the expansion of secure economic opportunities for rural people.

The Status of the State Lands

One of the great unknowns is the circumstances existing on many of the state lands. In fact, the actual extent of these lands is unknown. In the loan proposal it is estimated that about 4,235,000 tareas (6.4 tareas equal one acre) are registered in the name of the Dominican government. However, this does not include vast areas of confiscated Trujillo lands, nor does it include large holdings of the state-owned sugar corporation. Some of the confiscated Trujillo lands have been transferred to the Instituto Agrario Dominicano (IAD), the agency created under the 1962 agrarian reform law to carry out the reform program. The proposed plan for agrarian reform which we were asked to evaluate is concerned, then, with an uncertain quantity of land, perhaps between four and seven million tareas. However, most of these lands are yet to be transferred to IAD from other governmental agencies where they are now registered before IAD can carry out a reform program. Only a minor percentage of these lands are, at present, under the control of IAD.

These state lands are identifiable from the land records kept in the central office in Santo Domingo. But there is practically no information as to its present use. In our discussions with many individuals working on these problems and with farmers in the country, it is our judgment that very little of this land is actually idle and not being used by someone except that which would require major investments. The state lands that we saw were occupied by farm families and were intensively used. Some of the state land has been annexed to medium or large size units and is also in use. These lands can be divided into four categories:

1. Occupied and farmed in small units,
2. Annexed and farmed in large units.

3. Idle and usable with a minimum of investment.
4. Usable for agriculture but only after detailed technical studies and major investments.

Land in category (4) will not be further considered in this report since it does not meet the needs of a program of massive settlement in a short period of time. The relative proportion in the various categories is unknown, but we feel most of it will be in (1) and (2) with very little in (3). However, this is a matter still to be determined by field study. But our field trips and discussions lead us to believe that the above evaluation is approximately correct.

One of the problems facing the Institute³ is not having control over all state lands. As these lands are scattered throughout the country, it is difficult to mount a major program in any given region without having control over all the state lands in that region. The Institute should have the authority to initiate action for transferring land from other agencies as it deems necessary to carry out its plans and programs. It is difficult to evaluate the political consequences of a mass transfer of this land to the Institute for settlement purposes. If much of the land is in category (2) as we were given to believe, and if this is under control of powerful landowners (many of them military men), a judgment as to the political consequences of such a move will have to be made. We are in no position to make this judgment.

Attention need soon be given to this question since the issue may be brought to a head without any official action. There is mounting pressure in the countryside for getting the state lands held and operated in large units distributed. According to some sources it is likely that there will be land invasions on some of these state lands in the not-too-distant future. It is our impression that this is not communist inspired or promoted by outside groups, but rather an indigenous movement.

³ IAD will be referred to as the Institute in the remainder of this report.

The Proposed Program of Agrarian Reform

The program as outlined in the loan proposal appears sound with some exceptions that will be evident in the suggested procedures outlined below. As a general comment, it seems feasible to us to settle up to 20,000 families in the first two years provided most of these are on lands in category (1) of the previous section and are settled in place. We do not believe it feasible to settle this many if it means surveying and parceling idle land and bringing in new settlers. Without more specific information as to existing conditions on the state lands, we cannot give a more precise evaluation. However, it is our understanding that first priority will be given to lands of category (1). Given limited budget and personnel, this seems wise at this time. However, depending on developments, it may be necessary to move quickly on lands in category (2) as well.

There is one category of land for settlement not mentioned⁴ in the previous section, nor is it mentioned in the loan proposal. This is the acquisition of privately owned lands. We wish only to make one comment. There should not be a rigid policy against such acquisitions. It may be essential to acquire some private lands to round out a project on state lands. We can illustrate this by the situation of the rice growers at Maimón. These farmers live along the road on a ridge. They grow rice on state lands in a swampy area a kilometer or more from their homes. Part of the land in between is state land, and part of it is the private property of a large cattle rancher. Some of this land should perhaps be acquired by the Institute and the owner paid a fair price in order to permit uncontested access to the rice lands and also to permit growing of fruit and nut trees in this area by the rice growers. They have indeed planted trees here, but there are frequent conflicts between the rice farmers and the cattle man as substantiated by the fact that one of the farmers had recently been released from jail after serving a week or so because of a trespass violation.

This loan proposal outlines only one settlement procedure which is as follows:

- "1. A quick reconnaissance of soils and land classification, and a census of squatters;
2. A land survey and a staking-out of land units.

⁴We have also been instructed not to concern ourselves with the possible uses of excess sugar lands.

3. An access road and possibly some potable water;
4. A resettlement of existing squatters, if they meet the basic family standards, to proper-sized parcels or a realignment of their existing parcels;
5. A settlement of new, selected agricultural families;
6. A small grubstake loan varying with the needs of the particular area, including Food for Freedom assistance;
7. A provisional land title;
8. Technical assistance."

We would like to suggest variation in these procedures depending upon existing circumstances of use on present state lands. Three possible situations can be outlined, but there may be variations within these. The main point is to retain flexibility in these procedures so that the many unique circumstances that will be encountered can be accommodated.

1. Lands now settled by small farmers.

There may be wide variation in farm size on such lands. If some farmers have much more land than is considered necessary for yielding an acceptable family income, such units could be reduced and additional people settled, or the acreage on very small farms increased. But it may make little sense to resettle all these families. The concept of a minimum size unit may also have to be ignored. To displace some of the farmers on very small plots presupposes that they will find other employment and other means of survival. Under circumstances where there are now too many families to provide everyone with an "adequate-sized" unit, the concepts of minimum size, parcel consolidation, resettlement, and settler selection by raffle from among those qualified according to criteria in the agrarian reform law should be applied with extreme caution. The major need is to secure for present settlers access to the land, to clarify their rights, and to give them title to the land which they have been farming and which they have developed and improved. There will also be cases where some individuals have worked the land for 20 years and others for only two years. These differences must be given due weight. To follow a rigid procedure of realignment of parcels and resettlement could create major conflicts among the people in the area.

The clarification and securing of rights by giving title to the land followed with some credit and technical help are critical in these situations. Our research in Bolivia, Colombia, and Central

America is very convincing on this point. We would also recommend a rather quick titling procedure in these cases. It may be well to place restrictions on re-sale or subdivision for a specified period, but without the title much insecurity remains. Quick titling also reduces the chances of conflict among the people in the project. And it reduces the political temptation to remove present occupants and put others in their place.

2. Lands not now used or only sparsely settled.

The procedure outlined in the loan proposal and reproduced above seems much more applicable in this type of situation. The concept of a minimum size unit sufficiently large to utilize the family labor and provide an acceptable family income is meaningful here. However, circumstances may at times require that certain enterprises be operated cooperatively or by some economic organization other than family units. We would caution against making family units too large so long as there are many more applicants than there is land to go around. In the Juma and Rincón rice projects that we visited, the parcels average about ten acres. Representatives of the Agricultural Bank in the area the day we visited there told us these farmers receive from 800 to 1,000 pesos in credit annually, a very substantial part of which is used for paying hired labor from families living in the vicinity. These families live at a much lower income level than the parcel holders. The size of unit will have to vary with the soil quality and type of farming. But in an area of intensive rice growing, parcels could perhaps be smaller. This would provide more people with rights to land.

We would recommend issuing final titles as soon as possible, perhaps not later than two years after settlement. There is more justification for a trial period to test a farmer's interest and capacity here than there is in the case of (1) above. Nevertheless, the problems resulting from a 10 to 15 year postponement of title issuance seem more critical than the risk of issuing them too soon. The Institute should free itself from direct participation in these projects within a reasonable number of years or it will have too many resources tied up here and will not be able to move forward with additional phases of reform on the other lands.

The Institute should also avoid operating its lands through contract arrangements and hired labor, and concentrate instead on the major task of land distribution. The Institute is not well equipped to handle such operations. Also it limits the number of families who can gain secure opportunities on the land and is thus inconsistent with a massive program as outlined in the loan proposal. Additionally, it introduces opportunities for misuse of funds as evidenced by some of our studies in other countries.

3. Lands now operated as part of large farms.

The conditions here may be similar to those outlined in (1) or to those in (2). Procedures will have to be kept flexible to accommodate the circumstances as they exist. In all cases, first priority should be given to the people now working on these lands and to those in the neighboring community.

However, given the fact that much of the infrastructure construction will be left to the settlers, selection of additional people should give preference to those expressing a real interest in farming as a career and who are willing to cooperate in such construction projects. We have some doubts whether this interest can always be established by administering a questionnaire as is present procedure. Information gathered by such surveys should be supplemented by consultations with local people and groups in the community.

The agrarian reform law, as well as those procedures specified in the loan proposal, seems directed at lands in category (2) (lands not now used or only sparsely settled). Yet, so it seems to us, this may be a minor part of the Institute's program since the lands that are usable seem generally to be in use. Thus, it will be wise to retain flexibility with respect to these procedures.

What we have pointed out above are general guidelines. There is insufficient information on the variety of situations and operating circumstances on the various state lands. Gaining an understanding of these circumstances should be one of the top priority items of the Institute's program.

Above all, these procedures should be flexible so that they can fit into the arrangements people in the area have already worked out. This does not mean that every custom must be respected or that all the arrangements in the area are good ones. But they cannot be ignored. The interests, desires, and judgments of the local people must be taken into account. This is especially true in areas where farmers have been farming these lands for some time. Conflicts have surely arisen and they have been resolved through some organizational mechanism. It is of great importance to find out how this local organization is structured and how it operates. Channelling suggestions through such an organization and receiving its response and counter-suggestions can be a strategic element in the success of a project. To ignore such feed-back can only lead to discontent among the settlers and increase the difficulty of implementing any plan.

The point is that rural life and farming are complex. It is impossible to anticipate all the details, the deviations, and the responses of a settlement program. In fact, it seems virtually

impossible for a governmental agency, irrespective of its good intentions, to respond to the problems of the settlers without a free interchange of ideas on problems and possibilities for their resolution. And if there is to be effective communication, there must be some local farmer organization. We are well aware of this in the U.S., and we take it for granted. But it is important elsewhere, too. Our research in Venezuela, Chile, and Bolivia leads us to believe that agrarian reform cannot really be effective without such local organization and participation on the part of farm people.

In new settlement areas, it is important to create such organizations and encourage participation. This should not consist merely of a committee selected by the Institute to be the spokesmen for the group. The farmers should be encouraged to get together in meetings, discuss the policy issues in question, and designate their own leaders.

Recommendations

Most of our recommendations are contained in the text of the report. We will summarize them here and add a few additional suggestions.

1. Agrarian reform, as well as other programs designed to increase production, should have as their central goal the expansion of economic opportunities of farm people.
2. The Agrarian Institute should, as quickly as feasible, ascertain the existing conditions on various state lands: who is using them, what rights do they claim, how long have they been farming, what improvements have they made, how are new use rights acquired now, who enforces rules and how are conflicts resolved on these lands. It should also have authority to initiate action for transferring land from other agencies to the Institute.
3. The Institute should retain flexibility on the issue of acquisition of private lands if and when needed.
4. Flexible procedures should be maintained in settlement and settler selection to fit the existing circumstances found in various areas.
5. The Institute should encourage the formation of local organizations to serve as a vehicle to negotiate and deal with the Institute and wherever possible to use the groups that are now functioning in the area.

6. The Institute should avoid, where possible, farming its lands, and free itself of project responsibilities and services to settlers just as soon as feasible. Regional offices of the Ministry and other agencies should be strengthened to pick up this work so that the Institute can move ahead on new phases of reform. Duplication and proliferation of agencies and services should be avoided. This has been shown by our research to be a common occurrence in Latin America. Funds from foreign governments, international agencies, and foundations have frequently contributed to such proliferation.
7. Land titles should be issued within one or two years after the project is initiated rather than the anticipated 10 to 15 years.
8. Present settler selection procedures should be supplemented with consultations with local people and groups in the community.

Following are some additional suggestions for consideration:

1. If the titling process is speeded up, this will greatly increase the work load at the regional land title offices. On our visit to one of these offices, we felt, even then, that they could not keep up with the work. Facilities and file storage of the land records were also extremely poor. It would be useful if support could be given to these offices, beginning with those where the major new titling will be handled.
2. As the Institute moves into an area, there is need for quick resolution of conflicts, determination of value of improvements claimed by people who may lose some of the land they presently work, adjudication of existing disagreements over boundaries, etc. It would be good to have a special team in the area until all these matters are settled after which time this team could move on to another project. This team should consist of an agrarian judge, a lawyer, and a well qualified agricultural technician. Such teams would be valuable also for helping to resolve future disputes. Although circumstances are quite different, such mobile units are now being proposed in Bolivia to help resolve all the title questions still existing there 13 years after the agrarian reform law was passed. Special agrarian courts are also proposed under the new Chilean land reform bill. Our research in Bolivia indicates that these title questions become more difficult to resolve over time. The initial land distributions are

no longer accepted by the community after 10 to 12 years have passed. Some original allottees have died, sons have acquired some rights, new people have come into the community, etc.

3. Instead of an attempt to get payment for these state lands, serious consideration should be given to the idea of giving the land free and instituting a system of land taxation. At present there is no land tax, but in the longer run, such a tax must be established. Part of such a tax could go to the provincial or central government, and part of it could be retained by the organization of new owners or other unit of local government as it comes into being for making local investments.
4. In the longer run, all property boundaries should be placed on good base maps.
5. We have no way of evaluating the specific items in the \$8 million projected budget. We do agree that infrastructure investments, especially in housing, should be kept to a minimum, and insofar as possible, local labor and initiative should make this kind of contribution. The \$740,000 for settlement may be high if many of the families are settled in place. Budget items should be kept flexible so that some transfer between items is possible.
6. We strongly urge that the Mission encourage some research to be undertaken in this area. (Wisconsin would be interested in providing the additional training in the social sciences for several good Dominican students to equip them to begin this process.)

November 14, 1966

STUDY REPORT ON THE LAND SETTLEMENT PROGRAM
OF THE DOMINICAN REPUBLIC

by

C. W. Loomer*

It does not fall within the scope of this study to consider such broad policy issues as whether an agrarian reform program is needed within the Dominican Republic, but it must be said that the past month has given me no reason to doubt the necessity for going ahead with it. The Dominican government seems so irrevocably committed to getting some state-owned lands into the hands of settlers that there do not appear to be any real alternatives to consider. The question of whether the land settlement program should be extended further to other lands that may be acquired for this purpose seems to me to raise quite a different set of issues, both political and economic. But these are questions that must be set aside for the present.

The government's commitment to proceed with land settlement seems much less significant than the various official and public expressions of dissatisfaction with the progress made so far. What is, in effect, an official pledge to step up the rate of settlement has become a major premise. In a sense, the problem ahead is not in getting the job done but in getting it done at a much faster rate than has so far been possible. This urgency has important implications for the level of financial support, for the development of new and faster procedures, and perhaps, for new legislation.

I have the impression that, on the whole, the present laws and the existing institutions are capable of performing the tasks envisioned in the Agrarian Reform Law. It is doubtful, however, whether they are capable of doing the job fast enough. It is all too evident that existing facilities are already over-loaded; this includes the IAD itself, the technical advisory-assistance component, and such related public agencies as the land courts and title registration offices. One of the obvious needs is for more money. This is such a commonplace observation that it lacks impact, yet it appears to me that in this country there is not so much a shortage of trained--or, at least, trainable--personnel as a shortage of money to put them to work.

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It should be recognized that the land settlement program involves more than the work done by the Agrarian Institute itself. In getting settlers established on their own landholdings, the settlement program is closely tied to the title registration system. The operations of the land courts and the register of deeds offices seem rather more effective than I anticipated, yet it is painfully evident that the system is poorly financed and greatly overloaded. A relatively modest amount of additional support would permit hiring a few more land court judges (perhaps one or two specifically assigned to IAD cases) and would provide registers of deeds with a little more working space and some badly needed basic equipment such as filing cabinets and photocopying machines. I would like very much to see some financial support--possibly from PL480 funds--for the land courts, the title registration system, and the cartographic services of the ICU. This would not be altogether for the sake of the agrarian reform program, because effective title procedures and good mapping are essential to all aspects of resource development in the Dominican Republic. Improvements in the functioning of these now undernourished institutions would benefit the whole landed economy, public and private, as well as the land settlement program itself.

New Procedures and New Legislation

A significant increase in the rate of land settlement will probably require new methods and procedures that may, in turn, involve new legislation and changes in administrative law. At this stage, we can only speculate about the need for new legislation. The first step is the purely technological problem of devising faster and better methods; the question of whether these methods are--or can be made--acceptable from the legal viewpoint comes later.

The matter of cadastral surveys is probably the central case in point. Title procedures always involve a survey of some kind in order to describe the land. The conventional transit-and-chain method is accurate and within existing capabilities, but it is slow and costly, particularly when there is a concentration of small irregular landholdings and complicated metes-and-bounds descriptions. Getting the survey made is apparently one of the main bottlenecks in title registration; the survey must be completed, in fact, before the landowner can even apply for title registration. Therefore, the possibilities of a technological break-through in survey methods, using air photos, are exciting.

Unfortunately, we simply do not have enough evidence at present to judge the feasibility of using air photos for cadastral purposes. A good deal is now being written on the possibilities of aerial surveys in Latin America, yet it is not at all clear that

the practical difficulties have been solved or that these methods would be applicable to the Dominican Republic. Therefore, we can recommend only that the possibilities be explored as quickly and realistically as possible. The most direct approach, perhaps, is to ask the help of Major Kincaid and other consultants from the Inter American Geodetic Survey, and to invite sales representatives of two or three commercial air photo companies to discuss the situation here.

Without pre-judging the outcome of these inquiries, it might be well to recognize some of the problems. First, the feasibility of aerial survey methods may turn on the ability to work from the 1:20,000 series of photos now becoming available and thus to avoid the substantial extra cost and time required for new photo coverage. Second, if a special type of photography is essential, it would probably be impractical to fly only the scattered, relatively small land settlement projects. The air survey program, under these circumstances, would have to be appraised (and financed, probably) from the broader viewpoint of a national resource development program rather than as an aspect of agrarian reform. Third, the critical question--apart from the cost--is whether air photo methods would match the standards normal to conventional surveys and land descriptions. This is likely to be the central issue when and if the question of the legality of air photo surveys should arise.

The use of the words "when and if" is deliberate because, at this stage, it is not certain that it will be necessary to go so far as to seek court acceptance of aerial survey methods. Air photos will certainly be used extensively in field work and in the day-by-day operations of the land settlement program. Air photos might also be used internally (that is, by the land settlement agency but not by the courts) as the survey/description method for a kind of preliminary title which would be submitted for title registration later in conformity with court-sanctioned procedures. It is not clear to me why IAD should accept full responsibility for getting the title registered in the name of the new landowner; it might be sufficient merely to give the settler an instrument of conveyance based on a clearly defined but not necessarily "legal" survey.

In any case, the need for legislation authorizing new procedures cannot be appraised realistically until the technical and cost factors have been studied.

Generally speaking, present title procedures are slow because the process consists of a succession of steps, each of which seems to take more time than it should. As far as I can see, the main opportunities for speeding up this process lie in internal

administrative procedures (antecedent to applying for title registration) and in the land survey. The other steps seem to lie more in the province of the title registration system than under the control of the land settlement agency itself.

Land Sales vs Free Land for Settlers

The present plan is to sell the land to settlers on a 20-year land contract. I think it would be preferable to make an outright grant of free land to the settlers, coupled with provisions for an annual property tax. This opinion, admittedly, is based on a very sketchy knowledge of the Dominican situation, but I am convinced, at least, that the general arguments for free land (as distinguished from land sales) are so strong as to warrant serious consideration.

This is the one instance in which I feel a major change in the basic legislation may be needed, since Chapter VI, Article 38 of the Agrarian Reform Law specified the conditional sales contract.

It might be mentioned in passing that the disposal of the public domain in the United States was mainly by a sales program for a period of about 75 years (1785-1862) and thereafter mainly under a policy of free land for settlers--the homestead principle. The land sales principle was adopted because the new government needed income, but land sales never produced much revenue except for a brief period about 1830. On the whole, income from land sales was quite disappointing. Experiments with sales on credit terms, somewhat analogous to the proposal here, were even less successful. Too many settlers defaulted after the first few payments. Congress, faced with the distasteful alternative of evicting settlers from their homes, invariably ended up by giving them the land anyway. I think it can be said that the eventual adoption of the free land policy was only partly on the merits of free land for settlers; the United States had a long and unhappy experience in trying to sell the public land.

Generalizations from outside experiences, of course, are of limited value in the present case, but a reading of history does not justify much optimism over the revenue possibilities in land sales to settlers. The experiences of Latin American countries with land sales programs, particularly with long-term credit provisions, should be studied carefully for their relevance to the Dominican situation.

As an alternative, I suggest granting a full title outright, at no cost to the settler except possibly for a nominal filing fee. The deed or patent might be conveyed after a short probationary period (one or two years), partly to assure that the entryman is

properly qualified but mainly to provide lead time for issuing the patent promptly and as promised. With the issuance of the patent, the settler would become full owner of the land, owing nothing on the land itself but accepting full ownership responsibilities, including the duty to pay property taxes, if any. The policy of free land for settlers should then, I suggest, be coupled with enactment of a relatively simple, low rate property tax, applying to all privately owned lands, including lands patented under the settlement program.

Property Tax Possibilities

Extended comment on property taxation is not appropriate to this report, particularly since the Clapp and Mayne survey report of 1965 provides a very good discussion of a property tax system for the Dominican Republic. The tax system described in that report incorporates up-to-date tax concepts and good administrative practices, but this kind of system may not be entirely suitable as the first effort of a country initiating a property tax program.

Therefore, I am inclined to suggest a much simpler kind of land tax or property tax, based on the idea of a flat sum per unit area, with all lands classified into a few (perhaps six or eight) generalized land use categories bearing different tax rates. This simple approach would have some advantages. First, it would eliminate the need for an assessment of each tract, a process that requires time and experience as well as a large force of trained assessors, most particularly if the land has never been assessed before. Second, it would eliminate the need to compute taxes by using tax rates, a process that requires determining in advance both a governmental budget and the tax base (the aggregate assessed valuation of all tracts). This type of simple land tax would, I think, be appropriate to present needs and capabilities without limiting possibilities for later development of a more sophisticated tax system.

Advantages of Free Land With a Property Tax

On the assumption that the merits of the land sales idea have been discussed previously, I would like to mention briefly the possible advantages of the alternative free land approach.

1. The main reason for selling the land--rather than giving it away--is the urgent need for governmental revenue. But experience suggests that income from land sales is likely to be disappointing, both in amount and in stability. In

any case, this revenue source will dry up when available lands have been disposed of. In fact, land sales do not really produce income in the usual accounting sense, since a sales program merely converts an asset into cash. In the long run, the government must develop tax revenue sources, almost certainly including a land tax. A property tax system would not only be a more productive revenue source but also a more defensible social concept than exacting payments from settlers, mostly poor, while the great majority of landowners pay nothing. The land settlement program offers a real opportunity to establish a property tax program, and this might be taken as a major policy objective in resource development generally.

2. The annual cost to the settler should be substantially less under the property tax. Under the proposed sales contract (a 20-year contract without interest), the annual payment would be approximately five percent of the land value. Property taxes in rural areas of the United States average between two and three percent of value, and this is presumably well above the rates appropriate for a new property tax system. As a rough approximation, I estimate that a settler would pay only a fifth as much in taxes as he might pay under a land purchase contract. Frankly, I am doubtful whether it is realistic to expect a settler to pay much more than this. There is at least a possibility of overloading settlers with high fixed costs if we assume they can somehow pay for their land as well as for houses, wells, and the infrastructure improvements contemplated under the community development program.
3. While the cost to the individual settler should be less, the total revenue to the government ought to be greater because the tax would be levied against all lands. To be realistic about it, I think we should expect that the income potentials of a property tax might take several years to develop, if only because it would not be possible to get all private lands listed on the tax roll at the outset. But, as lands are identified and entered on the tax roll, tax revenues would normally be expected to increase, even without any increase in tax rates.
4. It is safe to assume that some--and perhaps many--settlers will be unable to keep up their payments under the land contract system. The question of what the government can and should do under those circumstances is worth pondering. I believe that, in a sense, a land contract is essentially unenforceable against the settler who defaults on his payments. When a settler, through no great

fault of his own, cannot make the payments contracted for, the government will almost certainly allow him to remain on the land. If the settler falls behind a year or two on his schedule of payments, there is no way to make him catch up later, and the government agency may consider itself fortunate if he continues to make payments most of the time. When a few settlers default and are permitted to stay on their landholdings, it would be surprising if others did not follow suit. The inherent weakness of the government's position vis-a-vis the defaulting settler is, of course, essentially the same consideration that gives rise to the agrarian reform program in the first place. Oddly enough, the government is probably in a stronger position if the settler has been given title to the land subject to the payment of property taxes. Ordinarily when land goes tax delinquent, tax liens are sold to other individuals who in time take title to the land unless the owner pays up. Holders of tax liens will foreclose when the government cannot.

5. There are obvious political advantages in granting titles outright. In most societies, there is a feeling that a settler ought not to have to pay for public lands he has brought into use by his own labors, particularly if the lands cost the government nothing in the first place. Moreover, it is likely that there is a common impression that the Agrarian Reform Law is intended to give land to small farmers. To discover that settlers must pay for the land under arrangements that will not actually convey title for almost a generation may well cause some resentment. It might be worth admitting that even sophisticated people have trouble understanding just what kind of property right the settler will have during the 20 years of his contract for deed.
6. Finally, there are economic and psychological advantages to the settler in getting a full title. Almost everywhere in the world, the small farmer who owns his land has the principal form of collateral needed to obtain credit in rural areas. Most tenure experts agree that the landowning farmer has greater personal security and more incentive to improve his landholdings. These advantages are possibly overstated at times, but no one has yet argued that a lesser estate in land is preferable to ownership. (The powerful attractions of a clear title are illustrated by the fact that a surprisingly high percentage of homesteaders in the United States took title under a provision that allowed them to buy their lands six months after entry even though they could get the land free simply by waiting for another three to five years.)

Free Land Without Property Taxes

It might be asked whether a policy of free land for settlers would be desirable and feasible in the event that a property tax law could not be enacted. Actually, the economic significance of the property tax, insofar as the land reform program is concerned, lies in the assumption that the government's new tax revenue would be appropriated in part to IAD, relieving pressure on the Institute to finance itself by land sales. If there were no property tax, the Institute would have to look to land sales for income. The only question is whether the income from sales would be great enough to compensate for the loss of other advantages associated with the free land approach.

This question probably cannot be answered, but it seems doubtful to me whether the land sales program shows much promise as a revenue producer. I have indicated some doubt earlier as to the amount of income that might normally be expected from land sales, and suggested the possibility that this source could dry up if settlers began to default on their payments. Another consideration that has not been discussed at all, as far as I know, is the cost of administering land contracts as compared with the cost of merely issuing patents. The conditional sales contract policy means there will be thousands of separate accounts to maintain, plus the sizable task of collecting annual payments on each account. There is no doubt that administrative costs will substantially reduce the level of net returns.

Need for Basic Information

One of the critical needs of the land settlement program is for solid information on the amount and location of state-owned land available, the extent to which it has already been settled, and the kinds of property rights held by the government and by individuals. The remainder of this report is devoted mainly to the problem of getting this much-needed basic information as rapidly as possible.

At the outset, let me express the opinion that the fact-gathering (or survey or inventory) task should rank at the top of the priority list. The information will be used at all stages of the settlement program, but has very great significance right now in selecting projects, identifying problems, and formulating policies. I do not see how the settlement program can go much further in its planning without this information base, and I think that a concentration of effort on fact-finding might even give a different sense of direction to the program. It is possible to spend too much time studying problems in the abstract without knowing whether or not they are common enough to worry about.

The agrarian reform program seems to be faced with a variety of different problems, varying from one location to another. The search for a viable policy might, in fact, be expressed better as a search for a set of different policies adaptable to quite different situations. For example, in the projects involving former Trujillo landholdings, the government land available for settlement is unoccupied or, where there are squatters, they have been in possession for so short a time as to have no strong claim to the land. Here, where the settlement process starts with a clean slate, the problem consists mainly of finding the best qualified settlers and establishing them on operating units laid out to project standards.

But there are other situations, we are told, where the state lands have been occupied for many years, and where the squatters probably have valid prescriptive rights. Under these circumstances, there is little opportunity to select the settlers or design the operating units, and the program for such a project might consist of little more than confirming present land occupiers on their landholdings. The only problem, in fact, may be in deciding when to try to improve the situation, as for instance, by consolidating too small holdings and moving settlers onto more adequate units.

There is still another kind of situation where a few farmers or ranchers have illegally occupied large tracts of state-owned land. In one of the projects we have visited, the main problem seems to be to decide how far to cut back the large operators in order to redistribute the public land among other users.

The point is that the need for adapting settlement policies to such a variety of situations puts a heavy burden on the data-collecting capabilities of the program. Quick and systematic data procedures will be increasingly important as the broadened and accelerated settlement program moves into new situations where we have little prior knowledge of the problems or the possible remedies.

Requirements of a Data Collection Program

Data collecting, as a phase of the agrarian reform program, ought to be visualized as a continuing process rather than as a task that can be accomplished once and for all. There are frequent references to--and, I judge, widespread support for--a land inventory and a classification of state lands, but we are probably thinking of several different kinds of data collecting. I believe, for example, that there is a particular need for getting started at once on a quick survey to get certain kinds of information, but this kind of study cannot be considered the inventory. However, it should be a part of the inventory process.

With respect to the inventory program in general, may I make two suggestions: first, the concept of an inventory should be that of a multi-phased data-collecting program. It should include, for example, the kind of quick survey I will discuss below, land use and capability classifications using air photo interpretation methods, listings of public landholdings from public records, land ownership maps based on field studies, censuses of land occupiers, and similar studies and surveys. This variety of activities suggests that the inventory program should incorporate some kind of central clearing house to keep track, as well as possible, of the various surveys made and to help improve communications and cooperation between the various offices collecting and using similar data.

Second, I suggest that the inventory program concern itself with problems of data storage and retrieval. The most wasteful characteristic of most data-collecting projects is that the information is gathered for a particular purpose and is often not available in a form adapted to subsequent uses. All too often, it is easier to make another survey than to try to utilize data that has been collected already. The central clearing house suggested above might well be charged with developing some kind of data bank of basic information about land resources and land users. A map library, including base maps to various scales, would be an important part of this data bank.

Suggested Field Survey Procedure

The following section is addressed to the problem of quickly finding out what public lands are available for settlement, whether they are vacant or already occupied, what titles or claims the present occupants have to the land, and--in general--what kind of land is involved. As indicated above, this is only one phase of the "inventory;" but it is basic data needed for later use and it should be complete and accurate enough to serve as the initial file of information.

Briefly, I suggest using small mobile parties to get this information in the field, one small area at a time. Because data procedures are developed by trial and error, I would start out with a single crew and a few days' work to get experience and settle on a regular procedure. If the method works, other parties would be trained and sent into the field. For the pre-test, the party should be headed by the individual who would later be responsible for supervising all the field work.

This approach is adaptable both to obtaining comprehensive coverage of a designated project and to sampling in order to select

project areas. It is not clear to me how the current project areas were selected, but I have the impression that there may be more of an element of selection in the location of future projects. If field parties were available, they might well be employed in making small spot studies as samples for prospective project sites.

Team Composition: The survey party would consist of three or four men, including the party leader. All members of the party should be familiar with air photos, and one member should have some knowledge of property law and title procedures. For the pre-test, it might be desirable to have a lawyer on the team with the idea that he might help later in training other field parties. One person should be designated as cartographer and made responsible for locating points and boundaries on the air photos. Another person might be responsible for the name listings.

Unit Areas: The general project area should be subdivided into smaller units, probably no larger than a square mile. Unless there are existing political or cadastral units of the right size, I would consider using air photos and delineating a "block" in the center of each air photo. These blocks, laid out before going into the field, would be defined by observable natural features and need not be regular, but when put together should form a mosaic completely covering the area to be surveyed.

Maps and Lists: Air photos would undoubtedly be used as the base maps, preferably enlarged, and possibly with transparent overlays for field notes. A tabulation sheet for listing names and personal information would be made up in advance, with a system for identifying individuals and landholdings by block and tract numbers.

Field Procedure: The general idea is that the survey team will get the required information simply by inquiring informally among local people in each block. Experience will show whether it is necessary to make advance arrangements, such as by getting in touch with local community leaders. Our present guess is that the mere presence of the survey team will bring out enough volunteer informants. If possible, the blocks should be of a size such that most of the land is visible from the survey vehicle; so, in asking for information, the members of the team will consciously try to account for all the land and for observable habitations.

Information Recorded: (1) Names of all land occupiers in the block, whether landowners or squatters; (2) location of habitations, indicated by marking the point on the air photos keyed by number to the list of names; (3) boundaries of individual landholdings, marked on air photos; (4) registered titles, if any, and owner's statement as to how long he has lived on the land; (5) brief descriptions of homes and improvements on each landholding. These

items are listed in approximate order of their importance. The team will have to develop its own judgment in how far to press for answers. If the boundaries of landholdings are disputed or unknown, it is probably enough to learn the names of the settlers and the location of their homes.

Office Procedures: Rough notes made in the field should be brought into the office, and clean copies of maps and lists should be prepared by the field party as soon as possible. This should be done, if possible, while the field crew is still working in the neighborhood and able to go back for missing information. A separate list should be prepared of the names of all persons claiming to have registered titles; this list would be turned over to be checked out with registers of deeds. Ordinarily, a separate file should be started at this time for each landholding and names of all land occupiers should be entered in the name index. While the field party or parties are working in the project, the project supervisor will probably be summarizing the data as it is collected.

Records Storage and Handling: The land settlement program of IAD probably does not require an elaborate or expensive records storage system, but the system should have considerable capacity and add-on capabilities. There is apparently no way of estimating the number of cases that will eventually be handled, but it will probably be somewhere between the 4,000 settlers already in place and various proposals referring to 30,000 to 50,000 settlers within a few years. It is good to recognize that each of these thousands of cases will go through several stages, and the file on each case will be handled a number of times, particularly if IAD goes ahead with the land contract proposal. This means, in other words, a really large-scale records operation that is not to be taken lightly.

However, the needs are relatively simple--enough fireproof space and sufficient vertical files to accommodate a file folder, perhaps bulky, for each settler. These folders would normally be filed by a tract classification--that is, filed by projects, then by block and tract number. As a working tract index, a map or maps showing the location and number of each landholding are absolutely essential.

There is also need for a cross-index by name of settler, probably in the form of an alphabetical index on 3x5 cards locked in drawers. Each card would bear the name and address of the settler, together with a tract number identification.

In addition to standard office machines, the principal item of equipment needed for a records operation of this kind is, in my opinion, the addressograph. Basically, the addressograph system consists of two machines: one with a typewriter-like keyboard for

embossing small metal plates with three or four lines of printing, and another that prints directly from the plates onto listing sheets, forms, cards, file labels, and the like. The installations I have seen were designed for use in property tax administration in ways quite similar to the uses contemplated here.

The basic advantage of the addressograph system is that it can be used to develop a permanent master list of names and land descriptions that can be printed off very rapidly and accurately. The machine would probably be first used to print labels for file folders, then cards for the name index, then work books and check-off lists for various office purposes. The machine has a limited sorting capability; by using metal tabs on the plates, the printer can be set to select and print certain plates.

This system is widely used in local governmental offices in the United States, and in terms of original cost, maintenance, and operating requirements is entirely practical for use here. It would require a separate room but is not otherwise demanding of facilities.

I think it would be worthwhile to get more information on this system as soon as the record keeping needs of IAD have been studied more carefully. The only way to employ this kind of equipment effectively is to plan it as part of the records system.

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THE AGRARIAN REFORM IN THE DOMINICAN REPUBLIC:
PROBLEMS AND PERSPECTIVES

by

Joseph R. Thome*

INTRODUCTION

The Need for Land Reform

The present agrarian reform program in the Dominican Republic dates from the agrarian reform law No. 5879 of June 14, 1962. According to the preamble of this law, intensive government action on behalf of the economic and social welfare of the campesino (peasant) population was of primary interest to the nation. This need was clearly evidenced by the following factors:

1. The living standards of the campesino were extremely low.
2. Seventy percent of the total population of the country lived in the rural areas and depended for their livelihood on agricultural activities. At the same time, most of the lands best suited for agriculture were concentrated under the possession or ownership of a few corporations and latifundistas (landowners with very large properties).
3. Thus, 1 percent of the total number of farms contained 20 percent of all the cultivable land, while 50 percent of all the farms were smaller than 15 tareas each.¹
4. This land concentration has stimulated the excessive migration of rural people into the cities, with the resulting growth of urban slums and other economic and social problems.
5. A sound national development requires the economic security of its campesino population.
6. The concentration of land ownership in a few hands has also resulted in the migration of large numbers of campesinos into the mountainous areas of the country, where

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¹Six tareas equal one acre.

their efforts at clearing land are often inimical to the preservation of land, water, and forest resources.

7. That the colonization programs previously adopted had largely failed due to the lack of planning, credit services, and technical assistance.

These factors were largely confirmed by a subsequent report prepared by the International Development Service (Gifford Rogers, "Land Tenure in the Dominican Republic," June 1963). Although warning that the unreliability of statistics and the lack of uniformity in registering and reporting land holdings made it difficult to arrive at a completely accurate description of the land tenure and production patterns of the country, the report, nevertheless, felt that it was possible to draw the following conclusions:

1. The economy of the Dominican Republic is basically dependent on agriculture: 45 to 55 percent of the total area is under some type of agricultural exploitation, and 70 percent of the population is rural.
2. The agricultural picture is not well balanced: there is too much emphasis on sugar as the principal source of foreign exchange, while many items of national consumption have to be imported.
3. At present, 1 percent of all farms, each larger than 800 tareas, comprises 54 percent of the total area of all farms. Conversely, 86 percent of all farms are smaller than 80 tareas each and cover only 19 percent of the total area of all farms. These figures do not include the state-owned sugar farms, which would make the situation much worse. Nor do they include the number of peasants who are completely landless.

EXECUTION OF THE AGRARIAN REFORM

The Executing Agency: IAD

Law No. 5879 of April 1962 authorized the establishment of the Instituto Agrario Dominicano (IAD) as the responsible agency for executing the agrarian reform. According to Article 2 of the law, the IAD is a semi-autonomous agency with the power to contract its own financial obligations, subject to the approval of the Executive Power. It is supposed to be governed by a Board of Directors of nine members, including the Secretaries of Agriculture, Labor, Public Works, and Education; the President of the Industrial Development Corporation; and the General Manager of the Agricultural Bank (Law 17 of September 1965, amending Article 3 of Law 5879). The

Board is encharged by law with establishing the policy, administrative organization, and functions of the Institute within the limits set by law (Article 5, Law 5879). The Director General of the Institute, who is named by the President of the nation, is supposed to administer the agrarian reform program and to carry out such functions as are prescribed by law or are delegated by the Board of Directors (Article 6). In actuality, however, it appears as if the Board has played a very passive role, with the Director General emerging as the sole authority in the IAD. Unfortunately, in five years of existence the IAD has had five different directors, and has, as a consequence, always lacked the necessary continuity in leadership to enable it to have any long-range planning and direction.

As of September 1965, the IAD had a total of 637 employees, divided as follows: 286 on the permanent payroll, with 230 located in the main office at Santo Domingo and 56 distributed among its various projects throughout the country; and 351 provisional (nominales) employees, with 51 in Santo Domingo and 300 in the field (IAD, Informe Al Poder Ejecutivo, September 1965). Current salary expenditures are running at U.S. \$1,548,000 (1966), approximately three-fourths of the total item for overhead and salary expenses (U.S. \$1,940,400).

The main functions and powers of the IAD are described in various articles of the law (e.g., Articles 4, and 14 to 25), some of which are designated in the law as "goals of the agrarian reform." With some exceptions, they tend to be somewhat vague and general, although it can well be argued that it is not the role of enabling legislation to be too specific, but rather to set the limits and standards for subsequent detailed and specific regulations. Aside from the responsibility of planning and carrying out the agrarian reform in all the territory of the Republic [Article 4, Section (a)], the main functions of the IAD are the following:

1. To distribute among poor rural families, state (public) lands that have been assigned to it, as well as privately owned properties acquired by the state for such purposes, of a size and with such facilities as will allow the formation of family-size units.
2. To consolidate inadequately small holdings (minifundia) into parcels of a more adequate size.
3. To provide adequate housing for poor farmers and agricultural laborers.
4. To develop and help operate supervised credit programs.

5. To provide other services and facilities which will promote the economic and social well-being of the rural sector, such as education, technical assistance, agricultural extension and planning, marketing, cooperatives, agricultural industries, training, and others.

In order that it may carry out the above functions, the IAD has also been delegated the following powers (Article 4):

1. To request from the Executive Power such state lands as it feels are necessary for the development of its projects.
2. To acquire, by donations from individuals, corporations or other local and international entities, the ownership of real and chattel properties.
3. To acquire other properties through purchase, or, when necessary, to request the President of the Republic to initiate expropriation proceedings against any property it feels is required for purposes of the agrarian reform.
4. To enter into contracts, loan agreements, and leasing arrangements.
5. To make lands available to national and international institutions.
6. To establish regional agrarian reform offices.
7. To enter into other acts and transactions which are appropriate and necessary to implement the purposes of the law.

Other powers and functions delegated to the IAD include the inventory and classification of the public lands (Article 26 to 31), and operating large farms as one unit rather than distributing them among the campesinos, as long as it shares a reasonable amount of the profits among the workers (Article 61).

Land Distribution: Procedures and Activities

Although the land reform law authorizes the purchase or expropriation of privately owned land for its subsequent redistribution, and some private properties have been acquired for such purposes, most of the land being distributed is public domain land--that is, owned by the state or one of its agencies. A significant amount of this public land consists of properties formerly owned by Trujillo or his family members and which were confiscated by the Dominican government following the fall of his regime. It appears that the government intends to continue this policy, with private properties being acquired from time to time as particular situations demand.

At present, the agrarian reform plans of the government are to settle 20,000 families on economic-sized units. This will involve approximately 2,000,000 tareas of land, most of which is supposed to be public land (see report by Victorino Alvarez to the Director of IAD, dated July 5, 1967). A program of this nature would seem to require accurate data and information regarding the extent of land owned by the state, its location and accessibility, its present use and potential, the extent to which it is already occupied by settlers or squatters, and the amount which the state could recover.

Unfortunately, this information is, to a large degree, not available, thus making it quite difficult to obtain a clear picture of the availability of public lands for redistribution, as well as the problems which may exist in relation to their possible use. The IAD has been trying to collect the necessary data, but these are still incomplete due to the lack of sufficient resources and manpower. Nevertheless, they provide a useful starting point from which to work.

Thus, it is estimated that there are at least 11,632,057 tareas of land in the Dominican Republic which are either registered in the name of the state or one of its agencies, or should be registered in the name of the state, once the appropriate quiet-title actions are completed under the Torrens System of title registration existing in the Dominican Republic. Of these 11.5 million tareas, it is estimated that 5,733,514 tareas would be available for land distribution and settlement. Including the 387 tareas already distributed under the present IAD projects, but excluding those distributed under the Trujillo colonization projects, this amount would allow the total settlement of 48,000 families in parcels with an average size of 120 tareas each.²

It should be noted, however, that even if these 5.5 million tareas were all registered in the name of the state or one of its agencies, they would not be at the complete disposal of the IAD. Unlike some agrarian reform laws in other countries, such as Colombia, Venezuela, and Bolivia, the Dominican law does not by itself transfer title to any public lands to the IAD. Rather, the public or government lands remain as formerly under the ownership of the state itself, or of various autonomous public agencies. In the first case, that is, state lands whose ownership is registered to or claimed by the office of Bienes Nacionales (National Properties), a branch of the Ministry of the Treasury, the process of transferring ownership of public lands to the IAD is relatively simple when title to these lands are registered in the name of the government, but somewhat lengthy and complicated when there is no

²Memorandum of the Technical Assessment Division of the IAD, dated June 20, 1966. Approximately 1.5 million tareas have been distributed under the colonization projects.

registered title. In either case, the IAD initiates the process by requesting the Executive Power to authorize the utilization of certain specified lands for distribution. The President, if he approves the project, will in turn order Bienes Nacionales to transfer the property to the IAD. If the property is already registered in the name of the government, then the transaction is rapidly handled through the appropriate Registry of Titles. On the other hand, if the state does not have a registered title to the property, then the IAD only receives whatever rights Bienes Nacionales may have over the land. The title must then undergo a quiet-title or title clearance action before the Land Court System of the nation--an in rem proceeding in which the court determines who is the rightful owner of the property and orders that his right be registered and a certificate of title issued to him. The Land Court must also intervene in those cases where a subdivision of a particular registered property is requested or required and it is owned in common by various tenants, one of whom is the government.

Apparently, much of the land transferred to the IAD by Bienes Nacionales is either unregistered, or must be subdivided, thus requiring the intervention of the Land Courts. And though the Land Court system seems to be one of the most efficient and fair of all judicial systems in Latin America, its proceedings, because of their own complex nature, built-in safeguards, volume of cases filed, and inadequate number of judges, can be very time consuming. Nevertheless, the IAD obtains most of its land from Bienes Nacionales since it is relatively easy to get the presidential approval; Bienes Nacionales controls most of the public lands in the Dominican Republic, and the IAD does not have to pay for it.

The Trujillo colonization projects, which were placed under the jurisdiction of the IAD, provide another source of land for settlement projects. Their total area is estimated at 2 million tareas, of which approximately 600,000 would be, according to the IAD, available for redistribution. The colonization areas, however, have not been surveyed in their entirety, nor have they all been registered in the name of the state or one of its agencies. Title conflicts with private individuals who claim ownership over some of the unregistered land included within the colonization projects have already occurred, and it seems that litigation in the Land Courts will be necessary in order to clear the titles.

A third source of "free" land for the IAD is the "quota" part in land (from 25 percent to 50 percent of each parcel) which a landowner benefitting from a state-built irrigation system must transfer to the state as compensation for his share of the costs of the works, as well as for the increased value of his remaining land. Law No. 436 of October 10, 1964 transferred the power to "collect" these lands, which was formerly held by the National Institute of

Hydraulic Resources (INDRHI), to the IAD. Up to July 12, 1967, the IAD had obtained 32,988 tareas of "quota" part lands.³ The IAD estimates that in four months of work they could obtain an additional 114,000 tareas of land through the application of the "quota" part law to registered lands which INDRHI has certified have been benefitted by the construction of irrigation canals. The expenses involved in this process would be U.S. \$7,200 for the salaries and expenses of seven employees for the four month period.⁴ While these lands are scattered over various irrigation projects, and thus would not permit project-wide planning, availability of irrigation makes them prime lands, and ideal for establishing commercially oriented family-size farms.

The other source of public lands for the land settlement projects of the IAD are the various autonomous entities of the government which for some reason or another hold or own substantial amounts of rural property, some of which is unused or not exploited to the extent of its potential. These entities or agencies include the Agricultural Bank, the State Sugar Corporation, and the Administration of State Farms. As these lands are carried as assets in the books of the public agencies, their transfer to the IAD requires some sort of compensation, whether in cash, bonds, or other lands, to be entered in their place. The national government has, on occasion, issued special bonds for the purpose of financing these transfers. To date, this recourse has been resorted to on a case-by-case basis, as the IAD does not have its own resources for financing such transactions, nor have agrarian bonds been issued for such purposes, as is common in other countries. Furthermore, one is given the impression that some of the public agencies are less than enthusiastic in their cooperation with the IAD, sometimes holding up the transfer of the title for unduly long periods.

Finally, the IAD may obtain lands for distribution or settlement through the purchase or expropriation of privately owned properties, which must be approved by the President of the Republic. To all appearances, it is not the general policy of the IAD to acquire private properties, although it has recommended such action to the President on a few occasions. On the other hand, it seems that the President has, at various times and on his own initiative, ordered the purchase or expropriation of private properties for their subsequent redistribution, without bothering to consult the IAD or seek its advice. This action is apparently taken because the President considers that the land redistribution is proceeding too slowly, particularly in view of the fact that the rural

³Report of the IAD Section in charge of implementing Law 435, dated July 12, 1967.

⁴ibid.

population was one of his main supports in the last election. While these lands are then turned over to the IAD for distribution, these transactions in effect constitute a "President's" land reform, separate and independent from that being carried out by the IAD.

Nevertheless, it is fairly clear that the source of most of the land to be distributed or settled under the rubric of agrarian reform, at least in the next few years, is the public sector-- i.e., public lands owned either directly by the state (Bienes Nacionales), or by one of its public and semi-autonomous agencies. The estimated amount of land available from such sources is summarized below, with the understanding that the data provided may be subject to some corrections.⁵

1. The IAD: Including the lands already parceled (distributed), the IAD owns or is in possession of approximately 800,000 tareas, of which some 637,000 are covered by a registered title.
2. The Government (Bienes Nacionales): There are approximately 7,333,543 tareas of land owned or in possession of Bienes Nacionales which could be transferred to the IAD for purposes of land distribution. These include 4,120,674 tareas with a registered title, and 3,212,869 tareas confiscated from Trujillo and his family, part of which are also covered with registered titles in favor of the state. Some of these seven million tareas have already been transferred to the IAD (approximately 700,000 tareas).
3. Public Water Law Lands ("Quota" Part): As previously stated, the IAD has already obtained 32,988 tareas of land through the application of Law No. 436 of October 1964. An additional 114,000 tareas of registered lands could easily be obtained in about four months' time. The remaining potential from this source is estimated at 200,000 tareas.
4. Agricultural Colonies: These projects cover some two million tareas of which approximately 600,000 would be available for new settlements. A substantial amount of these lands requires surveying and quiet-title actions.
5. The Agricultural Bank: This institution owns some 315,000 tareas of rural lands. Negotiations are under way to

⁵Report from the IAD Technical Assessment Division, dated June 20, 1966.

effectuate their transfer to the IAD. This would involve payment in bonds or other securities, or long-term promissory notes, to be financed from the payments received from campesinos to whom these lands are distributed.

6. The State Sugar Council (CEA): This public agency operates 12 sugar mills with a total of 4,666,369 tareas, of which 1,959,838 are planted in sugar cane, 1,121,476 are used for cattle grazing (oxen are commonly used for hauling), and 1,585,064 are hilly lands or otherwise not used in the process of sugar production, of which nearly 800,000 tareas are occupied by squatters or other third parties. At present, the IAD and CEA are negotiating for the transfer of at least 800,000 tareas to the Institute. Again, this will involve compensation of some kind, whether in bonds, or, as has been suggested, by having the IAD exchange lands nearer the sugar mills for CEA lands farther away, with the IAD receiving 2.5 tareas for each one given up. A third alternative would be to let the CEA retain title to the lands, which would then be used in a joint IAD-CEA project for developing new sugar-growing areas, to be distributed (sold) to new settlers, preferably under cooperative arrangements. It would also seem that much of the land now used for cattle grazing could also be used for purposes of land distribution.
7. Administration of State Farms (Fincas del Estado): According to the IAD, this autonomous public agency owns or otherwise controls some 300,000 tareas, of which a substantial amount could be used for land settlement. The IAD is already operating some projects on lands which belong to the Fincas del Estado. Negotiations for transferring title to these and other lands to the IAD have been undertaken.
8. Total Figures: In synthesis, the IAD estimates that there are at least 11,632,057 tareas of public lands, of which some 5,633,514 should be made available for land settlement projects.

The Procedure for Distributing Lands to Settlers

Chapters V and VI of the Agrarian Reform Law (Articles 32 to 50) establish fairly clear criteria regarding the purpose of land distribution, selection of candidates, conditions attached to the distribution, and the rights and duties of the beneficiaries. Article 32, for instance, states that land distributions should aim for the formation of commercially oriented family-size farms. Poor farmers of the vicinity, particularly those already settled in the

land to be distributed, are to be preferred (Articles 37 and 47). In any case, the petitioner for land must agree to work the land personally or with only the help of his immediate family; not own any other land or have other means of income, unless these are insufficient for an adequate standard of living for the family; and be between 18 and 50 years of age (Article 46). The land is to be sold through a conditional contract, with the price, period of payment, and other conditions to be set by the IAD (Article 38). No interest in the land, however, can be sold, leased, or in any way transferred without the written consent of the IAD until it is fully paid (Article 39). Moreover, once a parcel is distributed or sold under an agrarian reform project, it shall be free from any encumbrance. Thus, any third party claiming the right of ownership over said parcel must, if his claim is vindicated, settle for a pecuniary compensation from the state (Article 40). And until such time as the property is fully paid for, the IAD may reclaim the property if its recipient has violated any of the conditions stipulated in the law or the contract (Article 43).

Following these strict precepts, or perhaps bound by them, the Agrarian Institute has established an elaborate and perhaps overly complicated--at least for some cases--procedure for distributing lands in its agrarian reform projects. A summary of the procedure follows:

1. Land to be distributed is localized. This generally involves a preliminary study of areas thought to be suitable for land distribution. This may include social and economic conditions, soil studies, availability of state lands, etc. Political and social pressure may play an important role in this stage.
2. Authorization requested from the government. The main purpose is to obtain the necessary land, either through expropriation, or, as is more common, from a government or public agency. Often, the land is made available to the IAD rather readily, but the transfer of title may be somewhat delayed, or the intervention of the Land Courts may be necessary in order to clarify ownership or boundary questions.
3. Surveying and soil classification. Once the land is made available, it is carefully surveyed and detailed maps and reports prepared. Soil classification studies are carried out at the same time.
4. Legal Study. The legal department of the IAD may then investigate the legal status of the properties within the agrarian reform project.

5. Selection of petitioners to land. At the same time, those persons desiring to receive land are subjected to a seven page structured interview, from which a "grade" or points are assigned to each interviewee.
6. Parcel design. Meanwhile, another division of the IAD prepares a plan for the project, determining the size and shape each parcel is going to have, in accordance with soil, topography, and other production factors. The ideal is to design a parcel that will produce a family income of U.S. \$1,500 per year.
7. Distribution of parcels. Each petitioner is then assigned a particular parcel for his use, cleared and ready for farming.
8. Assistance and administration. Each land distribution area constitutes an "agrarian reform project" with its own staff. This group is encharged with planning the production and providing technical and marketing assistance. Other help may include credits, machinery, housing, and infrastructure works.

Accurate data on the length of the process could not be obtained, but it is probably not less than six months. Its cost to the IAD varies from area to area, ranging from \$400 to \$1,200 per family settled. This does not include those sums which are thought to be recoverable from the settlers: credits; houses (about \$1,000 each in the cases where they are provided); the cost of the land, etc.

Each settler, upon receiving his parcel, is provided with a "Certificate of Provisional Assignment," which certifies that he has been selected by the IAD and assigned a particular parcel. After a two year trial period, the settler is supposed to enter into a conditional sales contract with IAD for the purchase of the land. Under this transaction, the IAD conveys a conditional title to the parcel, to be converted into a full title, provided the settler pays for the parcel over a 20 year period and meets the other conditions stipulated in the contract or the law.

The Extent of Land Distribution⁶

Excluding the colonization areas, the IAD has initiated 49 land distribution projects since its organization in 1962. No land

⁶Source: A Table prepared by the Division of Assistance and Development of the IAD, July 14, 1967.

distributions have taken place in seventeen of these projects, which are still in the planning stage. Other projects seem unduly small--there are two projects, for instance, which cover only 213 and 729 tareas, respectively. In all likelihood, these small projects are the result of "quota" part lands recovered from an irrigation project. The total area covered by all the projects is 1,183,912 tareas or 73,994 hectares, of which 387,424 tareas (24,214 hectares) have to date been distributed among 6,756 heads of families, representing a total number of 28,050.

Considering that the rural population of the Dominican Republic is estimated at 2.6 million, this means that in the five years since the agrarian reform was enacted, only 1.1 percent of the rural population has been benefitted through land distributions. Assuming a constant rural population of 2.6 million, that all should benefit from land settlement programs, and that the present rate of distributions is to be maintained, approximately 500 years would be required to complete the agrarian reform process. Of course, the above figures overstate the case: the total rural population is not going to require land distributions. But a significant percentage of them will, and there is no doubt that the process is going much too slowly.

It is interesting to note that although many of the settlers have been on their parcels well over the two year trial period, most have not yet entered into the contract with the IAD under which they would receive a conditional title, payable in 20 years. To my knowledge, the Palenque project is the only one in which settlers have actually received titles; in 1964, 108 settlers entered into conditional sale contracts with the IAD. Almost all the parcels in that project have an acreage of 50 tareas, and their values range from \$250 to \$700, with the average at around \$500 per parcel. Thus, excluding credits and other payable expenses, such as land preparation, most settlers are supposed to pay \$25 a year for 20 years. These land valuations are based on a consideration of the production potential of each parcel and the estimated ability of the settlers to meet their land payment obligations.⁷

While this amount seems rather reasonable, it should be remembered that as of November 1962, annual average income per settler

⁷Gifford Rogers, The Palenque Project (Dominican Agrarian Institute: Santo Domingo. 1965) pp. 16-26.

family was only \$576.⁸ No data was obtained regarding the payment record of these settlers.

In general, then, most settlers have received from the IAD no other legal claim to the land they are working than a certificate of provisional assignment, which provides few, if any, substantial rights. This situation appears to be a source of discontent among the settlers (as expressed by FEDELAC, the Campesino Federation) who, with certain justification, claim that they have no security over the land.

The reasons for this somewhat unhealthy situation have not been clearly spelled out. The IAD, for one, gives as a reason the fact that approximately 50 percent of the land which it has distributed lacks registered titles, and thus it cannot enter into the conditional contracts until such time as the necessary quiet-title actions have been completed at the Land Courts. But it would appear that other factors are also important. It could be that the IAD is somewhat doubtful of the willingness and capacity of some of the settlers to comply with the conditions and payments of the contracts, and is thus buying time until another procedure is worked out or a process of natural selection takes place, or the settlers develop the necessary capacity.

The experience of the earlier projects would tend to vindicate this conjecture. A 1965 study of the Caracol project, for instance, found many irregularities plaguing its progress.⁹ Some of the settlers were occupying more land than they were entitled to, while others were moving out or selling their parcels. Many of those selected as settlers were clearly not apt for agriculture, and failures to meet debt obligations were not uncommon. At the same time, 26 families had invaded parts of the project and were carrying on farming activities, while approximately 200 other families with no ties to the project were building houses within its limits. Furthermore, the report expressed strong doubts that the income from the parcels would be sufficient to allow an adequate standard of living and cover the payments for the land, houses, and other improvements on the land.

It should be emphasized, however, that problems of this nature are common to the initial distribution efforts of most land reform

⁸ Ibid., p. 16.

⁹ Gifford Rogers, "The Caracol Project," (IAD: Santo Domingo, 1965).

programs. The IAD has improved its process of selecting beneficiaries and its administration of the projects. Nevertheless, it is unrealistic to expect new settlers, with little or no education and limited managerial capacity, to produce up to the potential of the land, at least during the first five or six years of the project, unless the project is exceedingly well administered and the settlers are provided with full technical and credit assistance. And given the limited resources of the IAD, it is doubtful that these complementary services could be provided to the optimum desired. In any case, however, as most of the lands distributed to date were, in effect, virgin lands which were not settled or under production, or were used very inefficiently, any production resulting from their settlement will be a net gain. And those settlers who were distributed lands which were previously in production and with an already existing infrastructure (roads, irrigation canals, etc.) appear to be exceeding or at least meeting the previous production figures.

FACTORS ADVERSELY AFFECTING THE AGRARIAN REFORM PROCESS

While most of these factors have been discussed in the previous sections, they will be summarized here in order to make them clearer.

Planning Factors

1. Insufficient and unreliable data on the rural or agricultural sector. In order to plan a full scale and efficient land reform, the executing agency should have at its disposal complete and accurate data on the demographic, physical, social, and economic conditions of the rural sector of the country. It is vital, for instance, to have a clear picture of the rural population, its distribution, education, employment practices, living conditions, and the like. Equally as important are the data on the land tenure and use patterns of the rural areas. This includes the distribution of land ownership, size of holding, the amount of land registered in the name of the state, private individuals, and corporations, respectively, number and location of squatters or settlers in both private and public lands, the manner in which land is utilized, and production figures. Also in great utility would be soil quality and classification data. Accurate data of this nature is not at present available, making it very difficult to plan and implement an efficient and nation-wide agrarian reform program, as well as any sort of agricultural development projects.

2. Lack of studies on the rural problems of the nation. Another factor which makes it difficult to plan an agrarian reform program is the lack of empirical research or analysis on problems which affect the rural areas of the Dominican Republic. Studies on the role certain institutions play in the rural areas, for instance, would be very useful for acquiring a better understanding of the social and economic structures in that sector. These institutions would include local government units, the judicial system, administration of irrigation works, and the like, with the emphasis placed on how and for whom they actually function, as compared with what they are supposed to accomplish. Empirical studies on the effect of land tenure and use patterns on the economic and social conditions of the country would be of particular importance.
3. Lack of clear formulation of an agrarian reform policy. Given the absence of both accurate statistics and empirical research on the agrarian sector, it is not surprising to find uncertainty and vacillation as to what the agrarian reform is supposed to accomplish. But in order for an institution such as the IAD to be efficient, and to imbue its staff with the spirit and enthusiasm so important for the success of a social program such as agrarian reform, it is necessary to establish fairly definite goals, to delineate the means necessary for accomplishing these goals, and to coordinate the agrarian reform program with general development plans for the nation. This type of formulation is also necessary in order that all the sectors or groups to be affected by the reform, such as the landowners, the squatters, and the campesino federations, as well as the public at large, be somewhat certain as to the scope of the program, and be able to plan accordingly.

Aside from the lack of data, other factors may be cited for this absence of a clear policy. These include the constant change in the office of the Director General (five in five years), the passive role of the Board of Directors, insufficient communications or relations between the IAD and the President of the Republic, as well as other government agencies, and the apparent absence of any overall agricultural development policy.

Institutional Factors

1. Coordination:

Intimately related to the above factor is the apparent lack of coordination between the IAD and other government agencies or entities which play a role in the agricultural

development of the country, such as the Banco Agrícola, State Sugar Corporation, Ministry of Agriculture, Hydraulic Resources Institute, Community Development Projects, and others. If the agrarian reform is going to be successful, it must be assured of having sufficient lands with which to work; cheap sources of credit for its settlers; extension work and other technical assistance; irrigation works, and other necessary infrastructure. In order to obtain these measures, the IAD must receive the cooperation of the above-mentioned agencies and, in many cases, coordinate its projects with theirs. But sometimes this cooperation or coordination is not very efficient. The difficulty in obtaining lands has already been mentioned. Another source of difficulty seems to be that of obtaining agricultural credits for the settlers--complaints are expressed concerning the high rates of interest of the Agricultural Bank, as well as the slowness with which it releases the funds.

Yet the machinery exists for attaining joint action. There is a Planning Commission within the Ministry of Agriculture which is supposed to coordinate the activities of all the agricultural agencies of the government. Representatives from the IAD, Banco Agrícola, CEA, IDECOOF (Cooperative Credit) and other agencies serve in this commission. Perhaps what it requires is a gentle push from the President.

2. Administration of the IAD:

- a. Lack of internal regulations defining rights and responsibilities of divisions of IAD and its employees.
- b. Passive role of the Board of Directors of the IAD.
- c. Lack of certain administrative tools or departments to facilitate agrarian reform process, such as:
 - 1) Compilation of all laws affecting agrarian reform.
 - 2) Control--cards for each agrarian reform process.
 - 3) Publicity--information to instruct campesinos and public at large on the agrarian reform. Many campesinos, for instance, are not fully aware of the obligations they incur in receiving lands.
 - 4) Lack of resources and manpower.

3. Procedures of the IAD:

The procedure for distributing land and selecting beneficiaries is a long and elaborate process which is reasonable for unoccupied lands to be newly settled by the IAD, but is not applicable to areas which are already occupied by squatters or other settlers, particularly when these settlements are of long standing. But there are no special procedures available for these latter cases.

Moreover, there seems to be an emphasis on burdening the new settlers with too many obligations (loans for new housing, works, seeds, machinery, credits, etc.) which may be impossible to repay. The new houses, particularly, are a very expensive item, do not increase production, and could be deferred for a number of years. Having lived all of his life in a bohío, a campesino receiving land does not expect or really need a 1,000 peso house. Housing construction in an agrarian reform project should be a self-help or community development project.

Legal Factors

1. The Land Reform Law (5879 of April 1962):

Generally speaking, this is not a very well drafted law; it contains many gaps, including the following:

- a. No clear statement of goals and purposes.
- b. No definition of what lands can be expropriated; as the law now stands, all privately owned rural property is potentially subject to expropriation, without distinction as to size, extent, and efficiency of production, labor arrangements, social conditions of the area, etc. But expropriation should be limited by certain criteria in order to provide security for agricultural investments and preclude its application for merely political motives.
- c. Requirement that beneficiaries of the land reform must pay for the land they receive.

Production studies of the Caracol Project indicate that the average production per parcel is not sufficient to meet basic living costs and pay for the land, house, and other improvement expenses. This projection

is vindicated by the experience in other nations with agrarian reform programs.

2. The Land Law (1920 Law and 1947 Revision):

The main purpose of this law is to institute a Torrens System of title registration. This process requires a quiet-title proceeding before an appropriate land court in order to definitely establish the ownership of the property in question before a title, guaranteed by the state, is issued to its owner and registered in the Registry of Titles. While it has generally been successful, with approximately 50 percent of all the land in the Dominican Republic already registered, the process tends to be somewhat slow, and too complicated and expensive for an illiterate and poor campesino who may, nevertheless, be the rightful owner of the land he occupies. The most obvious problems here are:

- a. A lack of sufficient land judges. There are only 16 for the whole nation, and they are overburdened with work.
- b. Campesinos tend to be exploited by lawyers, who often charge 20 to 30 percent of the value of the land as fees for their services, or even worse, exact fees for each appearance before the court, and thus are prone to extend the case as long as possible.

CONCLUSIONS

There is no question in my mind concerning the importance of attaining an efficient land distribution program in the Dominican Republic. The available data on the rural sector would seem to vindicate this assertion. Thus, according to a report for 1966, "Socio-Economic Progress in Latin America," issued by the Inter-American Bank, as of 1960, only 54.5 percent of the arable land area was in crops and pastures. Moreover, the land tenure structure indicates an unhealthy division between large farms and exceedingly small holdings or minifundia. In fact, the number of holdings smaller than one hectare increased by 250 percent between 1950 and 1960, reflecting the great pressure exerted on available land by population growth. This fragmentation into tiny parcels depresses rural living standards and productivity, and accentuates the vicious cycle of poverty in the Dominican countryside. The level of agricultural production is notoriously low, and rural migration to the cities is increasing rapidly. Of the 460,000 inhabitants in Santo Domingo, for instance, only 250,000 were born

in the city. This has resulted in unemployment, growing slum areas, and unstable social conditions.

The social and political pressure for land distribution is well evidenced. Over 30,000 heads of families, for instance, have filed requests for land at the IAD's Colonization Division. Many of the ex-Trujillo farms have been invaded by rural families seeking lands to work, and squatters on public lands are common. And the campesino federations, such as FEDELAC, are increasing their power and activities. Not to be overlooked is the fact that the present government received the bulk of the rural vote in the last election. If it wishes to retain this support, it must begin to deliver on its promises to proceed with the agrarian reform and improve their standard of living.

Finally, it should be remembered that the process of development often requires a change in archaic social or political institutions before the tools of economics can begin to operate for the benefit of the population at large rather than the privileged few. As Heilbroner explains:

" . . . the process called 'economic development' is not primarily economic at all. We think of development as a campaign of production to be fought with budgets and monetary policies and measured with indices of output and income. But the development process is much wider and deeper than can be indicated by such statistics. To be sure, in the end, what is hoped for is a tremendous rise in output. But this will not come to pass until a series of tasks, at once cruder and more delicate, simpler and infinitely more difficult, have been commenced and carried along a certain distance.

" In . . . Latin America, the principal handicap to development is not the absence of national identity or the presence of suffocating cultures (although the latter certainly plays its part), but the cramping and crippling inhibitions or obsolete social institutions and reactionary social classes. Where landholding, rather than industrial activity, is still the basis for social and economic power, and where land is held essentially in fiefdom rather than as productive real estate, it is not surprising that so much of society retains a medieval cast.

" Thus, development is much more than a matter of encouraging economic growth within a given social structure. It is rather the modernization of that structure, a process of ideational, social, economic, and political change that

requires the remaking of society in its more intimate as well as its most public attributes." ¹⁰

The Agrarian Institute (IAD) is fully aware of all these considerations, and is working very hard toward a successful land distribution program. Yet, as already noted, the program is progressing too slowly. The factors causing the delays have already been noted, as have some of the measures which could or should be taken to ameliorate the situation. Here, we will merely outline some recommendations or needs that in our opinion merit consideration.

1. In order to plan and implement an efficient and nationwide agrarian reform, the IAD must know where it is going, and have the tools to get there. Ideally, this entails the following:
 - a. Complete and accurate land survey and rural census.
 - b. Empirical research on institutional, economic, and social problems in the rural areas.
 - c. A fairly definite agrarian reform policy.
 - d. Coordination and cooperation from the other public agencies active in the agrarian sector. Items (c) and (d) could best be achieved through the Planning Commission of the Ministry of Agriculture.
 - e. More support from the government. This includes financial and political assistance.
2. Until such time as the IAD has the resources and power to adopt a comprehensive agrarian reform program, it should concentrate on:
 - a) land settlement programs in public lands--that is, distributing previously unoccupied lands among new settlers;
 - b) securing a clear title for those campesinos already settled on public land but whose tenure status is insecure; and
 - c) assisting small farmers settled on unregistered private properties to initiate and complete the quiet-title actions necessary for obtaining a registered title to their lands.

Up to now, the IAD has concentrated on step number 1. Thus, it has developed a complicated and long procedure in order to make sure that the new settlement be as successful as possible. And while this procedure, with the possible exception of expecting the settler to pay for the land, is fairly rational for new settlers, it is not particularly applicable to those who have settled on public lands under their own efforts, often as long as 20 years ago.

¹⁰Robert L. Heilbroner, "Counterrevolutionary in Latin America," Commentary, April 1967.

These people are essentially pioneers or homesteaders, who have undergone much personal sacrifice in opening up virgin lands and bringing them under production. They have all the requisites of a landowner except one: a title. And this one lack makes their position very insecure--they can't obtain credit from regular banking institutions and they live under the constant threat of eviction. By confirming their holdings through the distribution of free titles, and perhaps providing some minimal support--some credit, roads, and education facilities--the IAD would secure their tenancy and encourage a more commercial type of production. It should be noted that providing campesinos with titles usually generates a much more intensive agriculture and creates rural stability. This has been the experience in various countries such as Colombia and Bolivia. Furthermore, there is no need to establish elaborate production plans for these settlers; they already have years of experience in working their own farms and require only assistance.

Thus, as is being done in Colombia, Bolivia, Venezuela, and other countries, the IAD should set up simple procedures for granting title to those campesinos settled on public lands, particularly if their settlement is of long standing, say five years or more.

Similarly, the IAD should help campesinos who are settled on unregistered private properties to initiate the quiet-title actions necessary for the attainment of registered titles. More often than not these campesinos have the legal right to own the property, either through adverse possession, purchase of someone's rights, or simply an unregistered title. But due to ignorance or lack of resources, or because of the exploitation by lawyers or other individuals, many have not initiated or completed the necessary legal proceedings. As already stated, it is very important to secure their possession through clear and registered titles.

The best way that the IAD could accomplish the task of providing a secure title for these farmers is through the use of mobile units, each one composed of a lawyer, surveyor, assistants, and, if possible, a land judge. The Colombian Land Reform Agency (INCORA) has been very successful with this type of operation, and this example could be followed very profitably.

Once these people have a registered title, then it would be a simple matter to establish a land tax to help finance further settlement projects. It is submitted that even in the case of new settlements, which do entail more expenses for the IAD than the title-securing project, it is more realistic to distribute the land free of charge, or with only a small initial charge (e.g., \$10). Once the settlers have a registered title, they could then be charged a relatively small annual land tax.

It is further submitted that the IAD could, without too much additional expense, benefit many more thousands of campesinos than it is doing at present if it initiates services for securing free titles for those already settled on the land, provided they have demonstrated their ability to work the land (i.e., a two to five year permanence), and helping poor and small unregistered landowners to go through the quiet-title actions necessary for obtaining registered titles.

In any case, in order for the IAD to be more effective in its present programs and those outlined above, the following would seem to be required:

1. Additional control of IAD over public lands.
2. More flexible procedures.
3. Amending law to allow free distribution of lands.
4. Provide assistance to campesinos in saneamiento procedures through mobile units composed of lawyers, surveyors, and other help.
5. Increase the number of land courts in order to speed up the process of title clearance and registration.
6. Increase the number of title registries.

August 10, 1967