

A close-up photograph of a hand turning a white water tap. Water is flowing out of the tap. The background is blurred, showing other taps and a blue shirt. The text 'National Squatter Management Policy' is overlaid on the image.

National Squatter Management Policy

JUNE 22

2nd Draft with Implementation Plan
Authored by: Policy Development
Administrator



National Squatter Management Policy

For a Squatter Free Jamaica

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The results of the National Squatter/Informal Management Survey of 269 settlements in eight parishes of the island have been used to populate the recently established National Squatter geodatabase. The critical work of all members of the survey teams, and the outstanding leadership displayed by Mrs. Sherece James in coordinating the survey and in the establishment of the database have enhanced the policy's development.

MESSAGES

LIST OF ACRONYMS

ABIS	Agricultural Business Information System
CBO	Community Based Organisation
COMAND	Community Organisations for Management & Sustainable Development
COVID 19	Corona Virus Disease caused by SARS-COV-2 virus
CSISU	Caribbean Strategy for Informal Settlement Upgrading
GDP	Gross Domestic Product
GOJ	Government of Jamaica
GKMA	Greater Kingston Metropolitan Area
HAJL	Housing Agency of Jamaica Limited
HDR	Human Development Report
JCF	Jamaica Constabulary Force
JDF	Jamaica Defence Force
JHTA	Jamaica Hotel & Tourist Association
JRC	Jamaica Railway Corporation
JSIF	Jamaica Social Investment Fund
JPS Co.	Jamaica Public Service Co Ltd.
JSLC	Jamaica Survey of Living Conditions
KSA	Kingston & St Andrew
LULC	Land Use & Land Cover
MAF	Ministry of Agriculture & Fisheries
MDA	Ministries, Departments and Agencies
M&E	Monitoring & Evaluation
MEGJC	Ministry of Economic Growth & Job Creation

MLGRD	Ministry of Local Government & Rural Development
MOFPS	Ministry of Finance & The Public Service
NEPA	National Environment & Planning Agency
NGO	Non- Governmental Organisations
NFA	National Fisheries Authority
NHDC	National Housing Development Agency
NHT	National Housing Trust
NLA	National Land Agency
NSISS	National Squatter/Informal Settlement Survey 2019 to 2021
NSMP	National Squatter Management Policy
NSWMA	National Solid Waste Management Authority
NUA	New Urban Agenda
NWC	National Water Commission
ODPEM	Office of Disaster Preparedness & Emergency Management
Operation PRIDE	Programme for Resettlement & Integrated Development Enterprise
OPM	Office of the Prime Minister
OUC	Other Urban Centres
RADA	Rural Agricultural Development Authority
SALISES	Sir Arthur Lewis Institute of Social & Economic Studies
SDC	Social Development Commission
SDG	Sustainable Development Goal
SEMU	Squatter & Environment Management Unit
SIDS	Small Island Developing States
SOE	State of the Environment
UDC	Urban Development Corporation

UN	United Nations
UN-Habitat	United Nations Human Settlements Programme
UNICEF	United Nations Children’s Emergency Fund
UTECH, Jamaica	University of Technology, Jamaica
WHO	World Health Organisation

EXECUTIVE SUMMARY

Squatting is defined as the illegal occupation of land and/or buildings for residential, commercial, industrial, and other use without the explicit permission of the owner. This definition is derived from the United Nations Human Settlement Programme (UN-Habitat's)¹ definition of squatters and squatter settlements:

'Squatters are people who occupy land or buildings without the explicit permission of the owner'.

It is characterized by a lack of secure tenure to the lands occupied. Tenure is secured by formal title deeds, or other agreements or documents that provide proof of a tenure arrangement, and guarantees legal protection against forced evictions, harassment, and threats. A distinction is made between squatter settlements and unplanned settlements to which the occupants have a legal claim to the land occupied, but the houses are not constructed in compliance with the prevailing planning and building regulations.

Squatting occurs in every parish of Jamaica and its pervasiveness has created likely immeasurable costs based on its social, economic, and environmental impact. The practice has grown exponentially since it began in the 19th century with the post Emancipation occupation of abandoned estates or the fringes of undeveloped backlands by freed slaves.

The major contributing factors to squatting have been identified as: poverty and inequality; low levels of income; shortage of affordable housing; rural-urban migration; official tolerance and overt political support; availability of large tracts of idle lands; ineffective monitoring of lands by both government and private property owners; and a lack of coordination of the management of government owned lands

The vision of the National Squatter Management Policy (NSMP) is:

"A Squatter Free Jamaica"

¹ The Challenge of Slums – Global Report on Human Settlements 2003 - United Nations Human Settlements Programme/UN-Habitat

Purpose & Rationale

The NSMP, has been developed in accordance with Goal No. 4 of Vision 2030 Jamaica: **‘Jamaica has a healthy natural environment’**; and Outcome #15: **‘Sustainable Urban and Rural development’**. The International Policy Framework is the United Nations (UN) Agenda 2030, with emphasis being placed on Sustainable Development Goal – (SDG) # 11:

“Make cities and human settlements inclusive, safe, resilient and sustainable”

The overall goal of the NSMP is the curtailment of squatting in Jamaica to enhance the optimal and sustainable use of the country’s land resources.

UN-Habitat is concerned that the growth of uncontrolled human settlements and urbanization issues has the potential to become the world’s next major crisis after climate change. The development of the NSMP, by the Ministry with responsibility for housing/Government of Jamaica (GOJ), assumes, therefore that Jamaica’s squatting problem will worsen, significantly threatening the safety and public health of the Jamaican society as a whole and creating even greater social, economic, environmental decline if resources are not made available to curtail it and prevent its increase in the future.

Scope

The purpose of the NSMP is to establish a national framework to prevent, regulate, manage, and curtail the incidence of squatting in Jamaica. The policy contains measures to address all forms of squatting in Jamaica, wherever it occurs – on government or privately owned lands, on beaches or on cays.

The adverse social, economic, and environmental impacts of squatting have prevented the optimal and sustainable use of the country’s land resources, stymied investment and threatened the public health and safety of Jamaicans for decades. The harmonization and coordination of the activities of the NSMP to curtail, reverse and prevent future squatting will address these impacts.

The goals, principles, and objectives of the NSMP have been incorporated in the following four policy elements

-
- Governance & Management
 - Security of Tenure and Social Inclusion
 - Prevention of Squatting
 - Sustainable Use of Land Resources

The preliminary results of the 2019 to 2021 National Squatter/Informal Settlement Survey (NSISS) have confirmed the findings of earlier surveys and studies that squatting in Jamaica is mostly residential but other types of squatting, mainly commercial squatting occurs.

Policy Outline

The NSMP document consists of the following nine chapters.

Chapter 1

Chapter 1 introduces the policy which is being developed by the Ministry of Economic Growth and Job Creation (MEGJC), the GOJ Ministry that currently has responsibility for the housing portfolio. The introduction describes the squatting problem as described in Vision 2030 Jamaica – National Development Plan and recognized as a crisis by UN-Habitat. It defines squatting and provides information on the physical, legal, and social characteristics of squatting and introduces the major contributory factors. The 3 Tier system for categorizing squatter settlements is described.

Chapter 2

Chapter 2 is the Situational Analysis. This chapter describes in detail the major contributory factors to squatting in Jamaica and provides a detailed profile of squatting in Jamaica. The social, economic, and environmental impact of squatting is discussed, and the chapter includes descriptions of the current policy, legislative and institutional framework for squatter management in Jamaica. Information on the current programmes to address squatting is also provided.

Chapter 3

The policy elements, principles, vision, goals, objectives, and strategies are described in Chapter 3.

Chapter 4

Chapter 4 is concerned with policy implementation and contains the institutional framework for the policy and the detailed implementation plan to achieve the four policy objectives. An estimated, but incomplete budget for surveys and subdivision designs for regularizing selected Tier 3 settlements is also included.

Chapter 5

The Monitoring and Evaluation (M&E) framework for policy implementation is described in Chapter 5. The National Squatter Database has been populated with the results of the NSISS. The geodatabase was completed in 2021 and will be the driver and centre of the M&E framework for the policy. The digital database contains extensive and detailed information on the residents and the physical characteristics of the 269 squatter settlements for which surveys were completed at the end of December 2021.

Chapter 6

The issues for mainstreaming – poverty and inequality, climate change, gender and youth are discussed in Chapter 6.

Chapter 7

The legislative framework for the implementation of the policy is outlined in Chapter 7

Chapter 8

The linkages of the NSMP with other national policies such as the 2019 Draft National Housing Policy, the National Land and Water Sector policies is established in Chapter 8.

Chapter 9

Chapter 9 contains the conclusions



National Squatter Management Policy

For A Squatter Free Jamaica

1 Introduction

1.1 Background

Squatting occurs in every parish of Jamaica and its pervasiveness has created likely immeasurable costs based on its social, economic, and environmental impact. The practice has grown exponentially since it began in the 19th century with the post Emancipation occupation of abandoned estates or the fringes of undeveloped backlands by freed slaves.

The major contributing factors to squatting have been identified as: poverty and inequality; low levels of income; shortage of affordable housing; rural-urban migration; official tolerance and overt political support; availability of large tracts of idle lands; ineffective monitoring of lands by both government and private property owners; and a lack of coordination of the management of government owned lands.

Vision 2030 Jamaica/National Development Plan creates a framework for urban and rural development that supports the economic and social development of all parishes to achieve their full potential. It proposes a spatial arrangement of land use that facilitates social and economic development, and satisfies the need for safety, efficiency, aesthetics, and social justice.

Vision 2030 Jamaica recognizes that squatting presents a major problem to sustainable urban and rural development and its articulation of the squatting problem is shown in Box 1.²

² Vision 2030 Jamaica/National Development Plan 2009 – Planning Institute of Jamaica (PIOJ)

The National Squatter Management Policy, hereinafter referred to as the NSMP, has been developed in accordance with Goal No. 4 of Vision 2030 Jamaica: **‘Jamaica has a healthy natural environment’**; and Outcome #15: **‘Sustainable urban and rural development’**.

The International Policy Framework is the United Nations (UN) Agenda 2030, with emphasis being placed on Sustainable Development Goal - SDG # 11:

“Make cities and human settlements inclusive, safe, resilient and sustainable”

Vision 2030 Jamaica has been assessed as being 91.3% in alignment with 2030 Agenda for Sustainable Development ³

Purpose & Rationale

The overall goal of the NSMP is the curtailment of squatting in Jamaica to enhance the optimal and sustainable use of the country’s land resources.

The United Nations Human Settlement Programme (UN-Habitat) is concerned that the growth of uncontrolled human settlements and urbanization issues has the potential to become the world’s next major crisis after climate change.

The development of the NSMP, by the Ministry with responsibility for housing/Government of Jamaica (GOJ), assumes that Jamaica’s squatting problem will worsen,

THE SQUATTING PROBLEM

“Squatting has resulted from the shortage of affordable land and housing provisions to keep pace with population growth in urban centres. In the absence of affordable accommodation, squatting becomes a viable option to new arrivals to urban centres. Squatting is of particular concern in Jamaica because of its rapid growth especially in environmentally sensitive areas such as watersheds, flood plains and lands vulnerable to landslides. Squatters as well as developers who bypass the planning system have also led to uncontrolled and haphazard developments including illegal and fragmented subdivisions.”

Vision 2030 Jamaica/National Development Plan

Box No. 1

³ Jamaica – Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development - June 2018

significantly threatening the safety and public health of the Jamaican society as a whole and creating even greater social, economic, environmental decline if resources are not made available to address it.

The purpose of the NSMP is to establish a national framework to prevent, regulate, manage, and curtail the incidence of squatting in Jamaica thus achieving its vision of:

“A Squatter Free Jamaica”

1.2 Scope

The NSMP contains measures to address all forms of squatting in Jamaica, wherever it occurs – on government or privately owned lands, on beaches or on cays. The harmonization and coordination of activities to curtail, reverse and prevent squatting will address the adverse social, economic, and environmental impacts of squatting which have prevented the optimal and sustainable use of the country’s land resources, stymied investment and threatened the public health and safety of Jamaicans for decades.

The goals, principles, and objectives of the NSMP have been incorporated in the following four policy elements

- Governance & Management
- Security of Tenure and Social Inclusion
- Prevention of Squatting
- Sustainable Use of Land Resources

The Ministry with responsibility for housing/GOJ will use the following mechanisms to curtail squatting:

- Enforce laws and use regulatory tools to prevent squatting
- Effectively monitor and manage idle lands, beaches, and cays
- Regularize selected squatter settlements by providing security of tenure and upgrading of infrastructure
- Evict and/or relocate squatters from hazardous and unsafe areas; prime commercial and agricultural lands; and lands designated for national development or for other non-residential purposes

The upgrading and regularization of squatter settlements and the eviction and/or relocation of squatters will be done in accordance with the 3- Tier Model for classifying squatter settlements described as follows:

- Tier 1 settlements are those which are highly vulnerable to natural hazards based on location, pose serious threat to life, public health as well as the environment. These are usually recommended for relocation.
- Tier 2 settlements are those established on lands designated for non-residential purposes or national development.
- Tier 3 settlements are built on lands that have not been zoned for non-residential purposes or national development.

The Ministry with responsibility for housing/GOJ is implementing the NSMP on the premise that *all* property owners have the responsibility to effectively monitor and manage their property thus ensuring its productive use. GOJ will not assume any responsibility for addressing squatting on privately owned property. If required, the government will perform the role of facilitator/mediator between private property owners and squatters so that all parties can agree on the measures for the planned and orderly development of the properties.

1.3 Definition of Issues & Key Terms

Squatting is defined as the illegal occupation of land and/or buildings for residential, commercial, industrial, and other use without the explicit permission of the owner. This definition is derived from UN-Habitat's⁴ definition of squatters and squatter settlements:

'Squatters are people who occupy land or buildings without the explicit permission of the owner'.

Residential Squatting

Squatter settlements are established by people who have illegally occupied an area of land and built their houses upon it, usually through self-help processes. Residential squatter settlements include those established illegally on pavements, rooftops, and, in the case of Jamaica, under bridges and on the retaining walls of major drains and gullies.

⁴ The Challenge of Slums – Global Report on Human Settlements 2003 - United Nations Human Settlements Programme/UN-Habitat

Different terms are used for squatter settlements globally with the most popular being shanty towns and slums.

Informal settlements, in a derivation of the 2003 UN-Habitat definition, are described as residential areas where:

1. Inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit
2. The neighbourhoods usually lack, or are cut off from, basic services and city infrastructure
3. The housing may not comply with current planning and building regulations and is often situated in geographically and environmentally hazardous areas.

Whereas, for the purpose of this policy, the use of the term informal settlements hereafter refers to squatter settlements, modalities of informal settlements range from squatting to informal rental housing.⁵In addition (HABITAT III 2015), informal settlements can be a form of real estate speculation for all income levels of urban residents, affluent and poor.

UN-Habitat (2003) defines illegal subdivisions as settlements where the land has been subdivided, resold, rented, or leased by the legal owner to people who build their houses on the plots. The settlements are deemed illegal for any of the following reasons: lack of building or planning permits; breaches of land zoning laws; low standard of infrastructure or services; or the irregular nature of the subdivision.

A distinction is therefore made between squatter settlements and unplanned settlements to which the occupants have a legal claim to the land occupied, but the houses are not constructed in compliance with the prevailing planning and building regulations.

The preliminary results of the 2019 to 2022 NSISS have confirmed the findings of earlier surveys and studies that squatting in Jamaica is mostly residential.

⁵ HABITAT III Issue Paper No. 22 – Informal Settlements, 31 May 2015 – HABITAT III Quito, October 2016 – United Nations Conference on Housing and Sustainable Urban Development

Commercial Squatting

Non-residential squatting, whereby land is occupied illegally and used for commercial activities, such as the operation of roadside restaurants and garages, is categorized as commercial squatting and is also common and characteristic of squatting in Jamaica.

The National Fisheries Authority (NFA) has confirmed that commercial and/or residential squatting has been observed on 51 fishing beaches in every parish of Jamaica except St Andrew.⁶ Some of these squatters are known to facilitate or are directly involved in the use of the beaches to carry out illegal activities such as the trading of narcotic drugs and illegal weapons.

Agricultural Squatting

Agricultural squatting concerns the illegal occupation of land for the purpose of farming and is also categorized as commercial squatting. It is mentioned separately because of its relative importance in Jamaica where it occurs on Crown Lands, vested in the Commissioner of Lands, forest reserves, other government property and on private property. It should be noted that Section 31.1(e) and 31.2.(e) of the Forestry Act⁷ makes squatting in forest reserves an offence.

The Rural Agricultural Development Authority (RADA), despite the illegality of squatting, registers squatter farmers in its Agricultural Business Information System (ABIS). The land tenure section of RADA's farmer registration form (shown in Annex 3) includes squatting on government lands and squatting on private lands. RADA's farmer registration process is continuous and is subject to verification by its field officers.

Industrial & Other Types of Squatting

Agricultural, commercial, and industrial are the primary categories for non-residential zoning of land.⁸ Industrial squatting is concerned with illegal occupation of land or building for the operation of large-scale industrial operations such as a factory; a

⁶ Report prepared by Mr. Ian Jones, National Fisheries Authority, May 22, 2022

⁷ The Forest Act 1996

⁸ Zoning is a set of rules that restrict what purposes land can be used for.

warehouse or a power plant. The review of the studies and reports on squatting in Jamaica found no documented cases of industrial squatting in Jamaica.

Other types of squatting that occur in Jamaica include the illegal occupation of a land or building for non-residential and non-commercial uses. The illegal occupation of lands and buildings in Jamaica includes use for the operation of churches and schools or for other social and community activities such as sports e.g., football fields.

1.4 Nature of Squatting

UN-Habitat in its 2003 report – ‘The Challenge of Slums’ – states that ‘informal’ suggests a different way from the norm, one which breaches formal conventions and is not acceptable in formal circles – one which is inferior, irregular and, at least somewhat, and undesirable. The report points out, however, that the majority, if not all poor households, have been housed informally for many years in many countries. This is so because the informal sector delivers dwellings and accommodation at a price and in quantities that the formal sector fails to deliver, as profit making is difficult with low-income housing.

The Draft National Housing Policy⁹ reports that the National Housing Trust (NHT) and major developers provide an average of 4390 housing units per annum. Private builders and the informal sector provide an average of 6,762 units per annum resulting in the average number of units being built annually being 11,152. Given the targeted housing need requirement of 15,000 units, this represents a net annual deficit of 6,248 housing units - a shortfall of 3,848 units and an estimated 2,400 units that need replacement each year.

Squatting, through the provision of self-help and self-financed housing, thus makes a significant contribution to the Gross Domestic Product (GDP) by creating employment and engaging in the production of goods and services. It also satisfies the housing needs of those who cannot afford to purchase a house, or who are unable to find alternative

⁹ National Housing Policy (Draft) May 2019

formal accommodation. Most squatters and residents of illegal settlements consider themselves to be owner occupiers and make an even greater contribution by extending and improving their houses over time.

Squatter settlements, which date back to the 19th century in some Asian countries, are built primarily, though not exclusively on public lands.¹⁰ These settlements can either be the result of organized ‘invasions’ which (especially in Latin America) occur overnight, or they can be the result of a gradual process of occupation and incremental growth. During the 1970s many Latin American cities used these organized invasions of land as a political tool to build up a constituency or power base.

Some squatter settlements, such as Ashaiman in Ghana and Villa el Salvador in Peru, have grown to become municipalities with populations of 100,000 and 300,000 respectively, but many squatter settlements are small and makeshift. These small settlements frequently occupy land not suitable for other purposes such as railway reserves, canal, and riverbanks, steep (and unstable) slopes, flood-prone and swamp land, and garbage land fill sites.

The poor who occupy squatter settlements are often desperate and susceptible to organized crime. (UN-Habitat 2003). Their location, lack of services and poor infrastructure make them vulnerable to disease, disaster, and disability. Despite many squatters being decent law-abiding citizens, they are widely perceived as petty criminals; being under the control of organized crime and a threat to society.

In many cities of the world squatting has become a large and profitable business that targets primarily public lands or lands owned by absentee landlords, which is carried out with the active participation, albeit clandestine participation of politicians, policemen and privateers of all kinds.

All dwellings located in squatter settlements are not owner occupied, and in some countries, there is a vibrant rental market in these settlements. The Ministry with

¹⁰ The Challenge of Slums: UN – Habitat Global Report on Human Settlements 2003

responsibility for housing/GOJ reports the phenomenon of ‘squatter landlords’ in Jamaica. Squatter landlords illegally occupy land which they then subdivide, sell or lease to other persons. There are undocumented reports that, in some cases they provide the settlements with water and electricity, also obtained illegally.

The size, location, condition, and resilience of squatter settlements are determined not just by the characteristics of their residents, but more importantly by the political context of official tolerance or intolerance to them. Contrary to popular belief, and this is also true for Jamaica, access to squatter settlements is rarely free and, within many settlements, entry fees are often charged by the person or group of persons who exerts control over the settlement or the distribution of the land.

1.5 Characteristics of Squatter Settlements

Squatting is characterized by a lack of secure tenure to the lands occupied. Tenure is secured by formal title deeds, or other agreements or documents that provide proof of a tenure arrangement, and guarantees legal protection against forced evictions, harassment, and threats.

A distinction is made between legal and psychological or perceived tenure security (Williams et al. 2010) ¹¹ (See Box No. 2).

¹¹ “Williams, Wendy Jo; DaCosta, Cherton and Hudson, Devon – ‘This is the House that Lolly Built: A Case Study of Construction in a Squatter Settlement in Jamaica’ – On Housing – Volume 6, January 2010

Box No. 2

Legal tenure security comes with formal titles.

Psychological or perceived tenure comes with the perception of the squatter those things are safe.

In countries where informal settlements have close ties with political parties, tenure secured by political machinations were preferred to legal titles

The case study refers to work by Hermanson and Owens (1990) that found that legal titles are not necessarily the same as ‘secure tenure.’ If the householder feels secure, he will make improvements to his house.

These findings are supported by squatter surveys and studies conducted in other Caribbean countries.¹² Surveys conducted by

the Trinidad and Tobago Land Settlement Agency found that tenure regularization was consistently of secondary importance to the upgrading of infrastructure for the squatters surveyed. In Haiti, full legal tenure is described as a priority ‘only in the minds of professionals’, and in Guyana and St Lucia the same low priority was placed on legal tenure security based on a formal title or deed.

The Housing Agency of Jamaica Ltd. (HAJL) reports¹³ that despite sustained efforts to educate residents of Operation Pride¹⁴ communities on the benefits of obtaining a title, only 8,000 titles were transferred to beneficiaries over the 2008 to 2018 period, with another 8000 titles left in the vaults of the HAJL to be issued on receipt of complete payments from the residents.

The key characteristics of squatter settlements are the illegal occupation of lands as well as the occupation of otherwise unoccupied and/or marginal lands. Srinivas (2015)¹⁵ identifies and categorizes the three interrelated characteristics of squatter settlements as Physical; Social and Legal; and describes each as follows:

¹² Caribbean Strategy for Informal Settlement Upgrading 2020 – UN-Habitat

¹³ <https://www.hajl.gov.jm/operation-pride/>

¹⁴ Operation PRIDE was a unique settlement programme launched in 1994 with the objective of making land legally accessible to low-income groups through government subsidies

¹⁵ “Defining Squatter Settlements” – Hari Srinivas – Concept Note Series April 2015 –www.gdrc.org/uem/squatters/define_squatters.htm/

Physical Characteristics

A squatter settlement, due to its inherent 'non-legal' status, has services and infrastructure below the 'adequate' or minimum levels.

The services and infrastructure that are below the 'adequate' or minimum levels include network and social infrastructure such as water supply, sanitation, electricity, roads and drainage, schools, health centres, marketplaces etc. For example, water supply to individual households may be absent; or accessed from a few public or community standpipes. Informal networks may exist for the supply of water, electricity, drainage, toilet facilities etc. with the settlement having little dependence on public authorities or formal channels for these services.

Social Characteristics

Squatter settlement households belong to the lower income group, with householders either working as wage labour or in various informal sector enterprises.

Srinivas (2015) reports that on average most squatters earn wages at or near the minimum wage level. Higher than average household income levels can be due to many income earners and/or household members with part-time jobs. Whereas squatters are predominantly migrants – rural-urban or urban-urban - squatter settlement households consist of second or even third generation squatters.

Legal Characteristics

The key characteristic defining a squatter settlement is the lack of ownership of the land parcel on which the houses are built.

The land occupied by squatters range from vacant government lands, marginal land parcels like railway reserve lands, or 'undesirable' swamp lands, and valuable mangrove forests in the case of Jamaica.

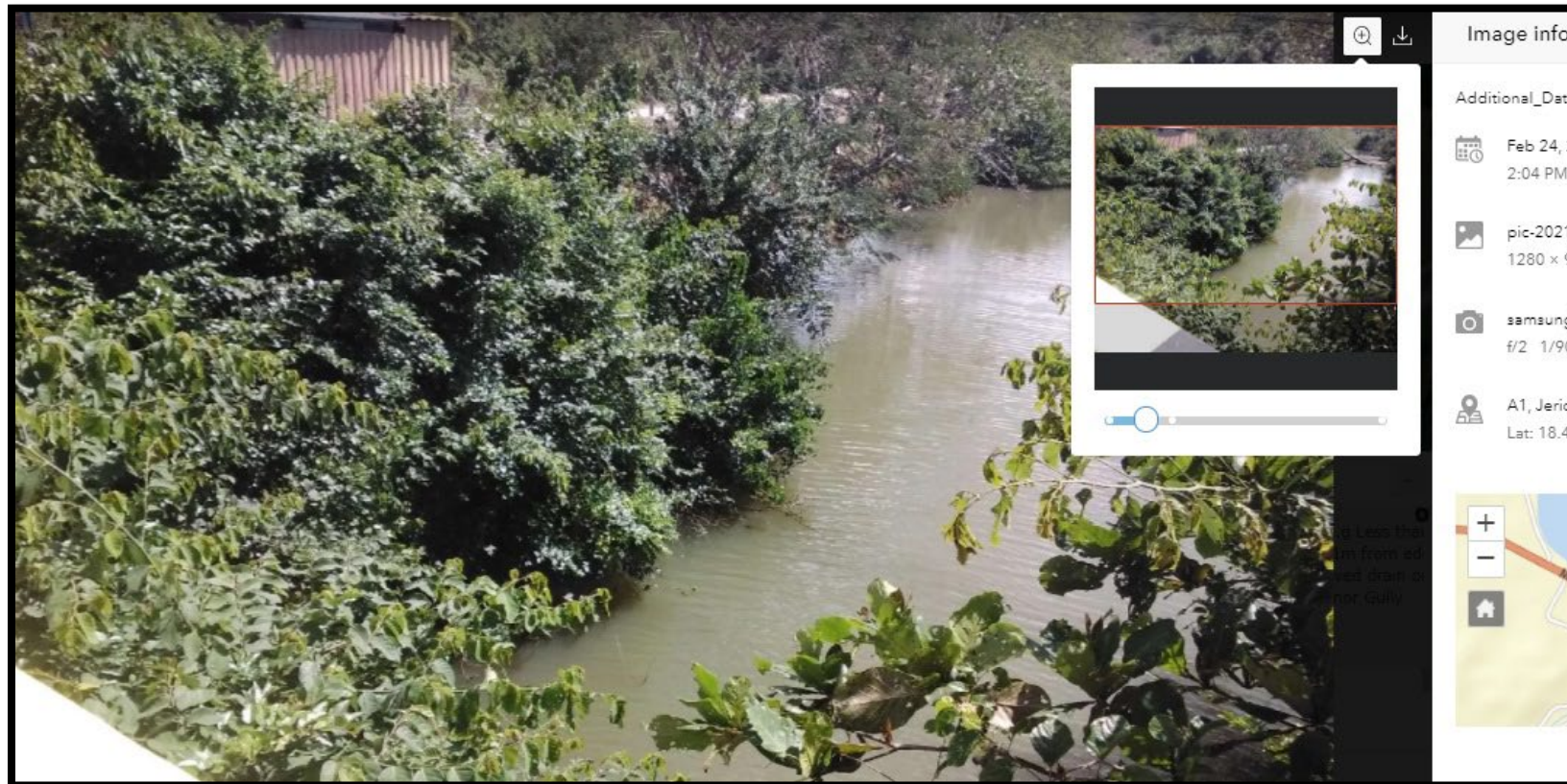


Photo 1: A Squatter Settlement Located Next to The Maggoty River, Hanover, Jamaica – NSISS 2019 to 2021

2 Situational Analysis

2.1 Historical Context of Squatting in Jamaica

At the heart of many of the public disputes and violent protests associated with squatting in Jamaica, a recurring theme is a peculiar history described by Kortright Davis (1990)¹⁶.

Davis (1990) says that the importance of land ownership cannot be overemphasized in any analysis of the social, political, historical, or economic realities of the Caribbean. The Caribbean story is unlike any other, however, as it has been characterized by a great deal of absenteeism among landowners. This absenteeism, Davis says, is a curse in Caribbean history that has produced many ill effects in the social, economic, and political fabric of these societies (that include squatting)¹⁷. The task of social reconstruction, he says, is retarded and threatened by the unresolved question of who really owns what?

A theologian, Davis poetically describes the land issue, which is at the heart of squatting in Jamaica as follows.

“The land is divine. The land is that from which life and livelihood spring. It produces sustenance and profit. It creates hope and fulfills it. It certifies power and exercises it. It withstands the demons of disaster and restores the wealth of fore-parents to generation and generations. It determines being and nothingness. It separates the ‘haves’ from the ‘have-mores’ and the poor from the full knowledge of their own poverty. Land means permanence. It is the germ of prosperity. “

The hazardous and problem-filled existence, which has, historically, been that of the Jamaican squatter, is described in Box 3.

¹⁶ “Emancipation Still Comin’: explorations in Caribbean Emancipatory Theology – Kortright Davis (July 1990) 2nd printing – Orbis Books

¹⁷ My input



THE PLIGHT OF THE JAMAICAN SQUATTER

“Land is power, and they who own the land possess the means of defining and controlling the fate of those who do not. To live on land that is owned and controlled by another is essentially a hazardous and problem filled existence.”

Box No. 3

18th and 19th CENTURY

Higman (2001)¹⁸ reports that throughout the 18th & 19th centuries the plantation was not only a dominant institution but also provided the spatial context within which a considerable proportion of the Jamaican population lived and worked. During slavery, this existence went together with literal physical confinement, slaves being forced to spend the greater part of their lives within the close community defined by a single plantation’s boundaries.

“The nature of life for the plantation community both before and after emancipation was determined very largely by the planter and his supervisory representatives. The political power of the plantocracy meant that it controlled many super-structural aspects of land tenure and settlement patterns, at the same time as individual planters were all-powerful in determining the internal organization of their private domains”

When the land within a plantation’s boundaries was not suited to the cultivation of export crops, planters frequently acquired blocks of land in the surrounding uplands to supply timber and provision grounds for slaves. Such units were commonly called ‘mountains’ and, in most cases were less than 10 miles from the plantation but sometimes much further away. These ‘mountains’ were used by slaves as provision

¹⁸ Jamaica Surveyed – Plantation Maps & Plans of the 18th & 19th Century – B. W. Higman (2001) – previously published 1988

grounds - to produce their own food, supplementing the garden plots they were allotted on the estates.

By the end of the nineteenth century a great deal of plantation land had been abandoned to the Jamaican smallholder, while the surviving plantations consolidated property and power in the fertile lowlands. The mountain provision grounds were the first areas of plantation lands subdivided for sale, as the planters saw them much less useful or necessary adjuncts to their properties. The result was that, although some ex-slaves settled in free villages, most of those who left the plantation either purchased lots from subdivided properties or squatted on abandoned estates or the fringes of undeveloped backlands.

McHardy (1997) ¹⁹ proposes that the most important barrier to land acquisition by peasants, post-Emancipation, was the absence of a government policy to address this inequitable distribution of land. By the end of the 19th century, Jamaica had become characterized by large scale squatting against the background of a rapidly growing population, and a disorganized land tenure and ownership situation. Squatting in Jamaica was, originally, never an urban phenomenon. As urbanization increased however, urban squatting began to overshadow rural squatting, and by 1951 there were 3,752 squatters in West Kingston.

PRE & POST INDEPENDENT JAMAICA

The 1970 to 1987 period (McHardy, 1997) witnessed the growth of squatting in the Kingston Metropolitan Area but with noticeable changes. As the formal development of the inner cities of Kingston took place, some squatters were forced to relocate to hazardous areas such as the dump – the city’s garbage disposal site.

The pre- and post- Independence consistent conflict between political interests and economic interests, combined with official tolerance and/or open encouragement of squatting, resulted in persistent land utilization conflicts that erupted in protests and

¹⁹ “Jamaica National Resettlement Policy – National Involuntary Resettlement Policy with Guidelines & Procedures for Entitlement & Compensation of Squatters & Tenants Affected by Development Projects” – Draft Final Report prepared for The World Bank & The Ministry of the Environment & Housing – March 5, 1997 – Pauline McHardy

violent protests in 1994, and several similar incidents since. The worst of these violent protests was the riot, on March 11, 1994, associated with a legally authorized eviction of squatters, from twenty-seven hectares of captured land, owned by real estate developer, Joe Witter, in Flankers, Montego Bay, St James. The Flankers riot is considered to have been the most violent in the city of Montego Bay since pre-emancipation days.

Eyre (1997)²⁰ describes the rapid increase in squatting that took place in Jamaica, during this period, as a ‘rumbling social volcano’ which erupted in 1994. In referring to 1994 as the ‘Year of the Squatter, he reports that during the first four months of 1994, Jamaican squatters rioted violently not only in Montego Bay, but also in Portland, Holland Bamboo and Negril. These riots were accompanied by peaceful demonstrations in other areas of Jamaica.

The conflicting positions and messages of the different political administrations on squatting during the pre- and post-Independence period – late 1950s to 1994 – changed, over the years. They moved from official tolerance of the growing problem of squatting, to accommodative and proactive encouragement of squatting in many documented cases, and eventually to brutal evictions and hasty relocations. In the ‘year of the squatter’ the same politicians that had led squatter marches now told squatters that squatting was immoral, unlawful, anti-social, and indeed criminal. (Eyre 1997)

Political thinking, by 1994, had shifted from the more leftist and socialist thinking of the 1970s and early 1980s, to ‘law and order’ rightist thinking preoccupied with free market capitalism and the property rights of the wealthy, the big landowners and the dictates and terms and conditions of multinational financial institutions. This new thinking was accompanied by increasing investment in tourism, following a slump in the mid to late 1970s, which pushed up the demand for land in tourist resort areas and caused land prices to rise dramatically.

²⁰ Eyre, L. Alan (1997) ‘Self-Help Housing in Jamaica’ in Robin Potter and Dennis Conway (editors) ‘Self Help Housing, the Poor, and the State in the Caribbean

Eyre (1997) reports that it was widely known that the price of land at Whitehall, Negril captured by the squatters who rioted at the beginning of the 1993-1994 tourist season when served with eviction notices, had risen to rival the price of land in some parts of New York City.

The Jamaican Government, caught in a dilemma, was thus forced to acknowledge, even without pressure from external sources, that significant acreages of highly valuable lands, required for the increased investment that would cause economic growth and the sustainable development of the Jamaican society, had been lost to squatting.

The 'rumbling social volcano' erupted violently in 1994 because of the outrage of the squatters who, embittered, betrayed and desperate exercised their political power in riots, and in violent and peaceful protests.

Attempts by GOJ to address the squatting problem includes the inauguration of the Programme for Resettlement and Integrated Development Enterprise (Operation PRIDE) in 1994 – 'The Year of the Squatter' – which was modeled on the Sites and Services settlement upgrading initiatives of the 1970s and 1980s. The first such initiative was implemented at Orange Bay, in the parish of Hanover in 1979, in response to the rising incidence of squatting in the Negril tourist resort area. The Sites and Services approach, innovative at the time, attempted to change existing need for shelter into effective demand by providing settlers with serviced lots at cost price. No profit was made by GOJ, and no direct subsidy was paid to settlers.

Operation PRIDE was eventually merged with the Caribbean Housing Corporation to address the implementation challenges, which included excessive cost overruns, lack of capacity of the Provident Societies that were expected to drive the programme, and corruption. Despite the merger and the creation of a new organization, the National Housing Development Corporation, the programme became the subject of a Commission of Enquiry in 2002 resulting in the eventual formation of the Housing Agency of Jamaica Ltd. (HAJL) in 2008, which was assigned the responsibility of completing the regularization of Operation Pride settlements.

In 2005 Cabinet of Jamaica approved a document - “Guidelines for Dealing with Informal Settlements” - to be used by the government’s implementing agencies in preventing and managing the increasing incidence of squatting in Jamaica. The Guidelines contained recommendations for averting the increase of unplanned/illegal housing developments and provided guidance for resolving the shelter needs of the landless and economically vulnerable.

A Squatter Management Unit was established in 2006 to coordinate the development of an appropriate policy framework and to identify and implement the actions, in accordance with the 2005 Cabinet Guidelines, to address the squatting problem.

2.2 Major Contributory Factors to Squatting in Jamaica

The major contributing factors to squatting have been identified as: poverty and inequality; low levels of income, shortage of affordable housing, rural-urban migration, official tolerance and overt political support, availability of large tracts of idle lands, ineffective monitoring of both government and private properties, a lack of coordination in the implementation of actions by MDAs to manage government properties and to address squatting.

Poverty & Inequality

Poverty and inequality, which increased in Jamaica between 2016 and 2017,²¹ declined in 2018 and again in 2019. The poverty rate decreased from 19.3% in 2017 to 12.6% and 11.0% in 2018 and 2019, respectively. The Gini coefficient, which, in 2017, increased to a level last seen in 2008, the year of the global recession, also decreased.

Poverty

Jamaica uses an absolute measure of poverty represented by a poverty line²². The poverty line indicates the level of consumption needed to maintain an acceptable standard of living at the lowest cost. The calculation of the poverty line involves the

²¹ Jamaica Survey of Living Conditions (JSLC)2019

²² The poverty line is the minimum level of expenditure necessary to meet basic consumption requirements – Jamaica Survey of Living Conditions 2019 – Joint publication of the Planning Institute of Jamaica & the Statistical institute of Jamaica – February 2022

costing of a basket of food and non-food items.²³ In 2019, the poverty line for the reference family of five was \$767,899.00.

A comparison of poverty rates between 2002 and 2012²⁴ found a significant redistribution of poverty among communities in Jamaica, although the redistribution did not affect the overall poverty rate of the country. Poverty rates in the parishes of St James, Trelawny, St Ann and St Mary declined significantly over the period, while poverty rates in the parishes of St Elizabeth, St Catherine, and Clarendon, increased.

The virtual stagnation of poverty at the national level, observed over the ten-year period -19.7% in 2002 and 19.9% in 2012 – reflected minor change in the intervening years as the 2017 poverty rate was 19.3% (JSLC 2017). Whereas poverty rates declined in 2018 and 2019, the outbreak of the COVID 19 disease in 2020 is expected to result in a reversal of the trend of declining poverty rates.

Table 1 below, a review of the analysis of consumption expenditure data for the ten-year period – 2008 to 2017, provides data to support the increasing urbanization of Jamaica and the contribution of poverty, especially rural poverty, to squatting in Jamaica.

²³ National Policy on Poverty & National Poverty Reduction Programme - Government of Jamaica – September 2017 – Planning Institute of Jamaica (PIOJ)

²⁴ 'Mapping Poverty Indicators – Consumption Based Poverty in Jamaica using data from the 2011 Population & Housing Census and the 2012 Jamaica Survey of Living Conditions – Planning Institute of Jamaica & Statistical Institute of Jamaica

Table 1 - Prevalence of Poverty & Food Poverty by Region (Percentage) – Selected Years 2008 - 2017²⁵

Region	2008	2012	2015	2016	2017
POVERTY					
KMA	7.0	19.7	14.3	11.9	17.1
Other Towns	10.7	16.6	14.7	16.0	20.1
Rural Areas	17.0	21.3	28.5	20.5	20.1
Jamaica	12.3	19.9	21.2	17.1	19.3
FOOD POVERTY					
KMA	0.8	7.1	2.8	2.6	5.2
Other Towns	2.8	4.6	4.3	6.4	5.1
Rural Areas	4.9	8.9	10.7	6.3	5.3
Jamaica	3.1	7.5	6.9	5.3	5.2

JSLC (2019) reveals that whereas Rural Areas account for 44.9% of the general population – the largest share, this area registered the largest share of the poor at 57.9%, disproportionately larger than the share of the overall population. (See Rural-Urban Migration, as a contributory factor to squatting, below). Food poverty in Rural Areas increased from 5.6% in 2017 to 6.7% in 2019, despite a decrease of 1.9% between 2017 and 2018, and decreases in the GKMA and Other Urban Centres (OUC). The 2017 and 2019 figures are shown in Table 2 below.

Table 2 - Prevalence of Poverty & food Poverty by Region - 2017 to 2019 (Percentage)²⁶

Region	Poverty			Food Poverty		
	2017	2018	2019	2017	2018	2019
GKMA ²⁷	17.7	9.2	4.7	5.5	2.9	0.4
Other Urban Centres	19.8	12.0	13.4	4.8	3.9	3.5
Rural Areas	20.2	15.0	14.2	5.6	3.7	6.7
Jamaica	19.3	12.6	11.0	5.4	3.5	4.0

At the national level, the average consumption of a poor person was 64.8% of the poverty line in 2019. The Poverty Gap index²⁸ which estimates the depth of poverty – how far below the poverty line is the consumption of the average poor person – for the same year was 3.1%.

²⁵ JSLC 2017. N.B. the 10-year trend analysis, which has been historically provided in the JSLC, was not a part of JSLC 2018 and 2019, due to the changes introduced to the weighting and sampling methodology in 2018

²⁶ JSLC 2019

²⁷ Greater Kingston Metropolitan Area – An area covering Kingston, Urban St Andrew, Portmore & Spanish Town

²⁸ The Poverty Gap Index quantifies the difference between the poverty line and the average consumption of the poor and supplements the poverty rate by estimating the depth of poverty i.e., how far below the poverty line is the consumption of the average poor person. – JSLC 2019 – PIOJ & STATIN

Inequality

The 2019 Human Development Report (HDR)²⁹ says that any comprehensive assessment of inequality must consider income and wealth, but that such an assessment must always go beyond dollars and cents if we are to understand differences in other aspects of human development and the processes that lead to them. Economic inequality exists, but inequalities also exist in key elements of human development such as education, health, dignity, and respect for human rights, which may not be revealed if only income and wealth are considered.

The child, born in a Jamaican squatter settlement, does not have the capability to exercise his or her freedom to be and do what she aspires to in life, in the same way that another Jamaican child, born in a safe and secure community well served by all the required social amenities and physical infrastructure, does. The UNDP (2019) describes this, in the quotation below, as a “birth lottery”

“A human development approach to inequality takes a people centred view: It is about people’s capabilities to exercise their freedoms to be and do what they aspire to in life……. Disadvantages in health and education (of one’s parents and one’s own) interact and often compound over a lifetime. Gaps open before birth, starting with the ‘birth lottery’ of where children happen to be born, and can widen over the years.”

The JSLC uses consumption distribution to measure inequality through the Gini coefficient.³⁰ The Gini coefficient in 2019 was 0.3671, like 0.3615 in 2018 and less than that of 0.3748 in 2017.³¹ Inequality in 2017 was at the level seen in 2008 at the height of the global recession.

Low Levels of Income & Shortage of Affordable Housing

The right to adequate housing is founded and recognized under international law. Article 25 (1) of the Universal Declaration of Human Rights states “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

²⁹ Human Development Report 2019 – Beyond Income, Beyond Averages, Beyond Today – Inequalities in Human Development in the 21st Century

³⁰ The Gini coefficient ranges from 0 to 1 with 0 indicating perfect equality and 1 indicating perfect inequality

³¹ Jamaica Survey of Living Conditions 2019 – Joint Publication of the Planning Institute of Jamaica and the Statistical Institute of Jamaica – February 2022

including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”³²

Despite Emancipation and Independence, low incomes have continued to make it impossible for most Jamaicans to qualify for housing provision of any kind – public or private. A considerable number of the officially unemployed are not able to afford any type of housing, a basic need.

The issue of the worsening impact of low levels of income on the right to adequate and affordable housing is dramatically juxtaposed in the revelation below, contained in the 2019 Draft Housing Policy:

“The 1979 minimum wage could afford a 2-bedroom house on a single wage compared to 8 x minimum wages that would have to be combined to acquire a similar house in 2009. The 1979 2-bedroom house cost J\$12,500.00 in 2009. The same 2-bedroom house cost J\$6 million and \$9 million respectively in 2009 and 2016.”

Low-Income

The 1978 to 1998 National Physical Plan reported that 72.4% of the population earning less than \$1500.00 per year meant that low-cost housing was in the highest demand and that many would require 100% subsidy given the levels of income or lack thereof. Despite the establishment of the National Housing Trust (NHT) and its interventions to provide affordable housing for low-income Jamaicans and the poor, the results of its 2014 and 2017 surveys, shown below, reveal that not much has changed.

The Draft National Housing Policy 2019³³ defines a low-income earner as one earning gross weekly remuneration that is within the National Housing Trust (NHT)’s band of \$7000 to \$15,000.99 per week. 2014 and 2017 NHT surveys confirmed the findings of a 2009 UTECH/SALISES survey³⁴ that only 9% of males and 3% of females earn more than \$20,000.00 per week. The NHT housing surveys also found that 25% of the population

³² Draft Housing Policy, May 2019

³³ Draft Housing Policy May 2019, MEGJC

³⁴ 2009 UTECH/SALISES Survey results as reported in Draft National Housing Policy

surveyed was not eligible for NHT loans because they had either not contributed to the scheme, or based on their income, were not qualified for sufficient funds to enable them to afford housing solutions in the market. They also could not obtain mortgages from the private sector.

Shortage of Affordable Housing

Addressing Jamaica's housing deficit requires the production of 15,000 new units annually up to 2030 (MEGJC 2019). As indicated above, there is a net annual deficit of 6,248 housing units with respect to new housing units and those that require replacement.

The Draft National Housing Policy & Implementation Plan 2019 asserts that housing is unaffordable for a household when the monthly carrying costs exceeds 30% of the household's gross income. These costs, in addition to mortgage or rent, include property tax and insurance for owners, and can also include utility costs and maintenance. Cost/affordability currently excludes 80% of the Jamaican population on a single income from affording basic core shelter, services, and secure titles. (MEGJC 2019). Rising property values, increasing building material costs and infrastructure constraints compound the problem.

Financial market liberalization in recent decades have removed the protected status of housing finance institutions that initially operated savings & loan schemes in which low interest rates were offered to savers in exchange for low interest rate mortgage loans. These institutions are now forced to compete with other financial intermediaries. In addition, fiscal and institutional borrowing constraints have prevented the provision of subsidized government housing to address the shelter needs of the low-income earner.

Low-income earners and the poor have therefore used self-help housing and squatting to address their housing needs

Rural-Urban Migration

The World Cities Report 2020³⁵ proposes that cities are more than incidental geographic places where people congregate. It describes cities as ‘the loci of economic and cultural production; and spaces of environmental and social development that are key to improving development outcomes. Urban areas are classified as nucleated settlements of 2,000 or more persons which possess certain specific facilities and amenities required for modern living. ‘They are places of opportunity where aspirations are realized.’

Jamaicans have been, historically, a migrant people, using internal migration and emigration to position themselves to exploit the economic and social values offered by the towns and cities of Jamaica, and indeed the world. They have always known that towns and cities offer the best options for improving the quality of their lives.

The significant decline in the agricultural sector in recent years accompanied by rural neglect, especially in the maintenance and construction of rural infrastructure such as roads, bridges, and adequate water supply systems, has spurred increasing internal migration and emigration to areas where peoples’ aspirations are realized.

JSLC 2019 found that 98.4% of households in GKMA reported using an improved drinking water source as compared to 56% in Rural Areas and 87.2% in OUC. In addition, whereas all households in GKMA travelled less than 500 metres to a water source, only 74.3 % and 51.1% did in OUC and Rural Areas respectively.

The largest share of the poor (57.9%) lives in rural Jamaica. (JSLC 2019) Despite poverty in Rural Areas declining from 20.2% in 2017 to 14.2% in 2019, the 6.7% food poverty in this region is twice that of OUC and six times that of the GKMA and has increased compared to 2017 when food poverty was 5.7%. Poverty in Rural Areas, as indicated in Tables 1 and 2 above, remains high.

In the 1960s to 1970s rural – urban migration was primarily to Kingston, Spanish Town, and Montego Bay. As investment in the tourism industry grew rapidly in the 1980s and

³⁵ UN-Habitat 2020 – Worlds Cities Report 2020 – The Value of Sustainable Urbanization

1990's; and large construction projects, concerned with the building of highways, housing schemes and hotel resorts, were executed in the late 1990s, continuing to the present, internal migration shifted to tourism resort areas and to the parishes of Clarendon and St Catherine.

This shift in the pattern of migration has resulted in the mushrooming of squatter settlements in the major tourism resort areas of Jamaica, and in sections of Clarendon and St Catherine, in the face of increased and unsatisfied demand for affordable housing, unrealized expectations of an immediate improvement in the quality of life, and unemployment or low levels of income.

The population of St Catherine grew by 26.3% between the 1991 and the 2001 Population Census³⁶, almost three times the growth observed for the country.³⁷ Population growth in the parishes of St Catherine and Clarendon was the result of internal migration to urban centres such as Portmore and Hellshire, Old Harbour and Old Harbour Bay in St Catherine; and to May Pen in Clarendon. St Catherine grew by 100,336 persons while Clarendon grew by 22,322 persons or about 10.4% over the same period.

May Pen experienced the highest growth rate of any parish capital, growing by 24.2% resulting in the population in the parish of Clarendon increasing by 2.5%, considered a remarkable increase for a rural parish. Portmore and Hellshire combined grew faster than the parish capital of Spanish Town, with the town of Old Harbour coming in second.

Coastal resources and lands on the country's coastline, as well as lands along the corridors of the highways developed since 2000, are at risk from informal settlements and urban sprawl. The inland migration of the rural and urban poor to the tourism resort areas, and the subsequent increase in squatting compounds the negative impact of tourism development on coastal lands, including assets such as mangrove forests. (Acclimatise 2019)

³⁶ 2021 should be a Population Census year. Will it be postponed because of COVID 19 pandemic?

³⁷ Portmore to Clarendon Park Highway 2000 Corridor Development Plan 2004 – 2025 – Final Draft. Volume 3 – The People – Multi-Disciplinary Team of representatives of MDAs and consultants

Availability of Idle Lands

Land is a finite resource. The land and property ownership structure of Colonial Jamaica remains almost intact with the large properties with the most arable and fertile lands being owned by large landowners, some absentee, and most of the population occupying fragmented small holdings, acquired through Government land settlement programmes, or private housing development.

Population growth, industrial and commercial expansion has resulted in intense competition for Jamaica's land. GOJ, in its attempts to address the inequitable distribution of lands, has acquired many of these large properties, thus being the largest owner of land in Jamaica, possessing 45,000 parcels of land held by 20 of its entities.

The main driver behind rural to urban migration is the need to access paid employment opportunities and community services. Class I, II and III agricultural lands³⁸ potentially represent a source of income and employment for the rural communities close to them, if used for productive farming. Less than 25% of these lands are currently being used for farming.³⁹ The 2007 Census of Agriculture⁴⁰ reported a decline of 81,624 hectares of lands in farm between 1996 and 2007.

The decline in export production of sugarcane and banana has resulted in large plantations, with some of the most productive lands for agriculture, being primarily idle. These properties are found primarily in the parishes of Westmoreland, St Thomas, Clarendon, and St James. Acclimatise et al (2019) also found that some of the most productive agricultural lands and plantations on the south coast of Jamaica are in areas of degraded watersheds, areas of groundwater pollution risk, and in current or expected high water demand.

The productive, Class 1, 11 and 11 agricultural lands, along the highway corridors e.g. The Portmore to Clarendon Park Corridor (Highway 2000) have been encroached on in

³⁸ Land Capability Classes categorize agricultural lands. Classes I, II and III lands are the lands most suitable for agriculture, lands can be tilled mechanically and with either no, little, or some limitations for agricultural production, respectively

³⁹ "Technical Paper No. 5: Human, Commercial and Industrial Settlements, June 2019 – 1 of 7 technical papers prepared for input in the National Spatial Plan, Jamaica – Acclimatise in association with David Jarvis Associates, GWP Consultants

⁴⁰ Statistical Institute of Jamaica –<https://statinja.gov.jm/agricensus.asp#>

major towns like Mandeville, Spanish Town, and the Portmore Municipality; as well as in smaller settlements such as Linstead, Christiana, Spalding, Santa Cruz, Lawrence Tavern, Above Rocks.

Smallholdings, which were primarily for agricultural purposes, and owned as ‘family land’ have become even more fragmented as they have been passed on to the new generations of the occupants of these lands. Forty percent (40%) or 338,000 of the 845,000 parcels of land in Jamaica are without registered titles.⁴¹ In addition, JSLC 2019 reports that only 29.1% of households surveyed had full registered ownership.⁴² Squatting and rental of property remain the available options for the poor and the landless.

Official Tolerance & Overt Political Support

The numerous newspapers’ reports and dozens of case studies that report the official tolerance and/or the overt and proactive political support of squatting in Jamaica were confirmed in stakeholder consultations.⁴³

Representatives of squatter settlements and the CBOs consulted expressed their concern that Jamaican politicians were holding people ‘hostage’ in squatter settlements to secure a block of votes. Political leaders, they believe, have missed many opportunities of taking proactive steps to regularize squatter settlements thus providing squatters with security of tenure and ensuring that the required infrastructure and social amenities were in place.

Representatives of Municipal Corporations consulted have also expressed concerns about the current practice of providing legal connection of electricity and water supplies to squatter settlements without their involvement and requests from the Utility Service Providers for Letters of No Objection before these connections are made.

⁴¹ Draft National Spatial Plan 2020 to 2040

⁴² “When a household owns both the dwelling and the land on which they live, and report the possession of a registered title for said property, they are considered as having registered full ownership” – Jamaica Survey of Living Conditions 2019 – Planning Institute of Jamaica & Statistical Institute of Jamaica, February 2022

⁴³ Stakeholder Consultations on 1st Draft of NSMP – October 13 to December 14, 2021

High levels of violence are associated with some squatter settlements, and many are also garrison communities with links to either of the two major political parties. These high levels of violence have resulted in even social workers and survey teams requiring police protection to enter the settlements.

The best example of this official tolerance was the immediate official response to the Flankers riots of 1994. The Commissioner of Police, at a public meeting held at the Flankers All Age School on the day of the riots, publicly dismissed the Police Officer and other members of his team, who were involved in the lawful eviction of the squatters from Joe Witter's property. There was no report that the well-known political activist who set fire and destroyed the offices of real estate developer, Joe Witter, just around midday on that eventful day in March, 1994 was ever arrested for committing the act, and he continued to gather with his colleagues at 'Red Square' in downtown Montego Bay for some time after.⁴⁴

The police officers were subsequently reinstated, but a clear message was sent that could have resulted in the mushrooming of squatter settlements in Montego Bay, many being the most violent crime hot spots and known political garrisons of the two major political parties in Jamaica.

Ineffective & Lack of Coordination in Monitoring & Managing Properties

The World Bank/Cities Alliance team's assessment of GOJ Ministries, Departments and Agencies (MDAs) and two Non-Governmental Organisations (NGOs), concerned with squatter management, found that in the main, a lack of clearly defined roles, responsibilities, and resource needs, resulted in uncoordinated action and/or overlapping functions (2007)⁴⁵.

UN-Habitat (2020) found that a lack of effective governance and inter-agency mechanisms was hampering the implementation of strategies and programme to address squatting in the 16 Caribbean countries involved in the development of the

⁴⁴ Consultant's personal knowledge, as she lived and was in Montego Bay on that day. 'Red Square' is a street corner located in the centre of Montego Bay (Now beside Juici Beef Patties) and opposite the National Commercial Bank building.

⁴⁵ 'Towards A Policy and Plan for Managing Squatting in Jamaica' – Draft report prepared by World Bank/Cities Alliance, June 2007

Caribbean Strategy for Informal Settlement Upgrading (CSISU). This includes the lack of an overarching policy framework, and difficulty in harmonizing the activities of multiple Government MDAs, international donors, and other organisations.

Idle lands designated for community purposes, and other lands owned by GOJ, or absentee private owners are primary targets for squatting. The current emphasis on subsidiarity in the NUA and the enactment of the 2016 Local Governance Act supports greater involvement of the Municipal Corporations in taking preventative measures to prevent squatting.

The Municipal Corporations now have direct responsibility for regulating development through Development Orders; the preparation of Development Plans; Local Area Development Plans; and Local Sustainable Development Plans. The development of these plans involves the participation of multi-sector Parish Development Committees, Development Area Committees, Community Development Committees and other bodies or entities within the public, private and non-government sectors.⁴⁶

In the parish of Manchester, Community Development Committees are already playing an important role in squatting prevention by reporting early stages of squatting to the Parish Planning Committee. These reports provide the Municipal Corporation with the information which allows them to use existing laws and regulations to prevent the development of squatter settlements.

Recent examples of inadequate or ineffective inter-agency coordination shared in 2021 stakeholder consultations on the first draft of the NSMP include:

- Registered owners of properties, including GOJ agencies such as the UDC and NHT, not being advised about the adverse possession of their property - in keeping with the requirements - before surveys of the property is done by NLA surveyors.
- Collaboration, between the Government Electrical Inspectorate, the Jamaica Public Service Company Ltd and the National Water Commission, with the

⁴⁶ The Local Governance Act 2016

Municipal Corporations is required to address the current practice of legal connection of utility supplies to squatter settlement without the knowledge and involvement of the Corporations. These legal connections are considered incentives to squatting.

2.3 Profile of Squatting in Jamaica

The profile of squatting in Jamaica is based on:

- The preliminary results of the ongoing 2019 to 2022 NSISS⁴⁷. Surveys of squatter settlements in for eight parishes of the island had been completed at the end of December 2021.
- The results of the 2008 Rapid Assessment Survey⁴⁸
- The reports of other studies of squatting in Jamaica, and/or related issues.
- Data and/or special reports provided by GOJ Ministries, Departments and Agencies (MDAs)

Geographical Distribution

Squatting occurs in every parish of Jamaica. The settlements in rural parishes are located primarily within or on the fringes of the urban centres. Analysis by the SEMU of the 2019 to 2021 NSISS results found that 149 or 55.4% of the 269 settlements surveyed were located 5 km of major town centres, including parish capitals, and 21.2% were located within 5 km of the 8 parish capitals surveyed.

Eighty-seven percent settlements surveyed (NSISS 2019 to 2021) are occupied by persons who have lived in them for more than 20 years. These results are in keeping with those of the 2008 survey, which found that a significant 81% of squatter settlements were more than 10 years old, with 66% of these settlements being in existence for 20 years or more.

⁴⁷ The preliminary results of the National Informal Settlement Survey, 2019 to 2022, represent the results of completed surveys in the parishes of Hanover, Trelawny, St Ann, Clarendon, Manchester, St Elizabeth, Portland, and St Mary. The results will be used to update data used in the document

⁴⁸ Squatter Management Unit in collaboration with the University of Technology & The University of the West Indies



Photo 2 – Spring Piece Squatter Settlement, St Ann, Jamaica
NSISS – 2019 to 2021

Residential Squatting

Squatting in Jamaica is primarily residential. Of the 8 parishes surveyed at the end of December 2021, 59.6% of the settlements are for residential purposes only; 29.92% for residential purposes with agricultural features; and 8.66% for residential with commercial features.

Observations of commercial⁵⁰ and residential⁵¹ squatting in areas known as general fishing beach area or fishing ports, as listed in the Fishing Industry Regulations of 1976, reveal that residential squatting observed on the beaches is always associated with commercial activity (NFA May 2022)

Squatting takes place on 23 beaches in 9 parishes for which the nature of squatting was not specified in the NFA report but is likely to be commercial. The parish of St Thomas has the highest number of beaches – 7 beaches – for which the type of squatting observed was not specified. Commercial and residential squatting occurs on 20 beaches in 4 parishes - 8 beaches in Portland, 6 in St Ann, 5 in St Mary and 1 in St Catherine. Commercial squatting only was observed on 8 beaches in Jamaica – 5 in Portland and 1 each in St Ann, St Mary, and Manchester.

Residential squatting, recorded for the following fishing beaches, surveyed in the NSISS is shown below.

Pagee Fishing Beach, St Mary	-	86 household lots on 53 acres
Salem Fishing Beach, St Ann	-	117 household lots on 7.8 acres
Galleon Fishing Beach, St Elizabeth	-	15 household lots on 33 acres

The NFA 2022 report confirms commercial and residential squatting on the Pagee and Salem fishing beaches.

⁵⁰ Commercial squatting on fishing beaches refers to buildings used to operate businesses

⁵¹ Residential squatting on fishing beaches refer to structures being used for residential purposes. NFA indicates that because some fishing beaches are associated with abutting communities it is not always able to attribute occupation as squatting as the land tenure status of the residents and the boundaries are not know.



Photo 3 – Commercial Squatting - Hellshire Fishing Beach, St Catherine

The Pedro Bank is one of the largest offshore banks in the Caribbean, covering 8,040 km² and has been used as a base for fishing operations since the 1950s. It is of great biological and economic importance to Jamaica.⁵² Several licensed fishers reside and operate on the Northeast and Middle Cays of the Pedro Bank.

A 2014 socio-economic census of the two cays found that 80.5% of the residents identified themselves as fishers; 13.7% as shopkeepers; with other occupations being housekeepers, cooks and 1 fish merchant. Commercial and residential squatting, combined with unregulated and indiscriminate fishing practices, has resulted in the degradation of the Pedro Bank's natural resources and marine habitats.

⁵² Rhiney, K et al. 2014 'A Socioeconomic & Carrying Capacity Study of the Pedro Cays: Northeast & Middle Cays, Jamaica. Fisheries Division, Ministry of Agriculture & Fisheries, Kingston, Jamaica

Environmental Features

Thirty five percent (35.43%) of the squatter settlements surveyed in the current 2019 to 2021 survey, are located on steep slopes. This represents a significant increase in squatting on hillside lands since the 2008 survey, when the percentage of settlements found on moderate slopes and steep slopes was 6% respectively.

Significant percentages of settlements have been established in gullies, and on rocky (karst topography). Seventy eight percent (78%) of the settlements surveyed had specific major environmental features, with 34% located on flood plains, coastal areas or in river course/beds; 15.75% are in wetlands; 11% on gully banks; and 35.43% on steep slopes. The specific major environmental feature for 3% of the settlements was not specified.

Climate Risks & Hazards

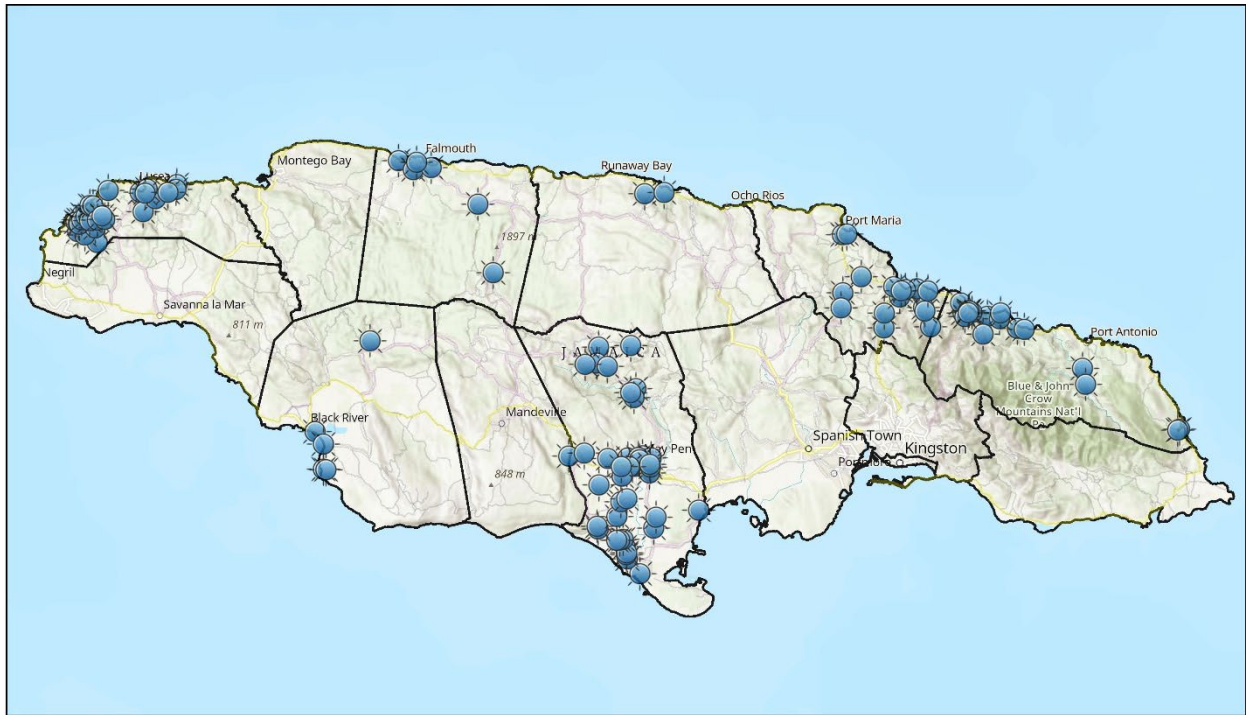
Almost a quarter (23.62%) of the settlements surveyed between 2019 and 2021 are located less than 45 m from the Caribbean Sea or the high-water mark⁵³; 16.5% less than 20m from a cliff with a high-water mark; and 15.75% less than 12.2m from the bank of a major gully or river. The location of these settlements makes them extremely vulnerable to natural hazards and climate change, given that climate trends and projections for Jamaica⁵⁴ are for rising sea levels in keeping with the higher rates of increase in sea levels observed between 1993 and 2010. Coastal structures also fare worse during hurricanes. Rising sea levels will also pose a real threat for squatters occupying the Pedro Bank.

The hazards identified for the parishes surveyed are primarily landslides, flooding, and bush fires.

⁵³ A high-water mark is a point that represents the maximum rise of a body of water over land. Such a mark is often the result of flooding e.g., High Water Mark near to the Flat Bridge in the Bog Walk Gorge, St Catherine

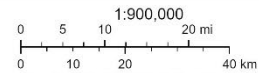
⁵⁴ The State of Jamaica Climate 2015 prepared by Climate Studies Group, Mona, University of the West Indies, October 2017

Squatter Settlements Susceptible to Riverine Flooding



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Squatter Hazard - Susceptible to Riverine Flooding

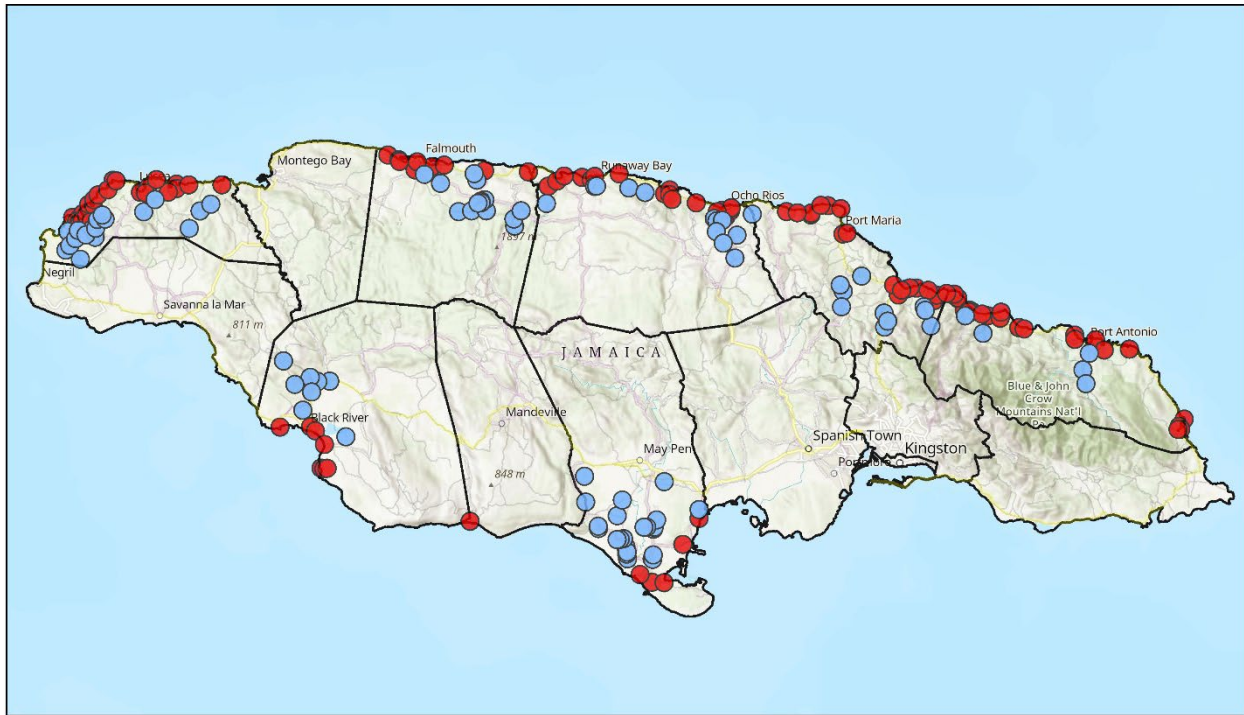


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 1 – Squatter Settlements Prone to Flooding NSISS

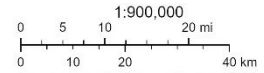
Distance of Squatter Settlements from the Coast



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Squatter Hazard - Buffer from Coast

- Within 10km from coast
- Within 1km from coast



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasbyråen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 2 – Squatter Settlements on Jamaica’s Coastlines NSISS

Size of Squatter Settlements

The classification of settlements by size is shown in Table 3 ⁵⁵below.

Table 3 - Classification of Squatter Settlements by Size (2008 Survey)

Number of Household Units ⁵⁶	Percentage (Based on 320 survey responses)	Classification
10 or less	18%	Incidental Squatting
11 – 99	43%	Small Settlements
100 – 500	22%	Medium Settlement
> 500	8%	Large Settlement

The results of the 2019 to 2021 NSISS concerning the size of the 269 squatter settlements, located in 8 parishes⁵⁷ is shown in Table 4 below.

Table 4 - NSISS 2019 to 2021 - Number of Squatter Settlements per Parish categorized by size⁵⁸

Parish	Incidental Squatting – 10 household lots or less	Small 11-99 household lots	Medium 100 to 500 household lots	Large More than 500 household lots	Total No of Properties
Clarendon	12	40	16	2	70
Manchester	0	2	1	0	3
St Elizabeth	10	15	1	1	27
Hanover	5	24	14	0	43
Portland	12	18	1	0	31
St Ann	11	20	9	0	40
St Mary	10	13	6	0	29
Trelawny	3	16	6	1	26
Totals	63	148	54	4	269

The largest settlement surveyed had 823 household lots, with the next largest having 743. Three properties had more than 600 lots and five had more than 500 lots.

The 2008 survey found that the three largest squatter settlements had more than 2000 households, with another three settlements having more than 1000 households. It

⁵⁵ A Rapid Assessment of Squatting in Jamaica, December 2008 – Squatter Management Unit, Ministry of Water and Housing

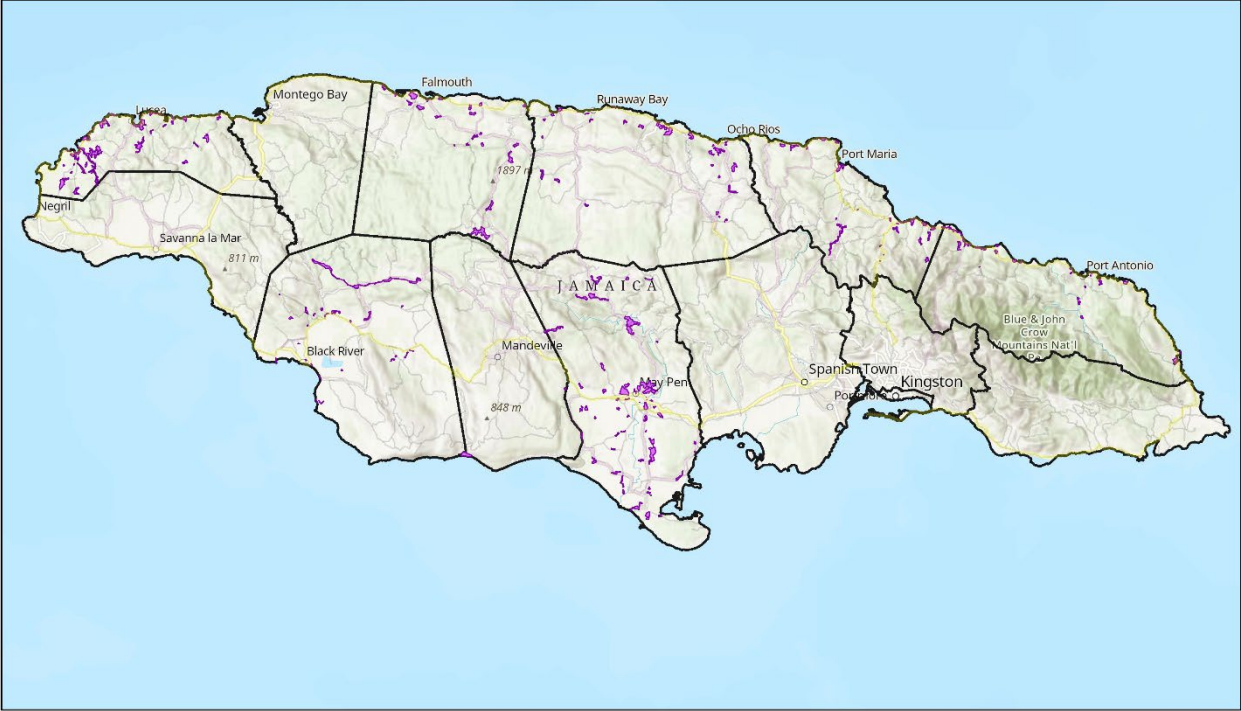
⁵⁶ 9% of the 320 households surveyed did not respond to survey questions

⁵⁷ The 8 parishes for which surveys had been completed at the end of December 2021 were Clarendon, Manchester, St Elizabeth, Trelawny, St Ann, Hanover, Portland, and St Mary. Survey of the remaining 6 parishes is awaiting funding.

⁵⁸ Categories are based on the 2008 classification shown in Table 3

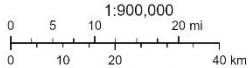
should be noted, however, that these settlements are in the parishes of St Catherine and St James that have not yet been surveyed in the NSISS.

The Extent of Squatting in Jamaica



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- Squatter Settlement
- Parish Boundary



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geolofskyteken, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 3 – Squatting in the 8 parishes surveyed – NSISS

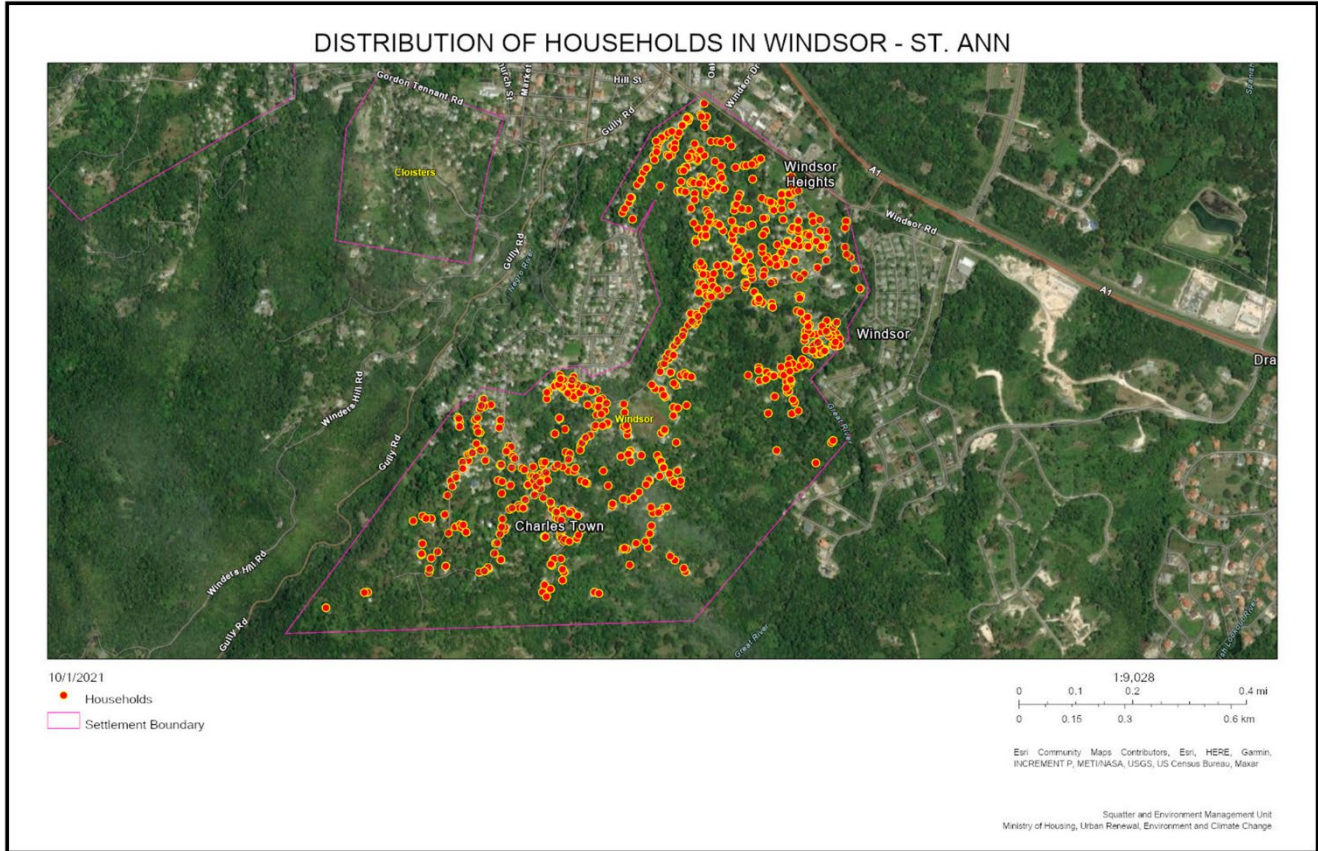
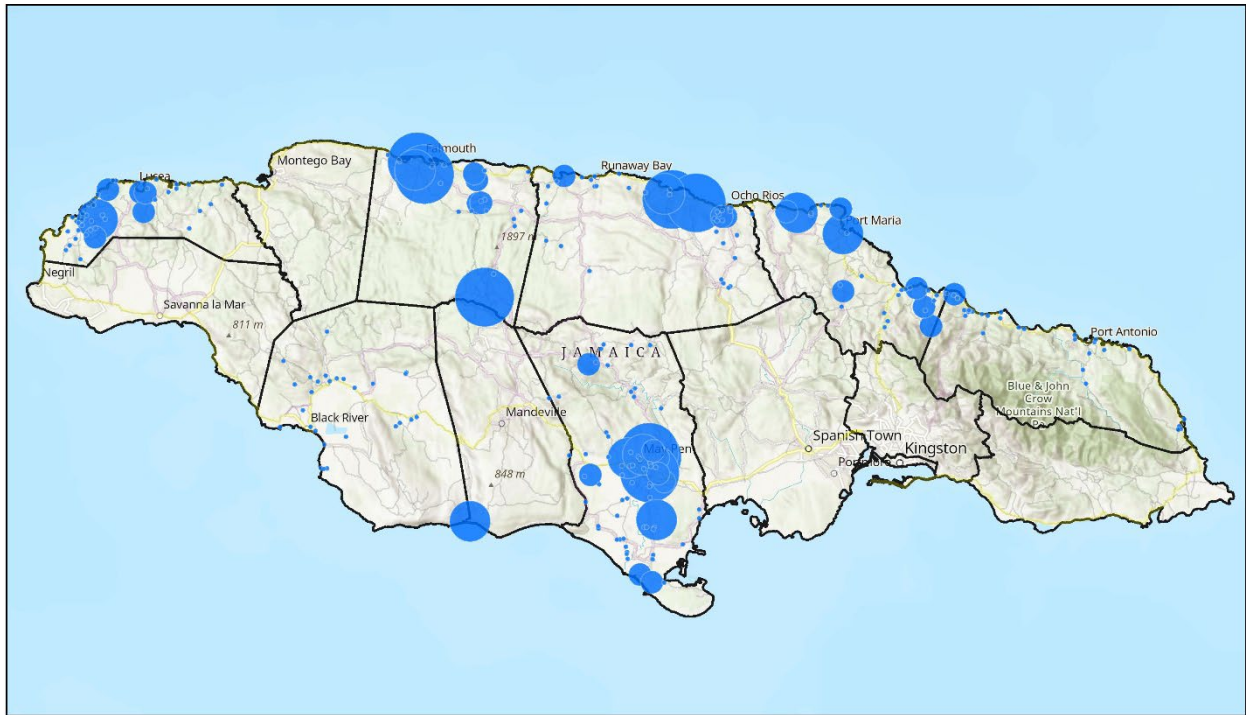


Plate 1: Windsor Squatter Settlement, St Ann, Jamaica – 700 households⁵⁹

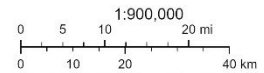
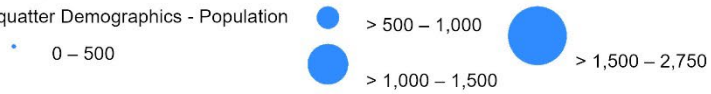
⁵⁹ National Squatter/Informal Settlement Survey – 2009 to 2021

Population of Squatter Settlements in Jamaica



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Squatter Demographics - Population

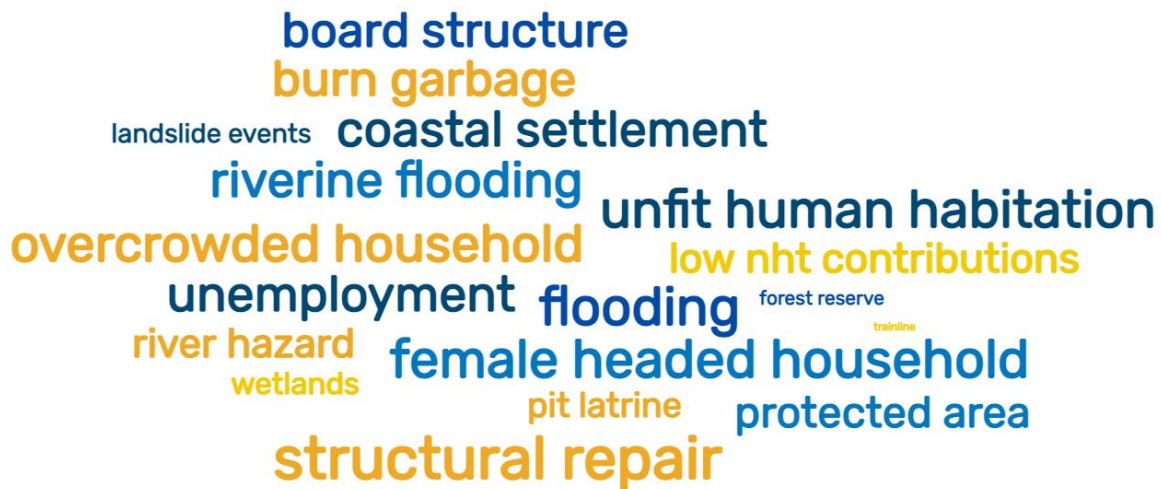


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 4 – Squatter Population – 8 parishes surveyed – NSISS

Figure 2 - Profile of Squatter Settlement Households - NSISS 2019 to 2021



Some of the major characteristics of the 269 squatter settlements surveyed in the NSISS are summarized in Figure 2 above. These include overcrowded and female headed households; low levels of NHT contribution and unemployment. Environmental threats include the burning of garbage, location of settlements in wetlands, forest reserves and protected areas, and settlements being prone to riverine flooding and landslides. Some houses need structural repairs and are made of board. The physical characteristics of the settlements are detailed below.

Physical Characteristics of Jamaican Squatter Settlements

Infrastructure – Roads & Drains

Paved access roads led to 41.73% of the settlements surveyed at the end of December 2021; access roads to another 41.73% of the settlements were unpaved, with the other settlements being accessed by tracks and footpaths. Roads within the settlements were mainly unpaved, many being tracks or footpaths.

Access to Improved Water & Electricity

GIS analysis of squatter settlements in Montego Bay, St James; and of two squatter settlements (Mud Town and Mona Commons) in St Andrew found that basic

infrastructure and amenities such as water, light, roads, hospitals, schools, health centres and fire stations were nearby. The analysis found, however, that within the actual settlements these services/facilities either did not exist or had no formal layout.

Water considered safe for drinking in Jamaica is limited to treated water. This criterion is met only by indoor or outdoor tap/pipe, public standpipe, bottled water, and trucked water from the NWC and is the only sources categorized by the Jamaica Survey of Living Conditions (JSLC)⁶⁰ as improved drinking water sources and safe drinking water. “All other sources, including harvested rainwater, wells, rivers and streams are considered unimproved sources.” The proxy indicator, used by the JSLC to determine access to safe drinking water is measured by the proportion of people using improved drinking water sources⁶¹.

The distance travelled to access the commodity is also an important determinant in defining an improved source of water. The Joint Monitoring Committee (JMP) of the World Health Organization (WHO) and the United Nations Children’s Fund (UNICEF) considers “access to a water source within one kilometer of the household” as being improved. Jamaica’s Water Sector Policy proposes access within 500 metres of the household.

The NSISS results do not include data on access to improved water sources. In keeping with JSLC criteria for improved water sources, the 2008 Survey found that 85% of the households in squatter settlements had access to water through the established National Water Commission (NWC) system, albeit some being the result of illegal connections to NWC lines. 40% of the households surveyed had running water in their houses; 28% in their yards, with another 13% obtaining water from public standpipes.

The squatters occupying the Pedro Cays face major challenges in accessing fresh water.

⁶⁰ Jamaica Survey of Living Conditions 2017 – Joint Publication - The Planning Institute of Jamaica & The Statistical Institute of Jamaica

⁶¹ WHO/UNICEF Joint Monitoring Report 2012, Water Sanitation & Hygiene – http://www.who.int/water_sanitation_health/monitoring/jmp2012/key_terms/en/

Most squatter households have access to electricity, the current survey confirming the 2008 finding that 95% of households surveyed had access to electricity. These results suggest that Jamaica Public Service Company Ltd (JPSCo) lines are usually near squatter settlements; or the reverse that squatter settlements are established in areas where there is easy access to JPSCo lines. Observations, of the 2008 survey, were that many the connections were not only illegal but were carelessly undertaken thus posing a consistent threat of electrocution to the lives of settlers.

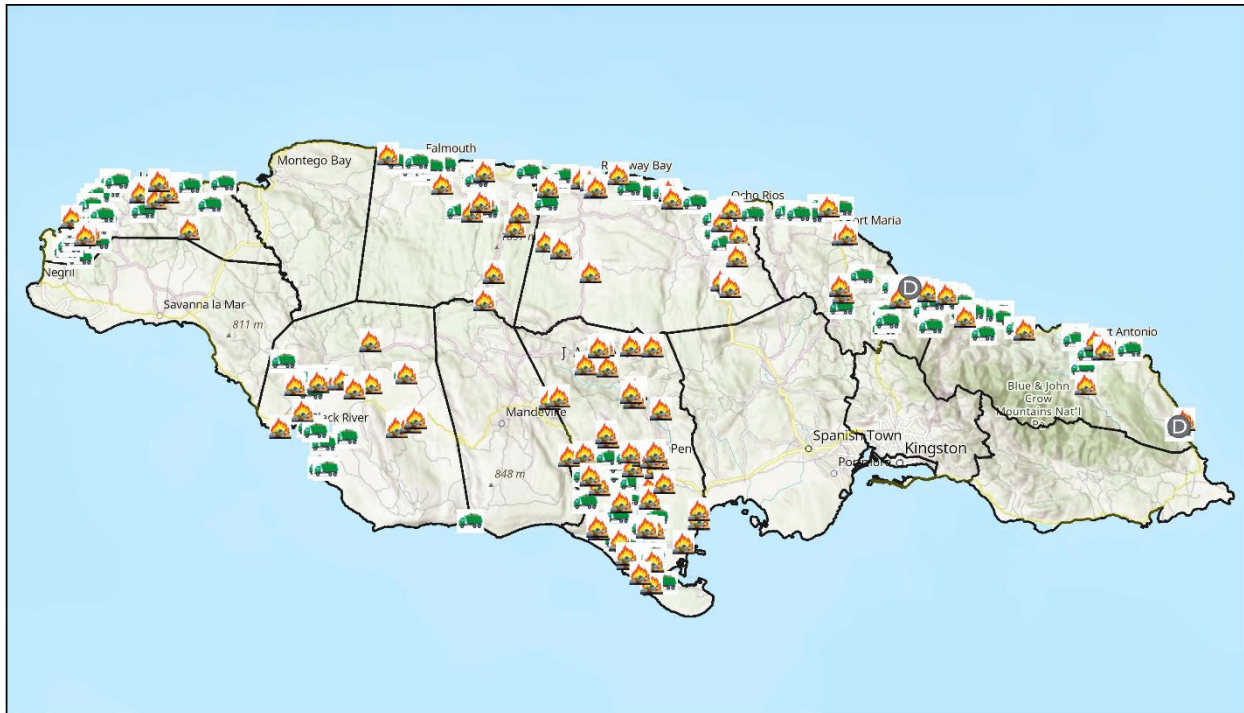
Sewage & Garbage Disposal

The inappropriate, sometimes careless disposal of waste in squatter settlements, poses one of the greatest threats to public health and the environment caused by the mushrooming of squatting in Jamaica. The improper disposal of solid and all forms of human waste has been a longstanding problem on the Pedro Cays, which is yet to be solved.

The 2019 to 2021 NSISS found that flush indoor toilets – not shared – were reported by 16.6% of the households surveyed. Only 1.3% of the households reported using private pit latrines, compared to 50% in 2008. Other sewage disposal methods reported include flush indoor toilets – shared; flush outdoor toilets – not shared; pour flush latrine – shared and not shared; other methods not specified and none. Of these toilet facilities, 18.84% of the households reported using absorption pits (soil with stones packed to the sides).




Sixteen percent of the households surveyed (NSISS 2019 to 2021) reported that the National Solid Waste Management Authority (NSWMA) were collecting garbage. Other methods of garbage disposal include burning (12.3%); disposing in open dumps and other methods not specified.

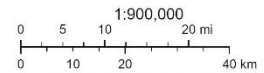
Main Method of Solid Waste Disposal in Squatter Settlements



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Squatter Hazard - Solid Waste Disposal

-  Garbage Truck
-  Burn
-  Dump

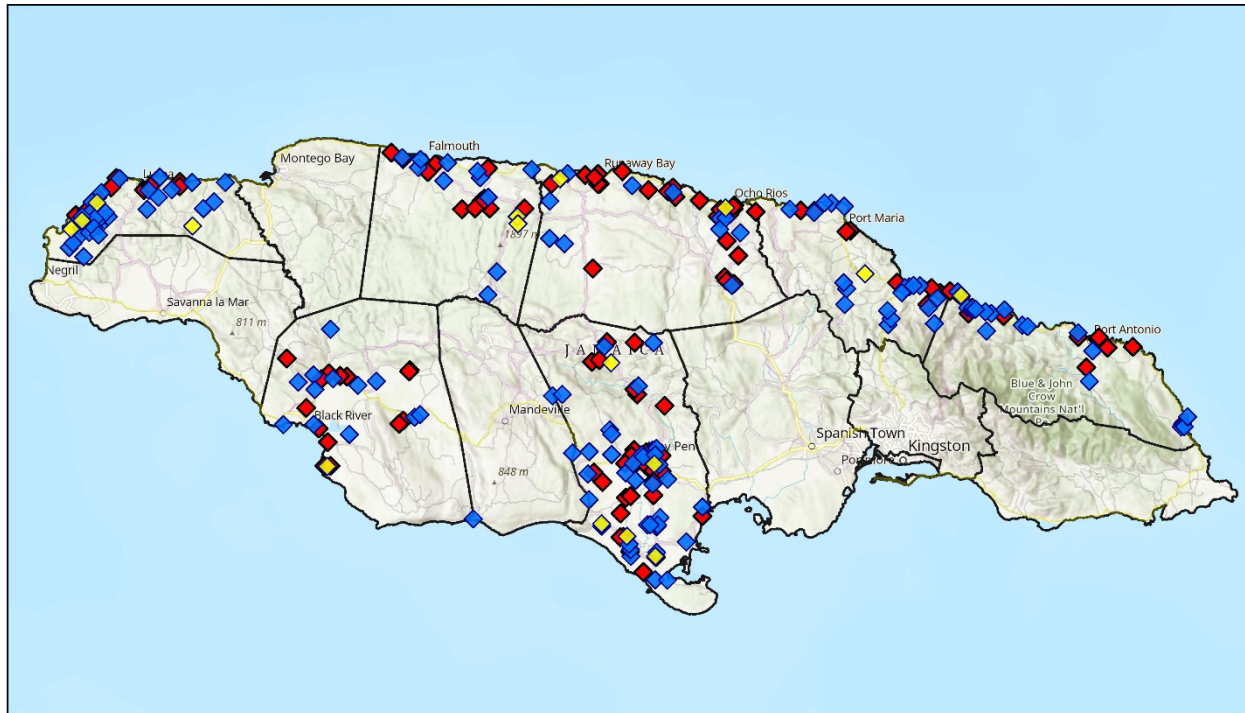


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasbyloven, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 5 – Solid Waste Disposal – 8 parishes surveyed – NSISS

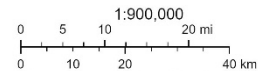
Percentage Overcrowding of Squatter Settlements



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Squatter Hazard - Percentage Overcrowding

- ◆ > 50 – 80
- ◆ > 80 – 100
- ◆ 0 – 50



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasupplyaan, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Map 6 – Overcrowding in Squatter Settlements Surveyed – NSISS

Structural Quality of Housing & Sufficient Living Area Sufficient Living Area

(JSLC) 2017 states that the extent to which a dwelling is overcrowded is determined by the number of persons per habitable room.⁶² The Jamaican standard for sufficient living area cited is 1.01 or less people per habitable room. The current survey findings of an average of 2.5 occupants per habitable room means that although the settlements surveyed to date meet the UN Habitat’s measure for Sufficient Living Area⁶³ they do not meet the Jamaican standard.

⁶² Habitable rooms include those used for general purposes such as sleeping and eating. Excluded are garages, kitchens, bathrooms, toilets, verandahs, passageways, laundry rooms and storage rooms

⁶³ UN Habitat’s measure for Sufficient Living Area: Proportion of households in which not more than three people share the same habitable room.

Structural Quality of Housing

Fifty eight percent (57.52%) of the houses in the settlements surveyed at the end of December 2021 were completed and occupied; 4.23% completed and unoccupied; 21.37% incomplete and occupied; 12.06% incomplete and unoccupied; with the other 4.82% consisting of foundation only

Fifty nine percent (59.3%) of the houses were made of concrete/block and steel; with another 35.85% of timber and board. 49.85 % of the houses were assessed as being in fair, good or very good condition; with only 12.95% considered poor or very poor.

2.4 Impact of Squatting in Jamaica

Land can only contribute to economic growth and the related social benefits that accrue through increased productivity.⁶⁴ Productivity is directly linked to land tenure because limited access to the bundle of rights to a property, or insecurity of tenure, limits the investment and land use options available to those who occupy or use the land. Land reforms are, therefore, large social and political processes that are aimed at changing a country's land tenure system. Such land reforms have political, social, economic, and environmental objectives.

The political objectives refer to attempts to change the power structure in a country. 'Social justice' is usually the main social objective because the unequal distribution, of a country's fixed and most important resource is seen as being unjust in all possible perspectives.

Social justice is a highly emotive and politically charged subject in most countries. In Jamaica's case, despite the implementation of several land reform programmes since Emancipation, the inequitable post-Emancipation land distribution system remains virtually intact and is a contributory factor to squatting and its adverse impact on the country's land resources.

⁶⁴ Agricultural Policies in Developing Countries – Frank Ellis, 1993 - "Land tenure refers to the bundle of rights an individual, household or community may have with respect to land, water or other resource and includes property rights, but also use rights of a permanent or seasonal nature"

The two most important economic objectives of land reform are: (i) reduction of absolute poverty, and (ii) increased agricultural productivity. In many countries, also true of Jamaica, the highest share of poverty is found among the landless poor, formerly in rural areas, but increasingly in cities and towns.

The environmental objective is concerned with the irreversibility of land degradation, as land is not a completely renewable resource. Environmental degradation, caused by deforestation and soil erosion for example, breaks the natural cycle of nutrient accumulation and has global environmental effects such as the depletion of water supplies, endangering biodiversity and triggering global or local climate change.

Economic Impact

Urban areas create enormous economic value, as they are the world's platform for production, innovation and trade that generates formal and informal employment. The foundational mechanisms that enable cities to be growth accelerators include embedded risks within the very structure that enable cities to create great economic value.⁶⁵ The 2020 World Cities report highlights a few points relevant to the NSMP that include the following:

- The informal economy is the lifeblood of many cities in developing countries, yet informal sector enterprises fly under the radar of public policy interventions
- Property rights, land use regulations and poor transportation systems are limiting the generation of economic value in the cities of developing countries.

The report points out that generation of real economic value in urban areas requires that governance, institutional, policy and regulatory frameworks are aligned to the local realities and should not hinder economic growth. As Jamaica, after decades of stagnation, strive to achieve economic growth within the framework of rapid urbanization, the creation of economic value in urban areas and the management of squatting become urgent.

The loss of irreversibly degraded land resources to squatting, or the occupation of land thus preventing its optimal use for investment or settlement continues to limit or

⁶⁵ The 2020 World Cities Report

prevent the country's economic growth and achievement of real prosperity. Vast acreages of agricultural lands, and lands needed for increased investment in tourism and other industries have been lost.

Tourism, considered to be the most important driver for Jamaica's economic development, has negatively impacted its own most important product – Jamaica's natural environment - directly by the unsustainable development of some resorts and/or attractions, and indirectly through squatting.

Other examples of the economic impact of squatting are the establishments of Special Economic Zones and the divestment of the Jamaica Railway Corporation (JRC) The JRC reports ⁶⁶ that a heavy concentration of squatters on railway lands, especially in Spanish Town, Montego Bay has stymied all attempts to divest its assets over the years.

In recent years, Jamaica has been positioning itself to exploit the expansion of the Panama Canal through the establishment of a Logistic Hub and Special Economic Zones⁶⁷ that are expected to facilitate growth in the manufacturing sector. Loss of valuable land in strategic areas now limit the country's ability to exploit the opportunity or will result in higher costs in providing infrastructure or for transportation from less suitable areas.

Riverton City, a settlement which is co-spatial with the city's dump, was once earmarked for the development of a Special Economic Zone (Eyre (1997). In addition to the irreversible loss of the lands for the purpose intended, the co-spatial existence of dump and settlement poses enormous public health risks for the squatters living there. Severe environmental risks are also associated with the settlement.

⁶⁶ The September 17, 2014, Daily Gleaner

⁶⁷ 2020 to 2040 National Spatial Plan – Spanish Town Special Economic Zone established 2015 & Caymanas Special Economic Zone established as part of Logistics Hub



Photo 4: Riverton City - Residential & Commercial Squatter Settlement, Kingston, Jamaica

“The squatter settlement is co-spatial with the city dump. Illegal commercial activity such as scrap metal trading results in burning of used tyres with major adverse environmental and public health risks for the squatters living on the dump and the residents of adjacent communities”

Environmental Impact

The draft State of the Environment Report (SOE) 2017 ⁶⁸ states that the impact of humans on Planet Earth has been so significant that the era of major human civilization is now being recognized as the current geological period called the ‘Anthropocene’. The concept takes into consideration the influence of human populations on global cumulative environmental effects such as climate change, loss of biological integrity (including biodiversity and habitat quality), Land Use and Land Cover (LULC) changes,

⁶⁸ Jamaica State of Environment Report 2017 (Draft) – The National Environment & Planning Agency (NEPA) 2019

bio-geochemical flows and major shifts in mechanisms and the quality of the oceans and the atmosphere.

Many of Jamaica's environmental issues are driven by matters related to human settlement. The country's municipal services have not been able to keep pace with rapid urbanization and increased population densities and the demands of planned settlements. This problem is compounded by unplanned settlements, including squatter settlements, which create a range of environmental impacts that cannot be easily addressed in the national development control framework.

The profile of squatting in Jamaica, outlined above, reveal the increasing establishment of settlements in environmentally vulnerable area or areas with high hazard risks. There has been a significant increase in squatting on steep slopes and in gullies, and even on rocky cliffs (karst topography). Many settlements are located on flood plains, coastal areas, or river course/bed; wetlands; and gully banks. Unplanned settlements, in these high-risk areas, undermine ecological processes and flows of ecosystems such as protection from erosion and expose residents and their assets to flooding.

Jamaica's geography, geology and location make the country prone to several hazards⁶⁹ including floods, earthquakes, landslides, and droughts. The 2017 SOE predicts that exposure and vulnerability to these hazards may heighten in the future, as global climate change is causing shifts in the frequency, intensity, or duration of some events.

Unplanned and disorderly development in rural areas and resulting land and environmental degradation; settlements in hazard prone areas; the increase of impermeable surfaces and inadequate drainage and solid waste disposal in cities are important social challenges that continue to shape and impact the country's vulnerability.

NEPA reports that inadequate sewage disposal systems in squatter settlements, as well as some formal settlements, are having a severe and adverse impact on the water quality

⁶⁹ A process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption, or environmental degradation

on coastal areas located at significant distance away from these settlements.⁷⁰ 90% of settlements surveyed at the end of December 2021 have absorption pits, with the others having septic tanks or just a hole in the ground.

Resilience to climate change and the protection of economic livelihoods of coastal communities means the protection of the following assets already impacted by squatting, tourism development and associated activities:⁷¹

- Mangrove forests and wetland habitats, including those not currently covered by the NRCA Act, should be considered no-build areas with appropriate buffer zones to ensure that development can only be supported in very special circumstances and with legal measures to ensure that impacts are fully addressed and/or mitigated.
- Fishing beaches should be shielded from developments, including tourism development, which adversely impact the fishing industry. Development proposals compatible with fishing activities should be the only ones accepted

Social Impact

The absence of privacy, security and other vestures of individual and human dignity are characteristic of squatter settlements that can be described as communities of unsatisfied basic needs.

“Adequate shelter is more than just four walls and a roof”

Adequate shelter is more than just four walls and a roof. It is a key component in the promotion of the individual and collective dignity, privacy and security and contributes to economic development at both the micro and macro -economic levels.⁷²

Low income, relatively high levels of unemployment, and relatively low levels of education, result in squatters being stigmatized and discriminated against socially thus heightening their inequality. Utility services, police and emergency services, and physical

⁷⁰ Stakeholder Consultation with NEPA Protected Areas Branch, December 7, 2021

⁷¹ National Spatial Plan 2020 to 2040 – Ministry of Economic Growth & Job Creation

⁷² Jamaica Survey of Living Conditions, 2017 using quotes from UN Human Rights Office and Vision 2030 Jamaica

infrastructure are non-existence in many cases, and squatter settlements experience very high incidence of violence and crimes.

Overcrowding, lack of social amenities and infrastructure and poor quality of structures of building material make squatter settlements vulnerable to disaster, disease, and disability. The inadequate disposal of solid waste and other environmentally damaging activities threaten not only the settlement but also adjacent communities.

The high incidence of theft of utility services such as light and water in squatter settlements, garrison communities and other areas, has pushed up the cost of these services, especially electricity services for legal customers of utility companies. The Jamaica Public Service Company Ltd., (JPSCo), despite sporadic attempts to address electricity theft over the years, is unable to collect payment for approximately twenty five percent of electricity generated and these losses are absorbed by paying customers. The Municipal Corporations are concerned that legal connection of squatter households to the JPSCo and NWC systems will result in increased squatting.⁷³

Incidence of Crime

Crime and violence in Jamaica represent not only a security challenge but a developmental concern. The high levels of criminal violence that have ravaged Jamaica for decades are believed to have caused a 5% reduction in the annual growth of the country's Gross Domestic Product (GDP).⁷⁴ The government realizes that garrison communities⁷⁵, squatter settlements and high crime areas often overlap with squatter settlements contributing, in no small way, to the increasing high levels of crime and violence in the country. Garrisons are not exclusively squatter settlements or vice versa but several squatter settlements are also known garrison communities.

The physical characteristics of squatter settlements, described above, and the lack of or unspecified addresses for squatters, create major challenges for their effective policing

⁷³ Stakeholder Consultations on 1st Draft of Policy – October 13 to December 14, 2021

⁷⁴ A Policy Framework for the Normalization and Reintegration of Squatter Settlements, Garrison Communities and High Crime Areas – Committee for Reintegration of Informal Settlements, Garrison Communities and High Crime Areas, October 2017

⁷⁵ See definition of a “garrison” in the Annex

once they have become established. The poor methods of housing construction enable criminals to invade homes easily and murder victims; and some settlements are easily infiltrated by migrant criminals. Resident criminals develop networks of violent persons who keep the community in fear; and with the “informer fi dead” culture that is dominant in Jamaica, settlers who cooperate with the police are intimidated, assaulted, and even killed.

The police are unable to respond quickly to a settler’s call for help, and in many instances, police officers face real threats to their own life and safety. Criminals often have the advantage of high ground and early warning mechanisms which undermine police operations; and the proximity of settlements to critical infrastructure is also a key consideration for law enforcement when pursuing criminals. These factors, combined with the risk of vandalism of police equipment, effectively limit the detailed systematic police patrols of squatter communities that are required.

“Hot spots” which are small areas of high levels of violent crimes, account for 50% of the crimes committed in Jamaica. The 2017 Policy Framework, developed by the Committee for Reintegration of Informal Settlements, Garrison Communities and High Crime Areas, states that because of the permeation of crime in specific communities, there appears to be an overlapping of squatter settlements and crime hot spots. The study also points out that the five (5) parishes with the highest number of squatter settlements in Jamaica are the ones that contain the country’s crime ‘hot spots’ – Kingston, St. Andrew, St. Catherine, Clarendon, St. James, and Westmoreland.

Ellington (2007) refers to a 2005 survey, conducted by the Jamaica Constabulary Force⁷⁶ (JCF), which identified 156 squatter settlements, 70% of which posed crime and management challenges to the Police. Ellington states that squatters claim of rights over the space they occupy by virtue of occupation, rather than ownership, are like and a necessary condition of adverse possession of the property.

⁷⁶ Presentation at Senior Management Retreat of Ministry of Water & Housing – 2007 December 13 – Ellington, Owen, Assistant Commissioner of Police

McKay (2020)⁷⁷ reports that the murder rate of the newly created municipality of Portmore continues to mirror that of the traditional slums built in the country’s pre-Independence history from which some of its residents came. He attributes the relatively high levels of crime to the government’s failure to regularize the informal settlements that existed prior to the development of Portmore, as these were found to be the source and location of most of the gangs and the crimes committed.

The South St Catherine Police Division consists of the Municipality of Portmore, Old Harbour and Central Village. McKay’s (2020) comparison of 381 homicides committed in the Police Division between January 1, 2015, and December 31, 2018, is shown in the table below.

Table 5 - Number & Percentage of Homicides in Informal & Formal Settlements

Area	Number & Percentage of Homicides			
	Informal Settlements		Formal Settlements	
	Number	%	Number	%
<i>Municipality of Portmore</i>	114	55	96	45
<i>Old Harbour</i>	83	84	16	19
<i>Central Village</i> ⁷⁸	72	100	n/a	n/a
TOTALS	269	71	112	29

It is reported⁷⁹ that the division of inner-city communities according to political allegiance began as early as the 1940s and 1950s with party supporters choosing to live together in certain sections (yards) and rival party supporters forced out of others. The pattern has continued with the mushrooming of squatter settlements in urban areas. This long history and the documented links with crime, the romanticized role of the Dons as ‘protectors’ of the communities have been a major factor in the mutual distrust and hostility between Jamaican police and civilian, the report states.

Williams et al (2010), points out that, unless the way squatters house themselves is thoroughly understood, solutions may cause more problems than they solve. They refer

⁷⁷ McKay, Jason – Gangs, Victim/Offender Overlap & Informal Settlements – Their Role in the Portmore Homicide Crisis - PhD Thesis (2020, July)

⁷⁸ McKay describes Central Village as virtually 100% informal

⁷⁹ Portmore to Clarendon Park Highway 2000 Corridor Development Plan 2004-2025 -Volume 3 – The People

to Stanigar (1996) who found that most of Jamaica’s efforts in low-income housing have managed to produce the country’s most desperate and violent ghettos.

2.5 Current Programmes to Address Squatting

Initiatives and programmes to address squatting have ranged from the slum clearance schemes of the 1960s; the settlement upgrading initiatives of the 1970s and the 1980s; the World Bank financed sites and services projects, introduced in 1976; Operation PRIDE in the 1990s; to the Relocation 2000 Programme. The latter was concerned with the relocation of the squatter settlements of Mona Commons, St Andrew; Seville, St Ann; and Railway Lane and Barracks Road in Montego Bay.

The current programmes concerned with squatting are MEGJC’s Community Regularization Programme and Operation PRIDE, which is being implemented by the HAJL which is the agency with a mandate to transform squatter settlements into formal and ordered communities with residents having security of tenure.

HAJL is the development arm of MEGJC and has responsibility for regularizing informal settlements and undertaking low-income greenfield developments. The agency has been collaborating with the National Land Agency (NLA) in the regularization of squatter settlements and the titling process. At the end of 2018, 32 Operation PRIDE projects with 113 squatter settlements island-wide had been completed and 10,239 registered titles issued.⁸⁰

The Draft Settlement Strategy⁸¹ for 2020 to 2040 includes the regularization and regeneration of informal and squatter settlements in accordance with HAJL’s 20-year plan for the regularization and renewal of settlements, which makes provision for 2,000 to 2,500 housing solutions annually. The targets for the 2020 to 2025 period are concerned with Shooters Hill and Catherine Estates in St Catherine, with the number of proposed housing solutions being 1623 and 1650 respectively. The 2025 to 2030 period

⁸⁰ A National Housing Policy for Jamaica – Draft Report (May 2019)

⁸¹Draft National Spatial Plan 2020 to 2040

will be concerned with regularization of over 101 former Operation PRIDE communities; and regularization of the following priority settlements in the parish of St James: Retirement, Rose Heights, Grange Pen, Barrett Hall, and Flankers.

In his FY 2021/2022 sectoral budget presentation to Parliament,⁸² the Minister with responsibility for housing announced that subdivision surveys of 13 properties in the parishes of St Catherine, Clarendon, St James, St Mary and the KSAC, to create 563 lots would be done under its Community Regularization Programme. The properties concerned would be regularized and the occupants provided with certificates of title.

The Ministry was also in the process of acquiring an additional 11 properties, at a negotiated price of \$209,500,000.00, to enable regularization of 925 households in the parishes of St Catherine, Clarendon, St Elizabeth, St Mary, Portland, and St Thomas.

The Canterbury Relocation Project was announced by the Minister with responsibility for housing in the FY 2022/2023 sectoral debate presentation to Parliament.⁸³ Squatters in Canterbury St James will be relocated and housed in 86 two-bedroom apartments with related infrastructure at Albion, St James at a cost of \$186 million. Bottom Pen, St James will also be regularized along with settlements in Kingston and St Andrew – Sandy Park Road and Stanville.

Interventions to address squatting have resulted in excessively costly subsidies to beneficiaries.⁸⁴ In the case of Operation PRIDE, land was sold well below its true value resulting in a costly subsidy that was not necessarily targeted at the poorest groups. The Inner-City Housing Project, initiated by the NHT in 2004 also suffered from a high level of subsidies and arrears which affected the financial viability of the project, with issues like land availability and changes in design resulting in significantly increased construction costs.

⁸² MHURECC, Sectoral Presentation 2021-2022 – Minister Parnel Charles Jnr. May 4, 2021

⁸³ Sectoral Presentation MEGJC – Honourable Everald Warmington, May 11, 2022

⁸⁴ The State of Social Housing in Six Caribbean Countries – McHardy, Pauline & Donovan, Michael G, 2016 prepared for Inter-American Development Bank

The 2019 Draft National Housing Policy recommends that both supply and demand side housing subsidies must be evaluated according to their purpose, effectiveness, and costs. Squatters, who are the subject of rehabilitation and upgrading programmes typically benefit from demand side subsidies in the form of:

- Non-recovery of development costs
- Unintentional subsidies because the beneficiaries simply refuse to pay and GOJ often surrender and stop attempting to collect

Location specific subsidies, such as retrofitting of infrastructure in squatter settlements in accordance with public health, police, ambulance, and fire services requirements, which are traditionally never fully recovered. These costs are never fully recovered because they are priced at an average cost affordable to the squatter or are simply not recovered because beneficiaries simply refuse to pay.

A major challenge with attempting cost recovery in rehabilitated squatter settlements is the result of the squatter's belief that the Government owes them a political obligation which they have rewarded with land and services, hence they have no intention to pay. The situation is compounded by the fact that since Government has provided a full subsidy upfront it has no recourse to collect.

2.6 Institutional Framework

The successful implementation of the NSMP requires a structured and coordinated programme with an appropriate institutional and legislative framework that clearly defines the roles and authorities of the key stakeholders who will act to curtail squatting.

The Ministry of Economic Growth & Job Creation (MEGJC) is the Ministry that currently has responsibility for housing and direct responsibility for addressing the squatting problem in Jamaica. The Squatter Management and Environment Unit is a division of the MEGJC. Part 1, Article 3 of the Housing Act (1969) establishes the Minister with responsibility for the housing portfolio as a corporation sole with the capacity to acquire, hold and dispose of land and other property of whatever kind. The Housing Act empowers the Minister to undertake the actions required for the provision of safe and adequate housing for Jamaican citizens.

The 2004 National Squatter Survey⁸⁵ found that GOJ owns 75% of the lands on which squatter settlements are located. The Commissioner of Lands has responsibility for 47% of these lands with the remaining 53% being owned by several statutory organizations and agencies. An insignificant percentage of the lands occupied are owned by the Municipal Corporations. The NSMP will further empower the Commissioner of Lands and other statutory organizations and agencies to become active agents in curtailing squatting and preventing its occurrence on their properties.

Other Ministries concerned with squatter management and the delivery of land and housing to low-income families are the Ministry of Local Government & Rural Development (MLGRD) and the Ministry of Agriculture & Fisheries (MAF). The functions and activities of the Ministries of Tourism, Mining, Social Security, National Security and Justice are also integral to the policy's success as they are either impacted by or directly related to the curtailment and management of squatting.

Whereas HAJL, as indicated above, has the mandate to transform squatter settlements into formal and ordered communities with residents having security of tenure, regularization of squatter settlements is also undertaken by MEGJC, the NHT and the UDC. Other key GOJ agencies are the NLA, NEPA, the Municipal Corporations, RADA, NFA and the Jamaica Social Investment Fund (JSIF). The Social Development Commission (SDC) and the Office of Disaster Preparedness & Emergency Management (ODPEM) - Agencies of the MLGRD; and the Jamaica Mortgage Bank are all critical stakeholders in the institutional framework for the curtailment of squatting in Jamaica.

The current emphasis on subsidiarity in the NUA and the enactment of the 2016 Local Governance Act means that the Municipal Corporations and other Planning Authorities are better placed to play an increasingly greater role in addressing the squatting problem. The Local Authorities now have direct responsibility for regulating development through Development Orders; the preparation of Development Plans; Local Area Development Plans; and Local Sustainable Development Plans. The development of these plans will involve the participation of multi-sector Parish

⁸⁵ National Squatter Survey Jamaica, August 2004 – Ministry of Land & The Environment, Government of Jamaica

Development committees, Development Area Committees, Community Development Committees and other bodies or entities within the public, private and non-government sectors.⁸⁶

Food for the Poor, Habitat for Humanity and Construction Development Resource Centre have been involved in the provision of housing for the poor and landless. Organizations like the Community Organizations for Management & Sustainable Development (COMAND), an association of the Community Based Organizations (CBOs) developed under Operation PRIDE, have been integrally involved in advocacy and support of squatters. COMAND proposes a community driven approach for the provision of low-income housing based on the successful use of the approach in the development of a few communities in Western Jamaica.⁸⁷

Other CBOs which have worked with squatters and squatter settlements for years; and the provident societies and groups established under Operation PRIDE, are integral components of the institutional framework. So are civil society groups, such as the Jamaica Hotel & Tourist Association (JHTA); Parish Chambers of Commerce; and religious based organizations, especially those providing social and other services to squatter settlements.

The NSMP directly addresses the present lack of effective governance and inter-agency coordinating mechanisms which has hampered the implementation of strategies and programmes aimed at addressing squatting and made it difficult to harmonize the activities of the multiple stakeholders involved.

The existing institutional framework for the management and curtailment of squatting is shown in Table 6.

⁸⁶ The Local Governance Act 2016

⁸⁷ The COMAND Process – Strategic Framework for Incorporation of Marginalized Communities in Sustainable National Development – Arlene Dixon – October 2000

Table 6 - Institutional Framework

Roles/Responsibilities	Ministry	Department/Agency	Other Stakeholders
Policy Formulation, Coordination, Monitoring & Evaluation			
Policy Formulation & Oversight	MEGJC ⁸⁸		
Monitoring, Review & Evaluation	MEGJC		
Coordination & Implementation	MEJC	SEMU	
Planning, Legislation, Finance & Research			
Planning & Design	MEGJC	Technical Services; SEMU	CBOs & Squatters
Funding & Financing	MEGJC		International Development Partners (IDPs); CBOs, Squatters
	Office of Prime Minister (OPM) MoFPS	NHT, JSIF, PIOJ	
Research & Studies	MEGJC	Policy Research; SEMU	Academic Institutions; Regional Organisations
Engineering Standards & Development Planning Approvals			
Definition & establishment of engineering standards for development & infrastructure upgrade	MEGJC	NEPA	
Approval of development plans. Monitoring to prevent & enforcement to address breaches	MLGRD	Municipal Corporations	CBOs – Monitoring
	MEGJC	NEPA	
Regularization of Settlements & Relocation of Squatters			
Regularization of settlements	MEGJC	HAJL	
		NLA	
		UDC – Tourism resorts & other designated areas	
	OPM	NHT	
Infrastructure Upgrade	MEGJC	HAJL	Squatters & CBOs
		UDC – Tourism resorts & other designated areas	
	OPM	NHT, JSIF	
Infrastructure Maintenance	MLGRD	Municipal Corporations ⁸⁹	Squatters & CBOs
Relocation of Squatters including acquisition of lands for relocation	MEGJC	HAJL	Squatters & CBOs
		NLA	
	OPM	NHT	
Monitoring of Lands to Prevent Squatting			
Land Information & Management System. Idle Lands Register	MEGJC	NLA	
Monitoring of properties to prevent squatting	Property owners; Municipal Corporations, RADA, CBOs		

⁸⁸ GOJ Ministry with responsibility for the Housing Portfolio

⁸⁹ Municipal Corporations will maintain roads & other infrastructure handed over them in corporation with CBOs & squatters. CBOs & squatters will maintain infrastructure not handed over to Municipal Corporations

2.7 Policy & Legislative Environment

International Policy Development Framework

The United Nations Global Agreements & Agendas adopted in 2015 and thereafter represent landmark recognition of the responsibilities of all countries, regardless of geographical location, historical circumstances, and present-day conditions, to promote sustainable development. These key agreements and agendas collectively form the backbone of international development policy and are listed below.

- The 2030 Agenda for Sustainable Development
- Paris Agreement on Climate Change Mitigation, Adaptation and Finance
- New Urban Agenda
- Sendai Framework for Disaster Risk Reduction
- Addis Abba Action Agenda - Global Framework for Financing and Enabling Sustainable Development Post-2015

Sustainable development is defined by the Brundtland Commission⁹⁰ as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains two key concepts:

1. The concept of “needs”, in particular the needs of the world’s poor, to which overriding priority should be given and.
2. The idea of limitations posed by the state of technology and social organization on the environment’s ability to meet present and future needs.

2020 was the beginning of the Decade of Action , the ten year period during which national and local governments, the private sector and civil society were expected to accelerate their efforts to deliver the promises of the Sustainable Development Goals (SDGs) of Agenda 2030.(World Cities Report⁹¹2020)The collaborative action of these parties is expected to accelerate action on the sustainable solutions identified for addressing the world’s greatest challenges – poverty and inequality; climate change, and gender based discrimination, all of which have been exacerbated by the outbreak of the Coronavirus disease (COVID-19).

⁹⁰ Report of the World Commission on Environment and Development: Our Common Future, 1987 March 20 chaired by Gro Harlem Brundtland

⁹¹ World Cities Report 2020-The Value of Sustainable Urbanisation – UN-Habitat 2020

The New Urban Agenda (NUA), adopted on October 20, 2016, provides a spatial framework for the achievement of some of the SDG goals and targets. The NUA, according to the United Nations Programme for Human Settlement - UN-Habitat, expands on the relatively limited means for implementing SDG No. 11 – *‘Make cities and human settlements inclusive, safe, resilient and sustainable’*, by delving into the processes that produce better urban outcomes, like national urban policies, legislation, spatial planning, and local framework, hence its direct relevance to the NSMP. The NUA was endorsed by the Jamaican Government and is in keeping with Jamaica’s own goals and related outcomes detailed in its Vision 2030 Jamaica/National Development Plan.

National Policy Development Framework – Vision 2030 Jamaica/National Development Plan

Vision 2030 Jamaica/National Development Plan has been assessed as being 91.3% in alignment with the UN 2030 Agenda for Sustainable Development. ⁹²Jamaica’s commitment to the SDGs is documented in the ‘Roadmap to SDGs Implementation’ that was approved by Cabinet in 2017. The Draft 2017 State of the Environment Report confirms this assessment but reports that Jamaica is moving in the wrong direction with respect to the achievement of SDG No. 11 and SDG No. 17 (Partnership for Goals) both of which show a downward trend.

SDG No. 17 is concerned with inclusive partnerships, at global, regional, national, and local levels, which are based on the shared vision and shared goals that put people and the planet at the centre. The downward trend of SDG No. 11 underscores the critical importance of the development of the NSMP and the importance of ensuring that the environmental and social issues concerned with squatting are effectively addressed.

Several national policies are directly linked to the NSMP with the strongest link being the 2019 Draft National Housing Policy. This policy envisions the engagement of squatters through their representative groups; and the creation and operation of a revolving fund financed by funds recovered from investment in upgrading the settlements. It recognizes the urgent need for a change in thinking towards non-

⁹² Jamaica – Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development - June 2018

partisanship in the execution of measures to address the squatting problem and the importance of engaging civil society. The specific actions to addresses the squatting problem are:

- Instituting measures to eliminate squatting
- Ensuring that the necessary resources are available to mitigate and address squatting
- Introducing aided self-help and access to employment and general living conditions.

The 2020 to 2040 Draft National Spatial Plan & Settlement Strategy and the 2020 Caribbean Strategy for Informal Settlements Upgrading (CSISU) – A Guide to Inclusive & Resilient Urbanization – will also support and enhance the implementation of the NSMP.

3. The Policy

3.1 Vision Statement

“A Squatter Free Jamaica”



Photo 5: Vision of a Squatter Free Jamaica

3.2 Principles and Values

The National Squatter Management Policy embraces seven principles and values that promote sound land management and incorporates the vision of a squatter free Jamaica. Settlements, in this squatter free Jamaica, are developed within the framework of a National Settlement Strategy for the delivery of equitable and secure access to public utilities and social amenities that are economically viable, environmentally sustainable, and deliverable. They are in environmentally appropriate locations with minimal disaster risk, thus facilitating the optimal and sustainable use and management of the country's land resources.

1. Ensure Access to Adequate Housing⁹³ – ‘Leave No One Behind’

Vision 2030 Jamaica's National Strategy 15.5 – *Ensure Safe, Sanitary and Affordable Shelter for All* – recognizes that housing is an important component of economic and social development. The Draft National Housing Policy 2019 affirms that the right to safe, affordable, adequate, and legal housing is founded and recognized in international law - Article 25 (1) of the Universal Declaration of Human Rights.

This principle of ‘Leave No One Behind’ is also in keeping with Principle (a) of the United Nations (UN) New Urban Agenda (NUA):

‘Leave no one behind, by ending poverty in all forms and dimensions, including the eradication of extreme poverty, by ensuring equal rights and opportunities, socioeconomic and cultural diversity, and integration in the urban space, by enhancing liveability, education, food security and nutrition, health and well-being, including by ending the epidemic of AIDS, tuberculosis and malaria, by promoting safety and eliminating discrimination and all forms of violence, by ensuring public participation - providing safe and equal access for all, and by providing equal access for all to physical and social infrastructure and basic services, as well as adequate and affordable housing.

⁹³ Adequate housing includes secure tenure; appropriate facilities, services, materials, and infrastructure; affordability; location and cultural adequacy – <https://www.ohcr.org/Documents/Publications>

2. Social Inclusion & Respect for Human Rights

The principle of social inclusion and respect for human rights recognizes that poverty, inequality, and low levels of income are three of the major contributory factors to squatting in Jamaica. Social inclusion, respect for human rights and human dignity, are often limited by low levels of education, inability to and/or great difficulty in accessing basic social services. A lack of economic opportunities results in unemployment, underemployment, or low wage employment. The squatter family is also subject to high levels of risk due to natural hazards.

This limits the capability of the child born in a squatter settlement to exercise his or her freedom to be and do what she aspires to in life, in the same way that another Jamaican child, born in a safe and secure community well served by all the required social amenities and physical infrastructure, can.

3. Environmental Sustainability & Climate Resilience

Regularization of squatter settlements will allow squatters to operate in an environmental and planning framework that facilitates the mitigation of the adverse environmental impacts of squatting. It is expected to facilitate the adoption of practices that will make the communities more climate resilient. Infrastructure and housing improvements can also effectively mitigate the environmental impact and the climate risks faced.

4. Sustainable Use of Land Resources

A critical task of the policy is ensuring the sustainable development and protection of the country's fragile, limited, and fixed land resources by curtailing squatting. More than 50% of Jamaica's squatter settlements are located on the country's coastline which is increasingly being eroded and depleted because of land degradation. The problem has been compounded by significant increases in squatting in environmentally vulnerable areas such as steep slopes, wetlands, flood plains and gully banks, resulting in interference and loss of ecosystems that protect the country's land resources.

5. Empowerment & Personal Responsibility

Many residents of squatter settlements will need the requisite skills, knowledge, and opportunities to facilitate their legal access to the necessities of life such as safe drinking water and sanitation. Improved knowledge and skills will equip them to effectively participate in the decision-making processes that impact their lives directly.

All NSMP beneficiaries and those tasked with the implementation of the policy should be empowered and equipped to assume their relevant roles and responsibilities. This will ensure that they will be proactive in ensuring their own personal development through active participation in regularization and capacity building activities.

6. Participatory Development

The successful implementation of the policy requires full ownership of its goals and objectives by the primary beneficiaries and other key stakeholders. The pervasiveness of squatting demands that all sectors of the society must hear and be a part of the conversations concerned with the development of the NSMP and participate in the policy development process and its implementation.

Participation enhances ownership of the process and results in the social inclusion that leaves no one behind. The committed and active participation of the residents of squatter settlements is critical for regularization which will facilitate their social inclusion and create the means for wealth generation. The participation of youth, and other vulnerable residents, such as the disabled or the elderly, will ensure the sustainability of the policy objectives and help to stem the practice of squatting.

7. Transparency & Accountability

Transparency and accountability are essential for stakeholder understanding and the involvement that is required for the effective implementation of the policy. Effective governance requires the establishments of the clear parameters and standards to allow for the measurement of performance against the desired results.

All stakeholders must understand who is benefitting from the decisions and actions; and who is expected to do what and when, where, and how if full stakeholder ownership of the policy, especially that of the primary beneficiaries, is to be achieved.

3.3 Policy Goals

The overall goal of the NSMP is the curtailment of squatting in Jamaica to enhance the optimal and sustainable use of the country's land resources.

The goals and objectives of the policy have been incorporated in the following four broad themes:

1. Governance & Management
2. Security of Tenure & Social Inclusion
3. Prevention of Squatting
4. Sustainable Use of Land Resources

Policy Goal A

Curtailment of Squatting in Jamaica

Goal A seeks to establish a structured, coordinated, and integrated squatter management programme that can severely curtail the practice of squatting in Jamaica. The squatter management programme will be supported by effective governance and management systems and an appropriate legislative, institutional and regulatory framework.

Policy Goal B

Security of Tenure and Social Inclusion

GOAL B is concerned with the people living in squatter settlements. Regularization of squatter settlements will provide them with legal tenure for the land occupied, and the means of addressing their economic inequality. No one will be left behind, as the inequalities in education, health, dignity, and respect for human rights, which facilitates social inclusion, will also be addressed.

The upgrading of infrastructure will create safer communities, well served by the social amenities, with minimal risks for natural disasters and other hazards.

Policy Goal C

Prevention of Future Squatting in Jamaica

GOAL C is concerned with the development of effective monitoring and enforcement mechanisms to prevent future squatting once steps are taken to curtail the practice. These mechanisms must result in significantly reducing or eliminating the practice of the use of existing legislation to acquire the property of registered owners. Preventing squatting requires non-partisanship support and the engagement of civil society in the execution of all measures used to address the squatting problem.

Policy Goal D

Sustainable Use of Land Resources by Curtailment of Squatting & Restoration of Degraded Lands

GOAL D is concerned with the sustainable use of Jamaica's natural resources, especially its land and water resources. It seeks to address the adverse impact of squatting on the country's natural environment and is concerned with the restoration of degraded land.

Priority will be placed on protected areas and other lands that can be restored and made available for productive use. This will include wetlands, mangrove forests, beaches, and cays.

3.4 Policy Objectives

The policy objectives are classified by the policy goals and the policy elements which incorporate both goals and objectives.

Goal A

Curtailment of squatting in Jamaica

Introduction

Squatting has increased exponentially with rapid expansion in environmentally fragile areas such as steep hillsides, riverbeds and other areas which provide real threats to the public health, safety and lives of the squatters who occupy them. This has occurred despite several interventions, projects, and programmes: the existence of the 2005 Cabinet guidelines for dealing with informal settlements, and the establishment of the Squatter Management Unit in 2006.

The minimal impact of the earlier interventions is attributed to the absence of an appropriate policy framework with a structured and coordinated programme, and an adequate budget for the effective management of squatting. The result has been overlapping of functions, uncoordinated action, or, in too many cases, no action at all.

The NSMP seeks to address these issues with the establishment of an appropriate governance framework and a structured coordinated and integrated squatter management programme, with mechanisms for inter-agency coordination and the harmonization of the activities. The programme will be supported by a digital database which will facilitate effective monitoring and evaluation, by providing accurate, consistent, and comparable data on squatter settlements and their residents.

-
- Objective A1 To develop and implement a comprehensive squatter management programme

 - Objective A2 To create an appropriate legislative & regulatory framework for the squatter management programme

 - Objective A3 To build institutional and human capacity; and to disseminate knowledge and information for curtailing squatting in Jamaica

Goal B

Security of tenure & Social Inclusion

Introduction

Security of tenure describes an agreement between individuals or groups, with respect to land and residential property that is governed and regularized by a legal and administrative framework. This legal framework is taken to include both customary and statutory systems. The security arrives from the fact that the right of access to and use of the land and property is underwritten by a legislative set of rules.⁹⁴

UN-Habitat points out that a person or household can be said to have secure tenure when they are protected from involuntary removal from the land or residence except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable, and independent. Such exceptional circumstances might include situations where the physical safety of life and property is threatened or when the person to be evicted have themselves taken occupancy of the property by force or intimidation.

It is recognized that whereas security of tenure is the critical outcome squatter settlement upgrading in general, this concept is not synonymous with a full legal title. CSISU (2020) proposes that sufficient security of tenure can be achieved by a

⁹⁴ UN – Habitat 2003 Global Report – The Challenge of Slums

combination of formal recognition of the settlement, establishing a cooperative working relationship with community groups, and investing in basic infrastructure and services.

Self-help/self-financed housing is typical of Jamaica's squatter settlements. This supports stakeholder recommendations for a continuum of security of tenure that begins with the cadastral survey of the boundary of each squatter settlement, the delineation of lots and infrastructure, and a letter of possession which prevents the involuntary removal of the squatter, whilst the long-term process for the provision of a freehold title takes place.

Objective B1 To provide squatters residing on settlements selected for regularization, or relocation to other sites, with security of tenure to the land occupied

Objective B2 To facilitate social inclusion by the provision of social amenities, utility services and addressing social & public health issues in squatter settlements selected for regularization

Objective B3 To eliminate squatting in environmentally vulnerable and hazardous locations

Objective B4 To eliminate squatting in areas zoned for national development and lands not zoned for residential purposes

Goal C

Prevention of future squatting in Jamaica

Introduction

Squatting makes a mockery of land as private property, inalienable in law and inheritable. The practice also deprives the government of property taxes whilst being required to provide several services to the squatter settlements, and to address the economic, social, and environmental impacts of squatting.

Prevention of squatting begins with effective monitoring of property, especially idle property. All registered owners of property and/or their agents and tenants are expected to develop and maintain effective monitoring and enforcement mechanisms to prevent the illegal occupation of the land they own or have been authorized to protect.

GOJ owns 75% of the lands occupied by squatters and there is documented evidence and stakeholder confirmation of overt political support of the practice. Non-partisanship support and the engagement of civil society in the execution of measures to address the squatting problem are required to prevent squatting, including the lands vacated by former squatters.

The NSMP assumes an increased role in squatting prevention by the Municipal Corporations and the Jamaica Constabulary Force (JCF). JCF's deployment to ensure law and order, when a property owner takes steps to address squatting on government lands or private property, is essential to effective squatting prevention, especially in areas or settlements with high levels of crime. The Municipal Corporations are expected to become more proactive in using existing legislation and their own Municipal police to support property owners in the prevention of squatting.

Legislation, such as the Trespass Act, the Town and Country Planning Act, the Local Improvements Act, and the Natural Resource Conservation Act, can be effectively used to address squatting. The consistent application of and enforcement of these laws will remove the notion of official tolerance of squatting. The legislative framework of the NSMP will be based on the review and possible amendment of other laws that have been used by squatters to acquire registered property.

Objective C1 To create effective systems for monitoring & managing properties

Objective C2 To enforce existing legislation & to develop appropriate and effective legislation to prevent squatting

Goal D

Sustainable use of land resources by curtailment of squatting & the restoration of degraded lands

Introduction

NEPA monitors sixteen high priority Watershed Management Units (WMUs) all of which are degraded. The degradation of seven of these WMUs are attributed to landslides, deforestation, wetland clearance, bank erosion and informal settlements, with the degradation of the other nine being attributed to flooding erosion and solid waste.⁹⁵

Many of the damages caused by land degradation are irreversible and lead therefore to either the permanent loss of soil productivity or of the land itself. The denudation of the hillsides of Haiti and the deforestation of the Amazon Basin have broken the natural cycle of nutrient accumulation required for increased land productivity. These damages result in global environmental effects such as water supply depletion, endanger to biodiversity and local or global climate change. (Ellis, 1992)

The 2019 to 2022 National Squatter Survey reports on the existence of squatter settlements in flood plains, river course beds, wetlands, gully banks and steep slopes. The existence of these settlements, in environmentally vulnerable areas, implies considerable degradation of the country's land resources. Measures to prevent further land degradation and to restore lands degraded because of squatting are therefore of critical importance.

Objective D1 To facilitate the restoration of Watershed Management Units & degraded coastlines adversely impacted by squatting through sharing of information and collaboration with the relevant MDAs

Objective D2 To mitigate the adverse environmental impacts of squatting

⁹⁵ Technical Paper No. 2 – Environment (Final) May 2019 – Ministry of Economic Growth and Job Creation, Jamaica

4. Policy Implementation

4.1 Institutional Framework for Implementation

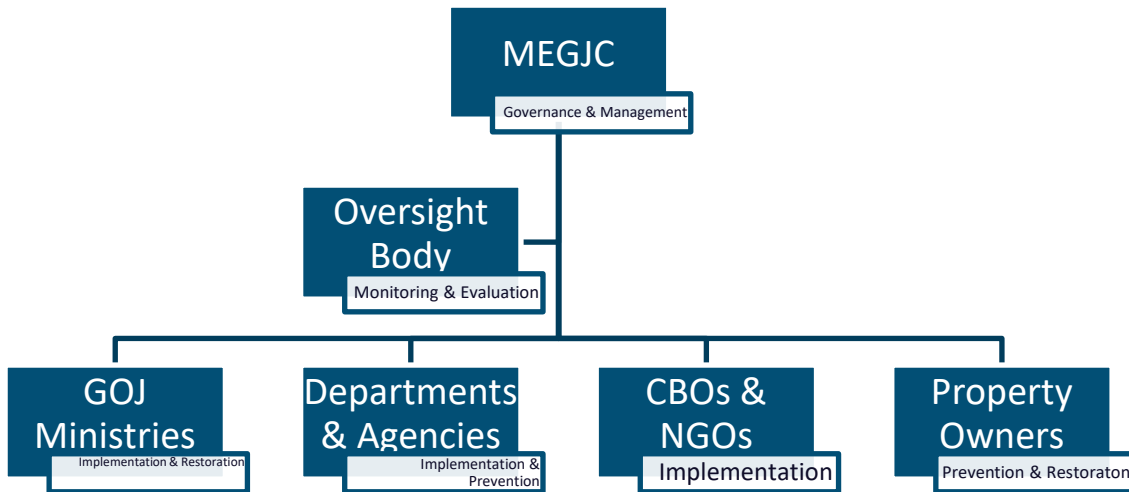


Figure 3 - Institutional Framework NSMP

The Institutional Framework for the implementation of the policy actions of the NSMP is summarized in Figure 1. The policy actions detailed in Table 7 below are informed by the following four policy elements.

Governance & Management

The GOJ Ministry with responsibility for the Housing Portfolio will assume responsibility for the establishment of the governance and management framework for the NSMP. This will be concerned with:

- The establishment of appropriate governance and management systems including the naming of an oversight authority/body for the implementation of the NSMP and the creation of an inter-agency coordinating mechanism.
- The development of appropriate legislative and regulatory frameworks, in collaboration with the Ministry of Justice and other MDAs, for the effective

implementation of the established governance and management systems. The legislative framework will be based on a new Squatter Management Act

- The SEMU of MEGJC has already initiated the development of a geo-spatial National Squatter database, which can be linked with the databases of other MDAs, and the results of the 2019 to 2022 NSISS will be used to populate and expand it. This database will be central to the monitoring and evaluation systems for policy implementation
- An effective communication system will facilitate stakeholder engagement and feedback and be concerned with the implementation of public education and awareness programmes which recognize that squatting is “everybody’s businesses.
- The SEMU of MEGJC will collaborate with tertiary and regional institutions and forums, including those associated with the CSISU, in the conduct of research and studies needed to support implementation, and in the provision of training and capacity building of officers of the MDAs concerned with implementation and other stakeholders

Security of Tenure and Social Inclusion

Security of tenure and social inclusion will be concerned with:

- Regularization of selected Tier 3 settlements
- Upgrading of infrastructure in these selected settlements
- Provision of utility services and social amenities
- Eviction and/or relocation of squatters from Tier 1 and Tier 2 settlements
- Provision of social services to address social, public health and economic issues

MEGJC, through the SEMU, will play the coordinating role in the implementation of these activities but HAJL, NLA, the Municipal Corporations will play major roles and collaborate with the CBOs and NGOs working with the selected squatter settlements.

The Urban Development Corporation (UDC) will be associated with the implementation of regularization and relocation programmes in tourism resorts and other areas under its mandate. The National Housing Trust (NHT) will finance and provide technical support for the implementation of selected programmes.

The social protection programmes of the Ministry of Labour and Security will enhance the work of the agencies involved in the provision of social services to residents of the regularized settlements. The Social Development Commission (SDC) and other MDAs such as the Jamaica Social Investment Fund (JSIF) and the Planning Institute of Jamaica (PIOJ), through its National Poverty Reduction and other Programmes will support MEGJC in ensuring that social services are available to the regularized settlers.

Eviction and relocation will be conducted in accordance with local and international laws and regulations and supported by the services of the Jamaica Constabulary Force (JCF) and the Jamaica Defence Force – the latter in settlements that are crime hotspots or known to have high levels of crime. The Municipal Corporations, NGOS and CBOs will also be engaged in the planning and execution of these exercises.

Prevention of Future Squatting

The major role in the prevention of squatting is to be played by property owners who will benefit from knowledge sharing of the laws, regulations, and practices to stem squatting on their lands at the early/incidental stage and before settlements are formed. National and Local Government political representatives will also benefit from this targeted knowledge sharing and are expected to become proactive in ensuring that squatting is curtailed in Jamaica and the vision of a squatter free Jamaica is achieved.

The Municipal Corporations and other Planning Authorities, working closely with CBOs will be critical in ensuring that laws are enforced, and regulations and procedures adhered to, supported by the JCF and the JDF, and guided by MEGJC

Sustainable Use of Land Resources

Mitigation of the impacts of squatting in regularized settlements, and restoration of lands in Watershed Management Units and on the beaches and cays, degraded by squatting will be undertaken by the respective MDAs with responsibility for the lands – Forestry Department with respect to forest reserves; Fisheries Authority with respect to beaches and cays – and others.

MDAs manage several projects and programmes concerned with environmental protection and climate resilience that can be used to provide technical and financial support for the restoration of degraded lands.

Private property owners can either assume responsibility for the restoration of degraded lands vacated by squatters or collaborate with the relevant MDAS to obtain technical support.

Policy Actions

Table 7 contains the specific activities to be implemented to achieve the goals and objectives of the NSMP. An estimated budget is shown separately

Table 7 - Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL A – Curtailment of Squatting in Jamaica				
Objective A1 – To develop and implement a comprehensive squatter management programme				
A1.1 – Establish appropriate governance & management systems	A1.1.1 -Establish Oversight Authority/Body	Number of reports, meetings & actions	Short Term	MEGJC
	A1.1.2 – Establish appropriate governance & institutional framework	Measures of effectiveness & efficiency	Short Term	MEGJC
	A1.1.3 – Create & implement effective planning & organisation systems	Measures of effectiveness & efficiency	Short Term	MEGJC
	A1.1.4 – Provide adequate staffing & budget for implementation	Number of staff members & budget allocated in comparison with established requirements	Short to Medium Term	MEGJC
A1.2 – Establish effective monitoring & evaluation systems	A1.2.1 – National Squatter Database completed & linked to databases of other MDAs	Use of database - Number of users; frequency of use	Short to Medium Term	SEMU
	A1.2.2 – Establish reporting & evaluation systems	Number of scheduled reports submitted Number of scheduled & other evaluations conducted	Short Term	MEGJC
A1.3 – Establish effective inter-agency coordinating mechanisms	A1.3.1 – Define & document the authority, roles & responsibilities of all MDAs & other stakeholders concerned with curtailing squatting	Number of job descriptions written & memoranda of understanding or other type of agreement signed by all parties Measures of effectiveness & efficiency	Short Term	MEGJC
	A1.3.2 – Establish Squatter Management Coordinating Network	Number of meetings, reports & actions taken. Measures of effectiveness & efficiency	Short Term	MEGJC
Objective A2 – To establish an appropriate legislative & regulatory framework				
A2.1 – Enact a Squatter Management Act	A2.1.1 – Review of legislation concerned with the curtailment of squatting	Legal opinion on review of legislation	Short Term	MOJ
	A2.1.2 – Amend and/or repeal legislation that allows the acquisition of property through squatting	Amendments or repeals gazzetted	Short to Medium Term	MOJ
	A2.1.3 – Review & establish thresholds for acquisition of lands by adverse possession	Thresholds defined in Squatter Management Act	Short Term	MEGJC/MOJ
	A2.1.4 – Define & document all terms concerned with squatting; curtailment of squatting and the processes used to curtail squatting	Definitions contained in Squatter Management Act	Short Term	MEGJC
	A2.1.5 – Enact Squatter Management Act that incorporates all relevant legislation & other pertinent information on squatting	Squatter Management Act approved by Parliament	Short to Medium Term	MOJ/Parliament

Table 7: Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL A – Curtailment of Squatting in Jamaica				
Objective A2 – To establish an appropriate legislative & regulatory framework				
A2.2 – Establish regulatory framework for the curtailment of Squatting	A2.2.1 - Define stakeholder rights & establish procedures, regulations, and code of conduct for curtailing squatting	Document with regulations produced & disseminated to all stakeholders	Short Term	MEGJC
	A2.2.2 – Assign regulatory responsibilities & authorities to MDAs	Documents confirming assignment	Short Term	MEGJC
Objective A3 – To build institutional capacity & disseminate knowledge & information				
A3.1 – Conduct research & studies to support the implementation of the Squatter Management Programme	A3.1.1 – Establish close relationships & collaborate with tertiary & other research institutions to conduct studies, surveys & research; and to support stakeholder training	Number of research reports; studies & training sessions conducted. Reports of studies & training sessions	Medium to Long Term	SEMU/MEGJC
	A3.1.2 – Establish networks with International Development Agencies, Regional Governments & Institutions to facilitate capacity building	Number of training sessions & participants. Number of overseas exchange programmes. Documents & information shared & used	Short, Medium & Long Term	SEMU/MEGJC
A3.2 – Create an effective communication system	A3.2.1 – Document & disseminate information to stakeholders and the public	Number of documents disseminated. Results of stakeholder surveys	Short, Medium & Long Term	SEMU/MEGJC
	A3.2.2 – Develop multi-media communication strategies & programmes for public education & awareness	Number of publications, broadcasts, hits on social media. Reports of client surveys	Medium to Long Term	SEMU/MEGJC
	A3.2.3 – Create appropriate mechanism for receiving stakeholder feedback & reports	Quality & quantity of information received. Number of reports; social media platform hits etc.	Short to Medium Term	SEMU/MEGJC
GOAL B – Security of Tenure & Social Inclusion				
Objective B1 – To provide security of tenure to residents of regularized settlements				
B1.1 – Provide security of tenure gradually over a continuum	B1.1.1 – Use of 3 Tier classification system to regularize selected squatter settlements	Number of settlements regularized	Medium to Long Term	MEGJC – SEMU, HAJL, NLA
	B1.1.2 – Provide occupants of settlements selected for regularization with security against eviction	Number of heads of households provided with letter of possession	Short to Medium Term	MEGJC – SEMU, HAJL, NLA
	B1.1.3 – Relocation of occupants of selected settlements as required to meet engineering standards for upgrading settlements	Lot sizes & total number of lots for each settlement. Number of persons relocated	Medium to Long Term	MEGJC – SEMU, HAJL, NLA
	B1.1.4 – Acquisition of lands for relocation of squatters	Hectares of lands purchased & used for settlement of relocated squatters	Medium to Lon Term	MEGJC – SEMU, HAJL, NLA

Table 7: Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL B – Security of Tenure & Social Inclusion				
Objective B1 – To provide security of tenure to residents of regularized settlements				
B1.1 – Provide security of tenure gradually over a continuum	B1.1.5 – Provide long term leasehold agreements	Number of leasehold agreements & settlements	Medium to Long Term	MEGJC-NLA
	B1.1.6 – Provide freehold title in the long-term	Number of titles prepared & issued	Medium to Long Term	MEGJC- NLA, HAJL
B1.2 – Upgrading of infrastructure in selected squatter settlements – roads, drains, sanitation & sewage systems	B1.2.1 – Adopt community-based approach for the upgrading of infrastructure	Kms of roads upgraded, drains constructed. Number of sewage systems provided. Number of community members engaged	Medium to Long Term	MEGJC – HAJL, CBOs, Municipal Corporations, NWC
	B1.2.2 – Design infrastructure upgrading in collaboration with squatters, Police, Utility service providers, NWC, Fire Brigade & NSWMA to ensure pertinent issues are addressed	Level of participation of service providers & other public bodies named Recommended measures adopted	Short to Medium Term	MEGJC – HAJL, SEMU
Objective B2 – To facilitate the provision of social amenities & address social & economic issues associated with squatting				
B2.1 – Provision of utility services & social amenities	B2.1.1 – Provide technical support/assistance in identification of requirements of settlements for social amenities & utility services	Requirements defined & appropriate designs developed, and arrangements facilitated	Short to Medium Term	MEGJC – SEMU, HAJL
	B2.1.2 – Provide infrastructure & technical support for the provision of utility services & social amenities to selected settlements	Social amenities in place. Number of legal connections to utility supplies	Medium to Long Term	MEGJC – HAJL, SEMU
B2.2 – Address social, economic & health issues associated with squatting	B2.2.1 – Provide dedicated social services to regularized squatter settlements	Number of persons impacted. Measures of improvements in social services provided Number of social workers per settlement	Short, Medium & Long Term	MLGRD – SDC, Municipal Corporations, NGOs & CBOs
	B2.2.2 – Facilitate access to technical assistance & financing to support economic livelihoods	Number of new businesses; improved business opportunities Number of persons employed Income levels	Medium to Long Term	MEGJC – SEMU
	B2.2.3 – Facilitate collaboration between CBOs & the Police in the development of strategies to prevent & reduce crime in regularized settlements	Recommended measures adopted	Short to Medium Term	MEGJC - SEMU
	B2.2.4 – Provide support for work of CBOs & NGOS in addressing the social and other issues of squatters & squatting	List of NGOs & CBOs engaged and part of a support network for regularized settlements	Medium to Long Term	MEGJC – SEMU
Objective B3 – To eliminate squatting in environmentally vulnerable & hazardous locations, and other designated areas				
B3.1 – Eviction & relocation of squatters from Tier 1 & Tier 2 lands	B3.1.1 – Removal of all squatters from protected areas and hazardous locations	Number of persons evicted or relocated. Hectares of lands free of squatters	Short to Medium Term	MEJC - HAJL & Other Relevant MDAs

Table 7: Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL B – Security of Tenure & Social Inclusion				
Objective B3 – To eliminate squatting in environmentally vulnerable & hazardous locations, and other designated areas				
B3.1 – Eviction & relocation of squatters from Tier 1 & Tier 2 lands	B3.1.2 – Acquisition of lands for relocation of squatters as required	Hectares of lands acquired & used for resettlement of relocated squatters	Short to Medium Term	MEGJC - NLA, HAJL, UDC
	B3.1.3 – Relocation of squatters to new settlement	Number of squatters relocated. Number of new/greenfield settlements established to relocate squatters	Medium to Long Term	MEGJC – SEMU, HAJL
	B3.1.4 – Provide compensation for squatters evicted but not relocated in accordance with Squatter Management Act or other regulations	Level of compensation provided & Number of squatters compensated	Short to Medium Term	MEGJC
Objective B4 - To eliminate squatting in areas zoned for national development and lands not zoned for residential purposes				
B4.1 – Eviction & relocation of squatters from Tier 2 lands ⁹⁶	B4.1.1 – Eviction of all squatters from Tier 2 lands including forest reserves, watershed areas, highway & railway corridors & lands earmarked for community development	Number of persons evicted or relocated. Hectares of lands free of squatters & available for restoration/productive use	Medium to Long Term	MEGJC & Relevant MDAS
GOAL C – Prevention of Future Squatting in Jamaica				
Objective C1 – To develop effective systems for monitoring & managing properties				
C1.1 – Establish networks of CBOs, Municipal Corporations, other Planning Authorities, NLA & RADA to monitor properties for the purpose of preventing future squatting	C1.1.1 – Create regulations & reporting mechanisms for the use of CBOs, NGOS, Local Authorities & other MDAs to identify early stages of squatting and interrupt further development	Number of properties impacted by squatting Number of persons squatting for less than 3 years Number of squatter free properties	Short to Medium Term	MEGJC- SEMU, Local Authorities, Other relevant MDAs, NGOS & CBOs
	C1.1.2 – Engage communities in the development of location specific strategies to prevent squatting	List of location specific strategies developed & in use	Short to Medium Term	MEGJC – SEMU, Municipal Corporations, NGOs & CBOs
C1.2 - Use of improved and available technology to monitor squatting	C1.2.1 – Incorporate the use of available modern technology e.g., drone technology for surveillance; electronic notice boards & social media	Documentation of the adoption of new technologies	Short to Medium Term	Property Owners

⁹⁶ Activities B3.1.2; 3.1.3 & 3.1.4 will also apply to Objective B4 & Strategy B4.1 as required

Table 7: Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL C – Prevention of Future Squatting in Jamaica				
Objective C2 – To develop appropriate legislation & regulations to prevent squatting				
C2.1 – Consistent & sustained enforcement of legislation & regulations to prevent squatting	C2.1.1 – Document & disseminate information on existing laws & regulations concerned with the prevention of squatting & monitor use	Number of notices served; warnings given; arrests made; evictions carried out	Short to Medium Term	MEGJC; Municipal Corporations, NEPA & other Planning Authorities
	C2.1.2 - Training & sensitization of stakeholders in the application & enforcement of laws for the prevention of squatting	Number of training sessions; sensitization sessions & participants Monitoring & evaluation reports	Short to Medium Term	MEGJC; Municipal Corporations, Planning Authorities
C2.2 – Review, amendment and/or repeal of laws & practices used to acquire lands through the practice of squatting	C2.2.1 – Incorporation of legislation into the Squatter Management Act	Enactment of Squatter Management Act	Short to Medium Term	MOJ
	C2.2.2 – Training & sensitization of stakeholders in the application & enforcement of amended and/or new legislation	Number of training & public education activities; participants & documents disseminated	Short, Medium & Long Term	MEGJC - SEMU
GOAL D – Sustainable use of land resources by curtailment of squatting & restoration of lands impacted by squatting				
Objective D1 – To facilitate the restoration of Watershed Management Units & degraded coastlines impacted by squatting				
D1.1 – Restoration of degraded lands in accordance with Development & Investment Manual; National Spatial Plan & Parish Development Orders	D1.1.1 – MDAs restore lands vacated by squatters to productive use in accordance with Parish Development Orders & Corporate Plans	Hectares of lands restored. Restoration measures used - soil conservation measures – vegetative barriers etc. Measure of productive use – Number of trees planted; hectares of crops established	Medium to Long Term	MDAs
	D1.1.2 – MDAs provide technical guidance and/or collaborate with private property owners in the restoration of lands in accordance with Parish Development orders	Number of properties & hectares of lands restored	Medium to Long Term	MDAs & Property Owners
	D1.1.3 – Integration of restoration activities of MDAS into existing Environmental Protection & Climate Change projects & programmes	Number of projects & programmes concerned with restoration of lands impacted by squatting	Medium to Long Term	MDAs
Objective D2 – To take action to mitigate the adverse environmental effects of squatting				
D2.1 – Develop toolkit with mechanisms to address the adverse environmental impacts of squatting	D2.1.1 – Implement multi-media public education & awareness programmes on the damage to the environment caused by squatting	Number and types of programmes Public feedback	Short, Medium & Long Term	MEGJC- SEMU
	D2.1.2 – Capacity building & training of public sector officers in environmental protection & climate resilience	Number of persons trained, exposed to other capacity building activities	Short, Medium & Long Term	MEGJC – SEMU, NEPA

Table 7: Policy Actions

Strategy	Interventions/Activities	Indicators	Timelines	Responsible Organisation
GOAL D – Sustainable use of land resources by curtailment of squatting & restoration of lands impacted by squatting				
Objective D2 – To take action to mitigate the adverse environmental effects of squatting				
D2.1 – Develop toolkit with mechanisms to address the adverse environmental impacts of squatting	D2.1.3 – Capacity building & training of persons living in regularized settlements in environmental protection & climate change	Number of persons trained, exposed to other capacity building activities	Short, Medium & Long Term	MEGJC – SEMU, NEPA
	D2.1.4 – Enforcement of laws & use of regulations to prevent escalation of practices that affect the environment	Number of persons warned, charged, prosecuted	Short, Medium & Long Term	MEGJC – NEPA, Municipal Corporations

4.2 Estimated Budget

It is estimated that \$4.6 billion will be required to conduct cadastral and topographical surveys for the 269 squatter settlements surveyed in the NSISS. The estimates include costs for boundary and topographical surveys, pegging of individual lots, and the subdivision design for the settlement.

Estimated costs for providing infrastructure for regularized settlements range from \$200,000.00 to \$300,000.00 per square metre depending on the topography and density of the settlements. The infrastructure costs include provisions for fire hydrants, electricity posts and connections for water supply systems.

The other estimated costs to be provided in the final draft of the policy are:

- Operational costs for the management of the Squatter Management Programme
- Acquisition of lands for relocation of squatters
- Compensation for squatters evicted and not relocated
- Studies and research
- Communication and Public Education
- Land titling and infrastructure costs
- Survey and subdivision design costs for the other six parishes to be surveyed

Table 8 - Estimated Costs for Survey & Subdivision Design of Settlements Surveyed - NSISS⁹⁷

Parish	Topographic & Boundary Surveys	Subdivision Design & Pegging Lots	Total Estimated Costs
	J\$	J\$	J\$
Clarendon	713,312,262	530,040,000	1,243,352,262
Trelawny	297,306,597	190,750,000	488,056,497
St Ann	254,431,068	294,290,000	548,721,068
St Elizabeth	204,888,965	194,600,000	399,488,965
St Mary	201,905,815	228,830,000	430,735,815
Manchester	37,543,238	18,270,000	55,813,238
Portland	15,884,369	146,370,000	162,254,369
Hanover	6,681,316	378,350,000	385,031,316
Total Costs	1,731,953,629	1,981,500,000	3,713,453,629

Table 8 provides preliminary estimates for each of the 8 parishes surveyed under the NSISS

⁹⁷ Data provided by SEMU of MEGJC based on survey of 269 settlements in 8 parishes – April 2022

5. Monitoring & Evaluation Framework

A National Geodatabase on squatting has been developed and is fully populated with the results of the comprehensive survey of 269 settlements in eight parishes as part of the NSISS 2019 to 2021. Surveys of the other 6 parishes to be done will be used to complete the database. The database contains demographic information on the settlements, environmental features and proximity to hazards, access to services and utilities, quality, and structure of housing and other relevant information.

All households within each settlement identified was surveyed, and the household survey captured data on demographics, housing infrastructure and condition, tenure status of land and dwelling occupied, and access to services and physical infrastructure. Mapping of the administrative boundaries of the settlements and descriptions relating to proximity hazards, physical infrastructure, environmental features, topography, access to facilities and type of squatting was done also.

The results of the survey will provide the baseline data for the monitoring system for the policy and is central to its monitoring and evaluation system. Regular updating of the geodatabase will use the reporting mechanisms that are being developed by the SEMU and the reports generated will guide implementation decisions and inform the work of the Oversight Authority and the inter-agency coordinating networks operating at the national and parish levels.

The geospatial technology allows regular updating of the database and will provide an accurate picture of the current state of squatting, and detailed descriptions of the characteristics and unique features of Jamaica's informal settlements and the squatters who occupy them. The database can overlay databases of other MDAS, such as Forestry Department, NWC and JRC, thus facilitating coordination and harmonization of activities to prevent or manage squatting.

The M&E system will include periodic evaluations based on an agreed implementation schedule and will use external evaluators to assess the effectiveness, relevance, impact, and cost effectiveness of the implementation process.

6. Issues for Mainstreaming

The issues for mainstreaming are poverty and inequality, affordable housing, climate change, gender, and youth. Poverty and inequality, affordable housing and climate change have been addressed in the Situational Analysis and inform some of the activities detailed in the Implementation Plan.

Neither gender nor youth issues in squatter settlements were specifically addressed in most of the studies that informed policy development.

The 2011 National Policy for Gender Equality states:

“Gender equality requires equal enjoyment by women and men of all the socially valued goals, opportunities, resources, and rewards afforded by one’s citizenship. Gender equality strives for the equalization of the life’s chances of women and men.

The policy aims to shift national policy making from a gender-neutral position which presumes gender equality and equity, to a gender aware position which acknowledges that barriers exist which prevent equal access and thus create inequality.”

Implementation of the NSMP must include studies on the experience of youth, and on gender equality and equity in squatter settlements. Gender equality must be assessed and understood so that it is developed in accordance with the NUAs vision of achieving gender equality and empowering all women and girls, and preventing and eliminating all forms of discrimination, violence and harassment against women and girls in private and public spaces.

The preliminary results of the 2019 to 2022 National Squatter Management Survey found 12,686 female occupants of the households surveyed, as compared to 11, 643 males – 52% female. The age categories ranging from 0 to 30 were all greater than 4000, with decreasing numbers - > 3000 occupants aged 30 to 40; > 2000 occupants aged 40 to 60 with less than 1000 occupants of age ranging from 70 to 99 years.

12.06 % of occupants were in common law relationships; 11.51% married; 29.98% single with other relationships describes as visiting, widowed, married, separated, divorced, or not stated.

More detailed studies of these demographics will be required.

7. Legislative Framework

McHardy (1997)⁹⁸ says that, in the absence of a comprehensive legal framework, involuntary (forced) resettlement activities often degenerate into processes of massive impoverishment and social disorganization. She recommends that an official resettlement policy should clearly set out the following:

- Institutional responsibilities
- Rights of the displaced
- Financing Mechanisms
- Land Acquisition
- Compensation
- Other issues such as infrastructure standards of Parish Councils (Now Municipal Corporations).

The legislation, listed below, is of greatest relevance to the curtailment of squatting to ensure the sustainable development of Jamaica's land resources.

- Trespass Act 1851
- Limitation of Action Act 1881
- Prescription Act 1882 Last Amendment 1969
- Registration of Titles Act 1889 – Amended 2020
- Industrial & Provident Funds Societies Act 1903 amended 2010
- Land Acquisition Act 1947 Last Amendment 1976
- Cooperative Societies Act 1950 Last Amendment 1992
- The Beach Control Act 1956
- Town and Country Planning (TCP) Act 1958 (updated 1999)
- Land Development & Utilization Act 1967
- Urban Development Corporation Act 1968 Last Amendment 2003
- The Housing Act 1969
- Local Improvements (Community Amenities) Act 1977
- Public Health Act 1985 Last Amendment 1996
- National Housing Trust Act 1979 Amended 2005
- Natural Resources Conservation Authority Act 1991

⁹⁸ Jamaica National Resettlement Policy – National Involuntary Resettlement Plan with guidelines & Procedures for Entitlement and Compensation of Squatters & Tenants affected by Development Project – Draft report prepared for the World Bank

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- Forest Act 1996
 - Disaster Risk Management Act 2015
 - Local Governance Act 2016
 - Building Act 2018
 - Fisheries Act 2018

Enforcement of existing legislation, as and where required, can effectively curtail, and prevent squatting. Official tolerance of the practice and conflicting positions of different administrations have resulted in the sometimes conflicting and limited use of these laws, however. Legislation has been used by government to forcefully, sometimes brutally, evict and remove squatters from some properties on the one hand, whilst providing overt support for squatting on the other.

This apparent ambivalence is driven primarily by the inherent conflict of attempting to address and correct the historical social injustices concerned with property ownership and land tenure in Jamaica, whilst taking steps to maintain peace and protect the rights of property owners.

Households that report ownership of both the dwelling and the land on which they reside, in addition to the possession of a registered title for the said property, are considered to have registered full ownership. In 2019 only 29.1% of households in Jamaica had registered full ownership.⁹⁹ It should be noted that whereas the GKMA registered 35.0 per cent registered full ownership, Rural Areas and OUC had 26.6 per cent and 25.3 per cent respectively. This low level of registered ownership of lands is of relevance to the goals and objectives of the NSMP.

Whereas Jamaica's constitution protects private property, inalienable in law with ownership formalized in deeds, titles, registered lists, and inheritable in law except for government lands, the Limitations of Action Act provides for the adverse possession of lands. Adverse possession is subject to the uninterrupted/undisturbed occupation of the land based on the following thresholds:

⁹⁹ Jamaica Survey of Living Conditions 2019 – Planning Institute of Jamaica

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- 60 years for Crown Lands
 - 30 years for unregistered lands
 - 12 years for registered property

The issue of the 12 years vs 30 years for unregistered land is an unsettled area of the law. This is reflected in a recent ruling in which the 30 years for unregistered land was questioned by Justice Batts.¹⁰⁰ In his judgement, Justice Batts stated that the period for unregistered land is 12 years, and that additional time would only be required, i.e., 30 years, if you are unable to clearly prove the line of possession prior to your own occupation of the land.

Acquisition of property by adverse possession has increased in recent years and is being used by Jamaicans of all social classes, not only the poor, to acquire property including government property.

The ruling of the UK Privy Council in the *Recreational Holdings (Ja) Ltd v Lazarus (Carl)* upheld the ruling of the Court of Appeal that the purchaser takes the property subject to the rights of persons in possession.¹⁰¹ The clock does not stop running for adverse possession when the property is sold. This case is being cited concerning the Little Bay dispute in Negril, Westmoreland. It should be noted, however, that since the Court ruled in favour of the purchasers of the property, any attempts at an adverse possession now would be in breach of the Court Order.

The comprehensive legislative framework for the curtailment and management of squatting is the development of a Squatter Management Act. This Act will not only incorporate the existing legislation, but will have the following advantages:

¹⁰⁰ (2016) JMSC Civ 203 Claim No 2015HCV01055 between Valerie Hall (Claimant) David Pitter & The Registrar of Titles (Respondents) – David Batts, Puisne Judge

¹⁰¹ Judgement – *Recreational Holdings 1 (Jamaica) Ltd Appellant v Lazarus (Respondent) (Jamaica)* given July 27, 2016

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- Provide a framework for the coordination and harmonization of the activities of the MDAs tasked with managing and curtailing squatting
 - Provide legal definitions of the different types of squatting; squatter settlements and the processes concerned with curtailing and managing squatting
 - Address the issue of adverse possession of property including the thresholds for uninterrupted occupation of land by trespassers and squatters

8. Linkages with Other Policies

Several national policies are directly linked to the NSMP with the strongest link being the 2019 Draft National Housing Policy. Other policies that will augment and support the implementation of the NSMP are:

- 1996 National Land Policy which is currently being revised to incorporate aspects of sustainable land management that were not a part of the original policy
- 1997 National System of Protected Area Policy
- 2003 Watershed Policy for Jamaica
- 2013 Climate Change Policy Framework and Action Plan
- 2015 Forest Policy
- 2017 National Policy on Poverty & National Policy Reduction Programme
- 2019 National Water Sector Policy & Implementation Plan

The 2020 to 2040 Draft National Spatial Plan & Settlement Strategy and the 2020 Caribbean Strategy for Informal Settlements Upgrading (CSISU) – A Guide to Inclusive & Resilient Urbanization – will also enhance the implementation of the NSMP.

8.1 2019 Draft Housing Policy

The 2019 Draft Housing Policy envisions the engagement of squatters through their representative groups; and the creation and operation of a revolving fund financed by funds recovered from investment in upgrading the settlements. The policy recognizes the urgent need for a change in thinking towards non-partisanship in the execution of measures to address the squatting problem and the importance of engaging civil society.

The specific actions to address the squatting problem are:

- Instituting measures to eliminate squatting
- Ensuring that the necessary resources are available to mitigate and address squatting
- Introducing aided self-help and access to employment and general living conditions.

The measures to achieve the policy objectives relating to squatting will be achieved through a combination of increased affordable housing supply to limit further

squatting, physical and legal improvements to squatted areas through urban upgrading projects and by policies of early detection to suppress their expansion.

The policy proposes that funds expended in the upgrading of squatter settlements will be recovered and used to establish a revolving fund. Groups representing the residents of the regularized settlements will play a role in ensuring that the funds are repaid.

The policy proposes the adoption of the Habitat's '*Cities without Slums*' methodology which has been effectively used to transform many degenerate and socially dysfunctional squatter settlements worldwide into productive entities facilitating their social inclusion into the wider society. It states that a non-partisanship approach and the involvement of civil society are required for the execution of the objectives of this policy.

8.2 1996 National Land Policy

The 1996 National Land Policy is being revised to provide an enabling environment for the sustainable management, utilization and economic development of the country's land resources. The revised policy includes proposals for improvement in land titling, land tenure, access and taxation and incentives for property development.

A Sustainable Land Management Policy has been prepared,¹⁰² as sustainable land management was not addressed in the 1996 policy and one of the major issues to be addressed is squatting. The draft revised policy states that GOJ will facilitate the regularization of existing squatters where possible, using the following strategies:

- Use of land settlement terms and conditions of payment i.e., 25 years to pay, in cases where affordability is an issue,
- Application of other pricing policies where existing land settlements are under consideration for regularization because of occupation by squatters

¹⁰² Draft National Land Policy (Revised at National Workshop)

-
- Collaboration between the Commissioner of Lands, MEGJC, and other relevant agencies, to provide land for social housing for those who, because of poverty, are unable to participate in existing land markets

8.3 National Water Sector Policy

UN Habitat's criteria for defining informal settlements include access to water and access to sanitation¹⁰³ The 2019 National Water Sector Policy¹⁰⁴ seeks to address some of the following challenges, some of which, as indicated above, can be directly attributed to the practice of squatting in Jamaica. These include high levels of Non-Revenue Water – 65% - this is water that is collected, treated, and supplied but is wasted or stolen. Squatting is often associated with illegal collections to NWC lines and widespread theft of water. Poor waste management practices, as described in the profile of squatting in Jamaica above is also said to affect 10 per cent of surface water quality and ground water quality is also affected. Nutrient and faecal matter are major issues affecting the country's surface and ground water resources.

Deforestation has also affected more than 30% of the country's watersheds resulting in major challenges in attempts by the GOJ to meet the increasing demand for reliable supplies for water of good quality. Squatting has been a major contributor to deforestation.

8.4 2013 Draft Integrated Coastal Resources Management Policy

The archipelagic state¹⁰⁵ of Jamaica has sixty-five rocks, cays, and islands. The revised land policy addresses Jamaica's coastal areas and fisheries. Many of Jamaica's fishing beaches have been adversely impacted by squatting, as have some of its cays, and the effective management of Jamaica's cays and associated ecosystems is therefore of critical importance. The draft Cays Policy, which is expected to replace the 2000 National

¹⁰³ Metadata on SDG's 11.1.1 – Tier 1 – UN Habitat March 2018

¹⁰⁴ National Water Sector Policy and Implementation Plan 2019

¹⁰⁵ The Maritime Areas Act, 1996, in accordance with the Law of the Sea Convention, established Jamaica as an Archipelagic State and set the outer limit of Jamaica's Territorial Sea which is twelve nautical miles from where the archipelagic baselines are drawn.

Coastal and Zone Management Policy, views all these features except the mainland of Jamaica as cays.

The Pedro Bank represents the largest cay ecosystem in Jamaican waters and is the area that poses the greatest challenges in terms of the threats to its management and sustainable use. The National Biodiversity Strategy and Action Plan and the National Ecological Assessment Report both recommend protected area status for the Pedro Cays and Bank to safeguard the natural resources for posterity. In 2004, the Jamaica National Heritage Trust (JHNT) declared the Pedro Bank a National Monument because of the considerable number of 16th & 19th century shipwreck on the seafloor.¹⁰⁶

The draft policy highlights several issues and challenges affecting cays such as unsustainable fisheries, depletion of critical marine habitats, climate change, population growth in terms of settlement on select cays.

8.5 2020 to 2040 Draft National Spatial Plan

Goal #2 of the National Spatial Plan (NSP) 2020 to 2040 - “To establish sustainable rural and urban development with resilient settlements and infrastructures, and efficient services to improve the quality of life of the population” – is aligned with Vision 2030 Jamaica/National Development Plan’s Goal #4 and the overall goal of the NSMP

The policies and strategies of the NSP are to ensure that the country’s land and other natural resources are used in a purposeful, structured, efficient, and sustainable manner. Its guiding principles NSP are based on the Universal Declaration of Human Rights (UDHR), the Jamaican Constitution, the United Nations Sustainable Development Goals, and the principles of Vision 2030 Jamaica/National Development Plan.

Article 3 of the UDHR states:

¹⁰⁶ Draft Protected Area Management Plan for Pedro Cays & Surrounding Waters 2014 to 2019

“Everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his/her property.”

Recommendations concerning informal settlements are:

- Affordable housing solutions within the identified growth centres.
- Regularization and regeneration of settlements located in these areas provided they are safe and resilient.
- Relocation, including the promotion of voluntary relocation to identified growth centres, for squatter settlements located in areas of climate change and seismic risk.

Regularization and regeneration of informal and squatter settlements will be in accordance with HAJL’s 20-year plan for the activity. The HAJL’s Regularization and Renewal of Settlements Programme includes the provision of 2,000 to 2,500 housing solutions annually.

Other policies with links to specific goals of the NSMP are listed in Table 8 below.

Table 9 - Linkages with other National Policies

Goal of NSMP	Other Related Policies & Programmes
<p>Goal A - Curtailment of Squatting in Jamaica</p> <p>Goal A seeks to establish a structured, coordinated, and integrated squatter management programme that can severely curtail the practice of squatting in Jamaica. The squatter management programme will be supported by effective governance and management systems and an appropriate legislative, institutional and regulatory framework.</p>	<p>2002 Ocean & Coastal Zone Management Policy Draft National Population & Sustainable Development Policy 2015 Climate Change Policy 2003 Local Government Reform Policy 2014 National Security Policy Strategic Environment Assessment Policy 2003 Watershed Policy Beach Access & Management Policy Cays Management Policy</p>
<p>GOAL B - Security of Tenure and Social Inclusion</p> <p>GOAL B is concerned with the people living in squatter settlements. Regularization of squatter settlements will provide them with legal tenure for the land occupied, and the means of addressing their economic inequality. No one will be left behind, as other inequalities in education, health, dignity, and respect for human rights, which facilitates social inclusion, will be addressed. The upgrading of infrastructure will create safer communities, well served by the social amenities, with minimal risks for natural disasters and other hazards.</p>	<p>1997 National Children's Policy 2017 National Youth Policy 2018 Micro, Small & Medium Enterprises & Entrepreneurship Policy National Solid Waste Management Policy 2015 National Community Tourism Policy & Strategy</p>
<p>GOAL C - Prevention of Future Squatting in Jamaica</p> <p>GOAL C is concerned with the development of effective monitoring and enforcement mechanisms to prevent squatting. These mechanisms must result in significantly reducing or eliminating the practice of the using existing legislation to acquire the property of registered owners. Preventing squatting requires non-partisanship support and the engagement of civil society in the execution of measures to address the squatting problem.</p>	
<p>Sustainable Use of Land Resources by Curtailment of Squatting & Restoration of Degraded Lands</p> <p>GOAL D is concerned with the sustainable use of Jamaica's natural resources, especially its land and water resources. It seeks to address the adverse impact of squatting on the country's natural environment and is concerned with the restoration of degraded land. Priority will be placed on wetlands, mangrove forests, beaches, and cays, adversely affected by squatting; protected areas and other lands that can be restored and made available for productive use.</p>	<p>1996 National Land Policy 1997 Protected Areas Policy 2019 National Policy on Environment Management Systems 2017 Forestry Policy</p>

9. Conclusions

UN-Habitat is concerned that the growth of uncontrolled human settlements and urbanization issues has the potential to become the world's next major crisis after climate change. The situational analysis of the squatting problem in Jamaica reveals that a major crisis, directly attributable to squatting, already exists and will be compounded by the effects of climate change some of which are already apparent in the small island state.

Official tolerance and political support, low income and rural-urban migration driven by the significant decline in agricultural production in rural Jamaica are the major contributory factors to squatting. Whereas tourism has replaced agriculture as the economic driver for rural development in parishes such as Trelawny, St Ann, Hanover and Westmoreland, squatting has increased significantly in areas in which tourism resorts are located due primarily to inadequate housing solutions for tourism workers.

Many squatter settlements are occupied by third generation squatters and achieving the vision of a squatter free Jamaica means addressing the human rights and dignity of these Jamaicans in keeping with the principle of the NUA's "Leave No One Behind" and facilitate their social inclusion.

The NSMP seeks, at the same time, to ensure that the inalienable rights of property owners are no longer breached, even as it facilitates and promotes the productive use of the large acres of idle lands in Jamaica that are susceptible to squatting.

GOJ through MEGJC no longer has the choice of tolerating or ignoring the increasing incidence of squatting. If Jamaica is to achieve the four goals of Vision 2030 Jamaica – National Development Plan, it must protect its most valuable resources – the land and its people – by ensuring sustainable rural and urban development and leaving no one behind.



Annexes

Annex 1 – Definitions and Key Terms

Squatting

Squatting is defined as the illegal occupation of land and/or buildings for residential, commercial, industrial, and other use without the explicit permission of the owner. This definition is derived from UN-Habitat’s definition of squatters and squatter settlements:

Squatters

Squatters are people who occupy land or buildings without the explicit permission of the owner.

Squatter Settlements

Squatter settlements are established by people who have illegally occupied an area of land and built their houses upon it, usually through self-help processes.¹⁰⁷

3-Tier Classification of Squatter Settlements

- Tier 1 settlements are those which are highly vulnerable to natural hazards based on location, pose serious threat to life, public health as well as the environment. These are usually recommended for relocation.
- Tier 2 settlements are those established on lands designated for non-residential purposes or national development.
- Tier 3 settlements are built on lands that have not been zoned for non-residential purposes or national development.

Illegal Subdivisions/Settlements

UN-Habitat defines illegal subdivisions as settlements where the land has been subdivided, resold, rented, or leased by the legal owner to people who build their houses on the plots.¹⁰⁸ The settlements are deemed illegal for any of the following reasons: lack of building or planning permits; breaches of land zoning laws; low standard of infrastructure or services; or the irregular nature of the subdivision.

¹⁰⁷ “The Challenge of the Slums – Global Report on Human Settlements 2003 – United Nations Settlement Programme”

¹⁰⁸ “The Challenge of Slums: Global Report on Human Settlements 2003” UN-Habitat

Climate Change

Climate Change is defined as¹⁰⁹ a shift in the state of climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or variability of its properties and that persists for an extended period, typically decades or longer. Climate Change is due to natural variability (e.g., volcanic eruptions and changes in solar output) or to human activities through sustained changes in the composition of the atmosphere or land use. Climate variability refers to variations in the climate on time scales of a few years or decades.

Use UNFCCC or IPCC definitions – <https://www.ipcc.ch/sr15/chapter/glossary/>

Garrison Community

A garrison is defined by the Office of the Political Ombudsman as: *“A community, division, or constituency in which political campaigning or participation or choice is restricted by physical force, coercion, or incentives. These may be embedded in communities by housing, demonization of other political views and organizations, violence, or incentives by or for politically connected persons, reducing good governance”*

¹¹⁰ Garrisons are not exclusively squatter settlements or vice versa but several squatter settlements are known garrison communities.

Habitable Rooms

Habitable rooms include those used for general purposes such as sleeping and eating. Excluded are garages, kitchens, bathrooms, toilets, verandahs, passageways, laundry rooms and storage rooms

N.B. In the Population and Housing Census, STATIN also refers to rooms used for professional and business services, which is very applicable considering today's work from home era.

¹⁰⁹ State of Environment Report Jamaica 2017

¹¹⁰ As above

Land Tenure¹¹¹

Land tenure is defined as the bundle of rights an individual, household, or community may have with respect to land, and includes property rights, their origin and operation”

Security of Tenure

Security of tenure describes an agreement between individuals or groups, with respect to land and residential property that is governed and regularized by a legal and administrative framework. This legal framework is taken to include both customary and statutory systems. The security arrives from the fact that the right of access to and use of the land and property is underwritten by a legislative set of rules.¹¹²

Sustainable Development

Sustainable development is defined by the Brundtland Commission¹¹³ as development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

¹¹¹ Agricultural Policies in Developing Countries – Ellis, Frank 1993

¹¹² UN – Habitat 2003 Global Report – The Challenge of Slums

¹¹³ Report of the World Commission on Environment and Development: Our Common Future, 1987 March 20 chaired by Gro Harlem Brundtland

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Annex 3

Rural Agricultural Development Authority Agricultural Business Information System (ABIS) Farmer Registration Form

<p><u>Tenure</u></p> <p>01. Owned – Registered Title 02. Owned – Other 03. Rented (From Others) 04. Leased 05. Squatting – Govt. Lands 06. Squatting – Private Lands 07. Rent Free – Family Land 08. Rent Free – Other 99. Other (specify)</p> <p><u>Status</u></p> <p>01. Active Farmer 02. In-Active 04. Not a Farmer 05. Not Found</p>	<p><u>Livelihood</u></p> <p>01. Farming 02. Agricultural Employment 03. Non-Agricultural Activity 99. Other</p> <p><u>Main Agri-Activity</u></p> <p>01. Traditional Export Crops 02. Non-Traditional Export Crops 03. Pig Farming 04. Beef Cattle 05. Dairy Cattle 06. Poultry Farming</p>
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