

*PROCEEDINGS FROM THE
PLANNING RETREAT FOR
THE DEEDS REGISTRY IN GUYANA:
SEPTEMBER 5-6, 1995, GEORGETOWN, GUYANA*



**LAND
TENURE
CENTER**

An Institute for Research and Education
on Social Structure, Rural Institutions,
Resource Use and Development

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*PROCEEDINGS FROM THE
PLANNING RETREAT FOR
THE DEEDS REGISTRY IN GUYANA:
SEPTEMBER 5-6, 1995, GEORGETOWN, GUYANA*

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Retreat Proceedings by:

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EXECUTIVE SUMMARY

On September 5-6, 1995, the Land Tenure Center (LTC) organized a retreat on the Guyanese Deeds Registry system with broad participation of both public and private sectors. As a result of the comments from local participants, it is clear the current registry arrangement is unacceptable. Wages are inadequate, staff retention and quality is low, and the registry budget is miserable. The result of this retreat is an action plan designed to address these concerns and make the registry sustainable.

If Guyana means to live up to its international obligations and remain competitive in the world economy, it has no choice but to modernize its registry. This will require radical change, including: (1) income retention; (2) new salary structure; and (3) new public investment in the informatic infrastructure to allow for future private investment.

The Retreat allowed for (i) identification of problems and constraints; (ii) discussion of these issues; (iii) creative and positive design of solutions; and (iv) a timetable for execution, all with the goal of guaranteeing within two years a self-financing, self-sustaining registry with a high degree of professionalism and integrity, on the road toward modernization.

The University of Wisconsin Land Tenure Center has offered to assist in providing information on comparative experiences in registry reform and modernization and the Multilateral Investment Fund (MIF), administered by the Inter-American Development Bank (IDB) will be approached for a donation. But it is quite clear that the solution to the existing problems with the Deeds Registry Office must be a Guyanese one. Guyana officials must recognize the importance of the Registry and make appropriate changes, or any rehabilitation project will fail. Fortunately, Guyana enjoys the broad support of all former living Registrars and a variety of highly trained individuals willing to donate time and effort to the cause. The Government must not take this for granted, however, and should seize the moment to make reforms.

Based on dynamic group discussions, the following "Mission Statement" was developed at the Retreat:

The Deeds Registry shall serve the public in an economical and affordable manner through accurate recording, easy access and efficient processing of all property records and deeds according to law, under favorable employment conditions.

A detailed Action Plan has been prepared as an additional output from the Retreat. The Government is now challenged to address the concerns raised.

Introduction:

Attorney General and Minister of Legal Affairs, Mr. Bernard de Santos, approved a participatory planning retreat on the Deeds Registry to discuss the current problems and establish a concrete action plan for modernization of the Registry. In this regard, Mr. Leon Stewart, the Registrar, in conjunction with the University of Wisconsin Land Tenure Center, organized an event with broad participation of local Guyanese experts and select foreign participants. Mr. Stewart is the individual designated to move forward with resulting plans.

Guyanese participants included select members of the Registry staff, all living former Registrars and several other former registry staff, the current Commissioner of Titles, members of the Bar, a senior bank official, private surveyors, a University of Guyana faculty member, the Commissioner of Lands and Surveys, staff from the Ministry of Agriculture, and other notable dignitaries. Foreign participants included a former Registrar from the U.S., the Associate Director of the Land Tenure Center and two attorneys (an expert on movable property from Canada, and a real property expert from the U.S.). Meetings took place at the Embassy Club in Georgetown, Guyana.

More than twelve months ago, Cabinet approved creation of a semi-autonomous entity (an "Agency for Co-Ordination of Legal Affairs"). However, it remains unclear to members of the local legal community and indeed Registry management itself what that decision meant. Is the Registry able now to assert itself as a semi-autonomous body with income retention and the ability to raise salaries? Due to the institutional ambiguity or confusion, and the myriad of problems at the Registry, the unanimous consensus of the groups was an urgent need for clarification of the official status of the DR and implementation of an action plan to begin improving the condition of the Registry.

Why the Deeds Registry Matters, Why a Retreat?: Summary of Comments by Steven E. Hendrix, Legal Advisor with the University of Wisconsin Land Tenure Center, and participant in the LAC TECH Project, U.S. Agency for International Development:

Cadastres and registries at now at the forefront of trade integration. Last December (1994) in Miami, the Presidents of Guyana, the United States, and all other democratically-elected heads of state from the Western Hemisphere gathered together and pledged themselves to work for the Hemispheric Free Trade

Agreement of the Americas (HFTAA). In this context, property records¹ are absolutely essential in seven ways:

1. Before members of the local private sector will invest in property, they need to be assured that the property records they rely upon are accurate, and that any transaction involving transfers of property rights are recorded efficiently and economically.

2. At the international level, the goal of trade integration is to promote heightened, massive investment in countries like Guyana to allow for increased employment and incomes. However, to take advantage of that investment, Guyana will need the requisite land administration and informational infrastructure.

3. Free trade means liberalization of markets and removal of market barriers, which distort incentives and lead to lower economic efficiency and production. Presently, the Deeds Registry as it currently operates constitutes one such barrier, especially for those without a high degree of sophistication at manipulating the administrative system.

4. Strategies to promote export/trade and internal economic growth must provide for a secure investment environment. The tragic state of property records in Guyana means this climate is not favorable.

5. Furthermore, trade integration will mean elimination of tariff trade barriers. In many countries in the Caribbean, this means elimination of about half of the national budget. In order to not cut programs that benefit the poor, alternatives such as land taxation must be considered. However, land taxation implies an agile, efficient land records management system, something that simply does not exist today.

6. Greater efficiency in government, with leaner, smaller budgets, while demanding greater service, means the Registry must act now to rethink its current approach to records management.

¹ One final note: please observe we use the term "property" records and not land records. The Deeds Registry records many things beyond just land, although that is a sizeable portion of its business. It also manages intellectual property, encumbrances on movable property, corporate information and various other records. Thus, our scope is broader than land and encompasses many of the most fundamental economic activities of Guyana.

7. Increased competition with neighboring countries for external investment funds necessitates rehabilitation of the DR if Guyana is to remain competitive. Caribbean governments like St. Lucia, Jamaica, Trinidad and Tobago, and Belize, are all involved in programs to streamline their Deeds Registry, automate records management and reduce transaction costs. Indeed the movement is broader than just the Caribbean. As the rest of the world moves into the information age, Guyana needs to automate its approach in order to remain competitive.

Beyond simple property records management as a precondition to economic advancement, Guyana has long held poverty elimination and assistance to the poor as an important policy objective. Today, as records continue to deteriorate, the poor are denied effective and efficient access to one of the most important legal institutions of government, the Deeds Registry. Meanwhile, the social status of the more affluent corresponds with a higher ability to manipulate an inefficient system to their advantage. Lack of transparency in the Registry further facilitates this social class divide.

As economies passed from the industrial age to the information age, we realize that information itself is of high importance. It is an economic good like any other: it requires investment to produce, collect and maintain; it can be produced for profit; and it can be sold at market value. Guyana still has not embraced the new approaches to efficient government management and consequently its public institutions are not providing the requisite services to the public in a reasonable time or at an affordable price. We now have an opportunity to rehabilitate the Registry to make it the showcase of institutional reform in Guyana, providing an example for all government on how to promote efficiency and productivity putting people first.

Opening Remarks from the Registrar, Mr. Leon Stewart (a Registry employee since June 1960, Registrar since 1992):

Today I have the honor of welcoming you to this Retreat organized by the University of Wisconsin Land Tenure Center in conjunction with the IDB Loan on Strengthening Systems of Bankable Property Rights, specifically held to discuss freely, and as fully as possible, in the next two days:

- (a) The functions of the Deeds Registry;
- (b) The Relations of the staff of the Deeds Registry and all persons who require services from the Deeds Registry; and

- (c) To provide donors with relevant information as they seek to provide assistance for continued improvement in the Department.

I am particularly pleased because you have all taken time out from your busy schedules to be present here today, and I am sure, that like the staff of the Department and myself, you sincerely believe that these discussions are not only important at this time, but that there would be positive improvements in the performance of the Department as a result of recommendations and implementations that will follow as a result of us all being here.

The importance of providing an efficient and speedy service to all users of the services provided by the Department cannot be overemphasized. But over the years, because of many constraints, it has become increasingly difficult for the Department to provide the service for which it is capable. These constraints include:

- (a) A noticeable deterioration of the documents and storage facilities;
- (b) Shortage of qualified and efficient staff over continuous periods;
- (c) Outdated equipment;
- (d) The unusually long time it takes to get information from other related Departments; and
- (e) Publications in the Official Gazette;

just to name a few.

These constraints have inevitably led to extremely low staff morale and high staff turnover, as the staff are continuously blamed for circumstances that are beyond their control. As far as I am aware, all the former Registrars present here today have on several occasions in the past made representations for improved working conditions, especially as they relate to salaries and the working environment. Unfortunately, so far relief has only been promised, not delivered. As a result, private business, especially the banking and legal communities, have taken advantage of this situation and have been continuously employing trained DR staff with devastating regularity.

With regard to physical resources, ideally, all Departments dealing with land should be located in the same building or in close proximity to each other and if this is not possible modern equipment for easy access to relevant or common information should be provided as early as may be possible. At present, the

Inland Revenue Department, the Office of the Chief Valuation Officer and the Statistical Bureau all have members of their respective staff located at the Deeds Registry collecting the same information which with modern technology could have been accessed from their individual offices.

With these situations in mind, therefore, I am certain that with the assistance of Mr. Steven Hendrix and his colleagues and with various inputs by everyone present here today positive steps would be taken to ensure an excellent and continuous service from the Deeds Registry.

Summary of the Welcome from Mr. Kevin Barthel of the Inter-American Development Bank:

The Retreat has an excellent mix of international and donor experts, with local academics, public sector employees and private sector parties. IDB is looking to support the Government of Guyana through the following measures:

- a) An Agriculture Sector Loan, designed as a fast disbursing policy loan, with funds paid to the Ministry of Finance, mainly for balance of payments (to be considered in November 1995);
- (b) An Agricultural Support Services Loan, for implementation (mapping, adjudication, titling, legislation, etc.) for the Ministry of Agriculture (to be considered in November 1995);
- (c) A Financial Sector Loan, a fast disbursing loan approved in late August 1995 to address policy considerations in the banking and finance sector; and
- (d) A Multilateral Investment Fund (MIF) grant will consider additional support to the DR and the activities of the Land Court.

The first two of these will be coordinated with the Ministry of Agriculture. The last, the MIF, is now looking to support "Bankable Property Rights" in Guyana, through assistance to the Deeds Registry. In this context, the retreat will serve as input to a Donor's Memorandum soliciting assistance from the MIF for Guyana.

Summary of Mr. Leon (Gun) Rockcliffe (Barrister at Law), former Registry staff member, 1949-early 1960s, now a prominent commercial attorney who deals with the Registry:

The condition of the Deeds Registry is a disaster area. It is worse than the Omai disaster which, with time, will go away, while the Deeds Registry simply continues to deteriorate. There is a desperate need in Guyana, among Guyanese, to recognize the tremendous role the registry plays.

The Deeds Registry is getting worse. The registry is the basis of social stability, beyond mere economic stability. The country is flirting with anarchy. People with high economic power can run through the system when things are in disarray. This must be reversed. But this requires a head on effort. We need social stability prior to economic stability.

Fees schedules are mostly ad valorem and do not represent the core of the problem. But the rich will still run over the poor. The registry began in 1917, with a deeds and supreme court registry all in what is today the deeds registry, with a single registrar. The two were separated in about 1966. Today's physical problems are characterized by a physical recording system, which means continuing expansion of records. Consequently, there is a need for day to day improvement to deal with physical constraints alone. Second is the problem of personnel: in 1940s to 1970s, there was a qualification to enter civil service with at least 5 high school subjects. Further, remuneration was sufficient to live and save. Today, this is totally impossible. It is absolutely impossible to attract any qualified person at about \$45 to US\$50 per month. Human beings are at the bottom of it all. Without that base, all plans are a falsity. Today we need a strong national conviction, which means a spirit of repentance. This must be generated locally, or we are playing with vanity. We have to run it. Let us not confuse things: we are grateful for guidance and funding from our foreign colleagues, but we must have the desire to see things put right. The bottom line now is to sensitize our own government to fact that they are playing with anarchy.

People who pay for services deserve better and Guyana can do better. In 1960, the land registry began with 1 register book, and now has 201 books, and is still growing. The Registrar of Deeds must deal with such constraints, without intellectual, cultural or efficient staff, with growing demands on the system. This is a Guyanese culture problem. Old typewriters misproduce records which in turn are mishandled, but are supposed to last forever. Curiously, we can still read the old Dutch documents, but some 1995 documents are illegible. We must decide where we see this registry going, with an expanding world system including intellectual property, international commitments which Guyana signed as of last year. Procedures for trademarks are in shambles but it continues to limp along.

We pretend we are a part of a fraternity with the rest of the world but it is vanity. The Companies Act of 1991 has only this