

PART FOUR

SOCIOCULTURAL ANTECEDENTS OF EROSION CONTROL

CHAPTER EIGHT

LAND TENURE AND SOIL CONSERVATION

Several observers have indicated their conviction that the prevailing land tenure system in Haiti has not only been one of the major contributing factors to soil erosion in the past, but also continues to be a major obstacle to the success of soil conservation practices in the agrarian repertoire of the Haitian peasant stems largely from the absence of a true proprietary relationship to the land which he crops. This has led to the emergence of a totally extractive, grab-while-you-can approach to agriculture whose direct consequence has been the destruction of the nation's forest. This extractive orientation furthermore, according to the model, inhibits the spread of the ecologically protective behaviors which soil conservation technicians have tried to impart. In view of the frequency with which these assertions have been made, I gathered general information on the prevailing land tenure patterns in the various project regions, as well as more specific information from project organizers and participants concerning the manner in which different land tenure arrangements appeared to impinge on the success or failure of the project.

8.1 Overview of Haitian Peasant Land Tenure.

Haitian agriculture unfolds in the context of a private property land tenure system whose institutional underpinnings stem largely from French law and whose actual functioning is informed by a number of folk-adaptations which have emerged in the context of Haitian peasant society. A great

deal--undoubtedly most--of the land is under the control of private owners, though large tracts of land (never yet measured) also belong to the State. The intergenerational movement of land is governed by a bilateral, partible inheritance system in which all children (with certain minor exceptions) receive equal shares of the land of both parents. The preponderance of extralegal conjugal arrangements in the rural areas leads to a situation in which the land of both parents tends to be kept legally separated, creating a situation in which children generally frequently two separate sources of inheritance land. In addition to the intergenerational movement of land via inheritance, there is an impressively vigorous land market in which peasants buy and sell land.

The situation of deeds is one of the more obscure features of the land tenure system. It is probably the case that most of the privately claimed land in Haiti is covered by some form of deed. These deeds have arisen either in the context of 19th century governmental land grants or of more recent purchases which were followed by surveys and the preparation of new deeds. But though most private land is covered by deeds, there has never been a total cadastral survey of Haitian peasant holdings, leading to the emergence of competing deeds. Furthermore it is a rare peasant who has deeds for all of the plots in his holding, even for those plots of which he is the owner. Recent generations have seen the emergence of informal land division procedures in which siblings, resting in the knowledge that their father or grandfather

had a valid deed to the land (which is still preserved in many cases), avoid the expenses of a legal survey by informally dividing the land among themselves. The plots created by this subdivision do not have separate deeds, but the land is nonetheless frequently covered by a master deed. In most regions of Haiti these informal subdivisions, frequently made in the presence of community witnesses, have the force of law. In fact a sibling may, if necessary, sell his plot and the purchaser may elect to come in and survey the purchased piece of ground even though the seller had not yet taken out his own separate deed to the plot. However in the case of many, perhaps most, purchases, the buyer himself will not undertake the expense of a formal survey, but will rest his security on the notarized record of the transaction that is prepared at the moment of a sale.

In addition to the circulation of land via inheritance and purchase, many peasants gain access to land through one or another tenancy route, the principal variants being sharecropping and renting. When dealing with mountain peasants, most of this tenancy is of an intraclass nature-- both landlord and tenant are peasants from the same general region. The landlord himself may continue to crop his own plots of ground and may even simultaneously be a sharecropper or renter on somebody else's land.

There is some degree of regional variation with respect to land tenure patterns. For example, in the rural areas north of Aux Cayes, the informal subdivision process does not unfold as described above. In the case of valuable land, siblings will call in a surveyor and pay the \$20.00

or \$25.00 required to draw up each separate deed. Where the land is too small, siblings will crop it in rotation, a practice which I have not found to be common in other parts of the country.

The case of State land presents another variant. In many parts of the country State land is used for the growth of traditional domestically important crops such as corn and millet and traditional cash crops such as beans. In such cases the prevailing arrangement is for the peasant to pay rent in the Tax Bureau of the nearest town. But in the case of more valuable State land, a frequent arrangement, which I have observed in both Aux Cayes and Jean Pabel, for example, is for wealthy townspeople to rent the land at a low price from the Tax Bureau and to sublet it at higher prices to individual peasants.

But even State land has its regional variations. All of the coffee grown in the Baptiste region in the mountains south of Belladere is grown on State land. But in this region the practice of paying rents to the State was eliminated during the late forties when an agricultural colony was established in the regions and peasants who had been affected earlier slaughter and by the ejection of Haitians from the Dominican Republic were given plots of ground. Today the farmers treat this land as though it were their own, with the exception that they do not notarize land transactions, preferring to avoid any involvement with the State in matters of land.

3.2 The Issue of Land Tenure Insecurity

When reference is made to the land tenure insecurity of the Haitian

peasant, the assumption generally is that the general absence of legal deeds for the individual plots in his holding creates a sense of insecurity that militates against long term investment in the land. There are some possible errors in this model.

Earlier information presented in this report indicates the presence of a generalized fear that involvement with the State or blan could lead to eventual loss of land. One need only recall the reluctance of many farmers to have trees planted on their land for this reason to grasp the fundamental insecurity of the Haitian peasant. However this insecurity has nothing to do with the land tenure system. That is, the fear of possible expropriation was as strong among those proprietors who had purchased and deeded their land as it was among those who had no separate deeds. If anything, the purchasers of land, who had invested cash in their land, had more to lose. Had each and every peasant had a deed for each and every plot in his holding, the fear would have been equally great. The insecurity stems from a basic ambivalence about the intentions of public institutions.

There is a second type of insecurity which focuses around the danger of losing land to powerful individuals who take a sudden interest in the land. The peasants of a community near Anse Rouge participated actively in a HACHO-sponsored irrigation project to bring a large tract of "public land" under cultivation. No sooner had the system been installed than a powerful townswoman showed up with a deed indicating that the land was in fact part of her own personal patrimony. Such occurrences tend to focus an irrigation projects and do not appear to play a major role in those

marginal uphill lands of interest to soil conservation projects.

A third type of insecurity is to be found in the situation of the tenant or sharecropper. His access to the land is determined by the landlord and can be removed once the cropping cycle is finished or the rental period has expired. This insecurity is a built-in feature of any tenancy arrangement and is not due to any particular weakness of the Haitian land tenure system, except insofar as these tenancy relationships are prevalent in certain regions.

A fourth type of insecurity that is characteristic of Haitian peasant land tenure in a way that is apparently not so common in other parts of the Americas involves potential conflict between close or distant relatives. The informal divisions may eliminate certain absent relatives, or they may be on property which, in an earlier subdivision, had eliminated a relative. A common theme in rural Haiti is that of intrafamilial litigation over plots of ground. Probably most land conflicts in Haiti involve conflict, not between a peasant and an outsider, but between a peasant and a relative.

In what ways have these land tenure dynamics affected the course of erosion control projects?

One of the more paradoxical findings from this research entails the apparent pattern whereby the absentee owners and large landlords--the "bad guys" in the books of some analysts of Haitian society--take substantially better care of their land than the smallholding peasant "good guys." In the area of Furcy, for example, well to do citydwellers have been buying

up mountain land for decades. The land purchases have been made, not with a view to putting the land to productive use, but with the intention of creating vacation residences and bucolic summer retreats from the heat and noise of Port-au-Prince. Many of these boujwa have taken great pains to protect the remaining pines on their land, and to reforest portions of their property that have already been denuded. Their refusal to let local peasants clear and work their land has in many cases earned them negative local reputations. One does not need to ask informants to learn which hillsides belong to local peasants and which belong to outsiders. If a hillside or ridge has abundant trees, it is te' moun lavil (the land of city people); if it is denuded and barren, it is te' abitan (peasant land).

A somewhat similar pattern can be seen in the case of Smith's nursery in Limbe'. Despite early attempts to involve peasants in tree planting, in recent years the project has had to rely almost exclusively on purchases from middle and large landowners who are willing and able to set apart sections of their property for the long term regeneration of forests.

These patterns are not surprising. The wealthy tree planters are for the most part individuals who generate their wealth from non-agrarian pursuits. The destruction of Haitian forests and hillsides has come about through the action of those whose livelihood depends on the soil. The elite landowner can afford to leave his land in unproductive or semiproductive trees, and his behavior in this respect is ecologically positive. But his holdings account for only a fraction of potentially productive the land in Haiti, most of which is in the hands of people who must make a living from it. In designing reforestation programs,

policy makers must devise schemes by which this latter productive group can integrate tree growing into an agrarian economy which up until now has been predicated largely on the cutting of trees.

9.3 Land Tenure, Contour Mounds, and Rock Walls

In the first section of the report a description was given of the mound terraces of Furcy. These were seen to be effective erosion control structures, not only from the point of view of their physical erosion control efficiency, but also from the point of view of their effective incorporation into the agricultural technology of the peasants of the region.

The question to be answered in this section is: does the land tenure relationship between the farmer and the garden at all affect the farmer's willingness to use these devices? To pose the question concretely, will an owner-operator be more willing to invest time, labor, and money in the construction of mound terraces than a renter or sharecropper?

One of the most interesting aspects of the Furcy mound terraces is that they are virtually free of influence from the domain of land tenure. That is, the tenant will construct them with the same willingness as the owner operator. The reason for this is twofold:

1. The mound terrace is absolutely essential to protecting the farmer's investment in fertilizer.
2. The mound terrace is a temporary structure which is demolished at each harvest and which must be rebuilt for each cropping cycle.

This latter characteristic stems from the fact that vegetable growing entails a deep turning up of the earth (labour's) for each cycle. It is impossible to reuse a mound terrace. Phrased another way: the tenant constructing a mound terrace is in no way making a long term improvement on the landlord's property. It is the temporary character of the mound terrace which frees it from any impact stemming from land tenure considerations.

The same is not true of structures such as rock walls. The rock wall is by its very nature designed to be a long term improvement on the land. It is true that most rock walls have fallen down. But in those exceptional regions where certain farmers have taken care to maintain and repair rock walls, it has in most cases been the owner-operator.

But these farmers remain exceptional. Even owneroperators generally allow their rock walls to crumble. This indifference stems, not from land tenure, but from the earlier mentioned fact that rock walls are for the most part simply devices for securing Food for Work rather than profit-generating innovations in the farmer's technology. Long-term erosion control structures will fall heavily under land tenure dynamics only when they are in the interest of owner operators. If they are of little value, they will be neglected, not only by tenants, but also by owners themselves.

8.4 Managers, Tenants, and Trees

Common sense would suggest that the owner-operator of a plot is much more likely to plant and protect trees than a manager or tenant, who could

be expected to be indifferent to the fate of plants whose benefits he himself will not reap. Common sense is right only up to a point. In many instances there is a somewhat more aggressive dynamic. Peasants who manage land for absentee owners, and tenants who crop land belonging to others, may not only be indifferent, but may actually be hostile, to the planting of trees on the plot of ground under their temporary control. The hostility stems less from interference with their agricultural activities than from possible complications in their future plans. With great frequency, when an owner sells a plot of ground, he will sell it to a manager or a longstanding tenant. But the presence of trees on the ground could either raise the value of the land beyond the capacity of the manager or tenant to buy, or endow the land with so much worth that the owner decides not to sell. Indeed the trees themselves could conceivably provide the owner with the cash to meet the crisis for which he would otherwise have had to sell the land. Tenants and trees tend to be natural enemies.

8.5 Undivided Inheritance Land: The Major Project Headache

The tenure arrangement that has been most detrimental to the soil conservation projects examined in this study is the tenure mode that dominates agriculturally marginal private land throughout Haiti. Holdings will be subdivided by siblings into discrete subunits only if the land is agriculturally valuable. But if the land has deteriorated to the point where cropping is not possible, where the only use that can be made of the land is the grazing of livestock, then siblings will not generally subdivide it among themselves, not even informally. They will rather leave it in an

undivided block, each sibling having the right to graze any and all of his animals in the land. When this arrangement persists through two or three generations, a very complex tenure situation arises in which the land is owned collectively by a vast cohort of siblings, cousins, and the second cousins. Each plot of cropping ground that has been subdivided has a discrete owner. But this undivided land, commonly referred to as te eritaj or--in censuses--te indivise, presents a complex tangle of frequently hostile co-owners.

It takes little imagination to envision the fate of a row of young trees planted on this type of land. It is unlikely that all co-owners will have been involved in the planting of the trees, at least not in view of the way projects have been organized up till present. Pressures for grazing space will lead co-owners to tie their animals indiscriminately. And if by chance some of the trees should survive, there will be a quite probably race to cut them down and sell them before some other relative does. When trees are on the land of a single owner who is assured of eventual use of the trees, there is a higher probability that they will be taken care of. But when trees are on land dominated by ambiguous ownership patterns, the ownership of the trees is also ambiguous.

This problem would not be serious if only a fraction of the trees were being planted on this collectively owned land. Unfortunately a very high percentage of project trees--perhaps 50% in some communities--go precisely on this type of land. Why? Simply because there is a tendency to plant project trees on land that is severely eroded, on the one hand,

and marginal to agricultural activities on the other. To avoid where possible confrontation with gardening landowners, agronomes and foremen will head straight for the high hills--literally--seeking out land where they will receive a minimum of flack from concerned landowners. The offshoot is the planting of large numbers of trees on te eritaj; and the most common denouement to the story is the total destruction of the trees.

C.51 Solution 1: Foster Corporately Owned Woodlots

One solution might consist of accepting this communal tenure pattern as an unalterable feature of the Haitian landscape and devising educational and motivational inputs which encourage peasant co-owners to protect the trees, to usher them into maturity, and to split the proceeds in a collective equitable fashion. In addition to protecting the environment, this would also lead to the creation of corporate units based, not on residence in a community, but on membership in a common kin group.

Such a scheme has never been tried in Haiti to my knowledge, and I simply doubt that it would work. I am acquainted with some kin groups among whom such a scheme has a small chance of success. But in most of the kin groups with which I am familiar, there are inevitably subgroups of relatives who dislike each other with an intensity scarcely comprehensible to an outsider. It would be an unwise decision to saddle a project with the task, not only of reforesting hills, but also of creating fraternal love among individuals who may be actively casting spells on each other.

The peasant economy of Haiti is fundamentally atomistic, at least in terms

of wealth generating property. Peasants pool labor, but they rarely pool property. Someday community development experts may succeed in transforming the orientation of the peasant, into one of collective, common endeavour. But soil conservation projects should not saddle themselves with this task, or reduce their chances of success by adopting models based on communal orientations which at present simply do not exist.

8.52 Solution 2: Individualize Land Tenure Patterns

An alternate solution might be for the project to facilitate the partitioning of these plots of land in such a fashion that each member of the kin group would get an individualized deed to a specific sub-plot within the larger block. In that way each tree would have a particular owner.

There are situations in which projects should envision some sort of regularization of land tenure arrangements in a project region. But such interventions should probably restrict themselves to validating master deeds and ensuring against the sudden encroachment of outsiders. It would be both cumbersome and unwise for outside agencies to begin tinkering with the internal tenure relations on plots of ground communally held by a group of relatives. There are some cans of worms that are best left unopened.

8.53 Solution 3: Individualizing Ownership of the Trees

Perhaps the simplest and most appropriate solution would be to organize the distribution of the trees in such a fashion that the trees pass from the control of the recipient community organization to the hands of specific

individuals. That is, the trees are assigned to specific owners who, under the incentive of some project input, make themselves responsible for the protection of the tree and are the sole recipients of the profits from the tree when it is ready to be used.

Recall: the current manner in which the trees are planted in most projects leaves ambiguous the ownership of the tree. Even ^{when} the tree is planted on private property, the landowners are sometimes told to take care of the "State's trees." I have heard peasants disclaim ownership of trees that have been planted on their land--not because they would not like to be the owners, but because they were still not convinced that the project intended them to be the owners of the trees. The ownership of trees on communal land is even more ambiguous; if the land itself doesn't have a specific owner, the status of the trees is even less clear.

If an individual were given 200 trees, for example; and if he were convinced that in four or five years those trees would generate substantial income; and if he were in addition given some other project-supplied "encouragement" to usher those trees through their early years, then the situation would be totally clear. Under current customs he could argue that he has the right to plant these trees on a block of land in which he has communal rights, in the same manner that he could plant a garden there. He is not establishing permanent ownership rights in the plot of ground; but he does have ownership rights in the crops--in this case trees--which he has temporarily planted there.

It is here that we see the importance of a cultural construct in determining the behavior of community members. If a co-owner were to plant a manioc garden on undivided land, other relatives with rights in the plot would be obliged to tie their animals elsewhere. If they tied their animals in the manioc garden, the gardener could take them to court and would be paid an indemnity. But if the same person were to plant several rows of trees on this ground, rather than manioc, the other kin would simply continue to tie animals, since trees are not defined as a crop in the same fashion as other cultivates.

But once the trees have come to be defined locally as a "crop"--and this would constitute a revolutionary triumph for any project--then other relatives could not tie animals in a position that could destroy them, anymore than they could tie their animals in a manioc garden. Of the various solutions discussed here, this strategy of clarifying and specifying ownership rights in trees stands the highest chance of integrating itself successfully into the realities of contemporary Haitian peasant land tenure.