

SQUATTERS IN COSTA RICA: THE DEVELOPMENT OF  
A FORM OF SPONTANEOUS COLONIZATION

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by

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I will be grateful for any comments or criticisms



# Squatters in Costa Rica: the development of a form of spontaneous colonization.

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Speaker: Theodore Downing, Stanford University graduate student.



From November, 1964, until July, 1965, Jean Matteson and I conducted a survey study of parásitos, a particular group of agriculturalists in Costa Rica. <sup>1</sup> By legal definition a parásito is a person who has been forced, "by necessity", to occupy land already titled to the State, a private organization, or a private individual. After occupying the land peacefully for more than one year, a parásito, under present laws, has rights to the land. He can thus become the legal owner of the occupied land. The nearest English equivalent for the term "parásito" is "squatter."

The Institute of Land and Colonization, henceforth called ITCO, is the Costa Rica agrarian reform agency in charge of solving the squatter problem. ITCO estimates that there are more than 30,000 squatters in Costa Rica. This is a high percentage of the total rural population which is approximately 650,000. Although the squatters are identified as a group by the Costa Rican public, press, and government, there was little previous knowledge about their general social and economic situation or their geographic location within the country. There were many opinions and few facts.

Originally our study was designed as a controlled comparison of two individual squatter communities. But due to a lack of information on the part of the government agencies involved in the problem, we consented to conduct first a nation-wide survey of squatters; and second, to complete a brief survey of two squatter communities -- La Trinidad in the Valley of San Carlos and San Juanillo in the Nicoya Peninsula.

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<sup>1</sup> This study was conducted under the direction of the Tropical Science Center, San Jose, Costa Rica in conjunction with the Associated Colleges of the Midwest program in Central American studies. The research was sponsored with funds granted to these institutions by the National Science Foundation.



The scope of our study was further limited by the exclusion of squatters settling on national land. The Costa Rican government considers these individuals separate and distinct under their laws and their problems demand further investigation.

In no manner is this a definitive study of squatters in Costa Rica. We have just begun to investigate a complex agrarian social problem which cross-cuts national government policy, government institutions, large and small land owners, and peasant communities.

First, I should like to present a general picture of the Costa Rican squatter problem during the past fifty years. Then, I will present the preliminary results of our survey and their implications upon the agrarian reform movement in Costa Rica.

#### HISTORICAL BACKGROUND

Aside from the complex demographic factors such as an increasing rural population and corresponding decrease in availability of cultivatable land, three basic practices of the Costa Rican government can be sighted as assisting directly in the growth of the unstable land tenure problem of squatters. First, the Costa Rican government has never had a consistent or systematic procedure for the registration of property titles. Second, a continued government policy favoring the alienation of the public domain has resulted in a lack of public respect for the rights of the virgin forest of national lands and, correspondingly, for private farms in forests. Third, the disposition of Costa Rican land laws towards squatters has been inconsistent and fluctuating. At times the government has supported the removal of squatters from the private lands which they

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2 Urban squatters (orillas de la calle) are also of considerable magnitude in Costa Rica. They were also excluded from this study but offer a fruitful topic for future urban investigation.

3 For those readers unfamiliar with Costa Rica's general economy and geography, I have provided a brief and ever simplified description of the country in Appendix A.



had invaded; at other times, the government has supported the transfer of ownership to the squatters. I will briefly outline the details of these three important governmental factors in the development of a squatter problem in Costa Rica.

#### REGISTRATION OF PROPERTY TITLES

The registration of land or titling is a long, complicated and expensive operation in Costa Rica. The procedure requires legal contact with three government organizations which require duplicate data concerning the tract of land to be titled. There has been little cooperation between these three agencies towards the establishment of a simplified titling procedure.

Ideally, the citizen wishing to register a tract of land must first report the boundaries of the land to the catastral office which should record the boundaries on accurate land maps. Thus, having resolved any possible conflicts in geographic boundaries, the registrant contacts another government office, the property registry. The property registry also records the boundaries, the size, and adds the names of the owners of neighboring farms. Then the internal revenue office is contacted and given the size and location of the farm for the purpose of property taxation.

In reality, the catastral office is usually ignored. They have no accurate land maps of the country (outside the Meseta Central) and must continually map land by the relative position of it in relation to other property. The property registry office is usually the only office contacted because it issues the title. The property registry also has the handicap of relying entirely upon verbal descriptions and estimations of the property size and boundaries. Instances of several titles issued for the same tract of land are common.



The internal revenue office, the third office contacted, is commonly given different estimations of the property size and boundaries from the property registry. Of course this results in a small tax burden on the owner. Due to the little intrainstitutional cooperation and the extreme amount of paper work involved, the conflicts between the owners' claims are seldom discovered. Even more remote is the discovery of any possible conflicting ownership claims by this process. The ineffectiveness of the registration process is realized by all three institutions and changes in procedure of registering titles are hopefully underway.

Aside from these inherent difficulties in the titling procedure, registration of newly purchased land or land claimed by squatters takes time and money. Hill (1965:46) has accurately and effectively described the cost of such land titling in the Coto Brus area and the general description follows for most of the squatter regions which I know of in Costa Rica. In short, the cost of registration of property often exceeds the value of the property. The money used to complete the procedure (for fees, judges, bringing neighbors to court, etc.) is equivalent to the cost of a good cow. The squatter seldom can afford either a cow or a title.

#### LEGISLATION

Since the introduction of coffee cultivation in the middle of the last century, the Costa Rican government has continuously promoted the transfer of public lands to private lands. The purpose of this alienation of public domain was originally intended to promote an increase in the country's agricultural production and, more recently, government revenue through taxation. Lands were first alienated in the



Meseta Central. The alienation was legalized by a series of homestead laws which are similar to those we had in the United States. Land was free for those who would cultivate it. But what is meant by cultivation is a nebulous term in the tropics. In Costa Rica cultivation includes not only the actual planting of annual or perennial crops, but also the clearing of forest for cultivation or commercial sale. Thus, much land in Costa Rica was "cultivated" by being cleared of valuable forest resources and then left to pasture or fallow.

The Homestead Laws were repealed more than a decade ago, but the effects of these laws are still felt. Many squatters which we interviewed believed this law to still be in effect. Such beliefs suggested to us a serious lack in government-peasant communication, which later study in the squatter communities and in the government agrarian reform institution proved to be correct.

The Homestead Laws and the continued process of alienation implanted in the Costa Rican peasant and the government a belief that plenty of virgin land and national land remained in Costa Rica. This is not the case. In reality, the remaining usable land is extremely limited both in quality and quantity. No government institution in Costa Rica was able to even approximate the remaining extension of national land; nor are there any accurate maps showing the location of such national lands. But the belief in the inexhaustibility of public domain remains a primary obstacle to the passing of any realistic agrarian reform legislation or solution to squatters. It has instilled a false optimism in the future development of the agrarian colonization which will be difficult to alter.



Stimulated by the Homestead Laws and an ever increasing population, a major migration began during the first part of this century. Agriculturalists moved out of the long settled highland areas into the less productive lowland tropical regions. It is at this time that the first mention of squatters in the legislative briefs is found.

In 1942 the Law of Squatters (Ley de Ocupantes en Precario) was passed. The law appears to have done little more than legalize an already hopeless situation. It established a unique exchange system which has become part of the legal mythology of Costa Rican Land Laws. Under this system, invaded land was given to the squatters and the affected legal owner was given ten times the size of the invaded property in national lands (baldfos). Speculation brought havoc on this system. Entrepreneurs made enormous profits overnight and exchanges swamped the already overburdened and archaic system of land registration. The results of this laws in the hinterland was the promotion of an extremely unstable land tenure system. It has been described by Costa Ricans as a "grasshopper movement" of peoples. Speculating land owners encouraged the taking of their neighbors' property by squatters and discouraged the invasion of their lands. Later, when the neighbor was forced to sell his invaded farm, the speculating neighbor would buy the squatters' rights and encourage the squatters to move onto another neighbor's farm. Thus, a speculating farmer could extend his original farm to include vast tracts of land at a very small cost. The affects on the surface of the land might have appeared to be a system of sudden agriculture. Land was cultivated for short periods of time and then abandoned. But instead of one squatter family waiting for several years and then recultivating the land, they cultivated one tract of land, then sold it and moved on to squat again.



Over 1,264,000 acres of national land was lost under the Law of Squatters before it was repealed in 1961 (Salazar 1962:104-5.). But the law stimulated a movement of squatters which was much more serious than any loss of national land. Squatters were now moving onto any uncultivated land, not only with the desire to cultivate it, but also with the always open possibility of selling the parcel and moving to another.

#### LACK OF RESPECT FOR PUBLIC LANDS

This brings us to my final point on the historical development of squatters. The Law of Squatters, the homestead acts, poor communication to the public of the government's agrarian policy, and possibly economic necessity, has developed a general disrespect for the property rights of non-producing lands in the hinterland. This attitude is readily discernable when interviewing squatters. They claim that their position is "moral". What does this mean? They claim to be occupying land not being used by the legal owner. They state that unused land is a crime. With a little consideration, the rational behind this attitude can be understood. The squatters are mainly subsistence level agriculturalists; that is, they consume most of what they produce and sell very little. The basic unit of production is the land. Land, unused land, is a potential source of food and, to a lesser degree, capital. It is often expressed by the squatters themselves in a social cliché: "he who owns the land should cultivate the land, and he who cultivates the land should own the land". This phrase is the vertebrate of any agrarian reform movement.

#### ITCO

Increased government and public concern over the unstable land tenure situation in Costa Rica resulted in the formation of the Institute of Land



and Colonization in 1961. Among ITCO's other legally defined duties, it was given the responsibility of promoting agrarian reform and resolving squatter-legal owner conflicts.

ITCO's resolution of squatter conflicts was supposed to be just, e.i. giving equal consideration to both legal owner and the squatters. But the law (Ley de Tierras y Colonización 1961) placed ITCO in the contradictory roles of both legal defender of squatters and legal mediator of legal owner-squatter conflicts. Thus ITCO was faced with somewhat of an identity crisis; either it could be a neutral mediator or a defender of squatters as a promoter of agrarian reform.

ITCO has taken the later position in the majority of the conflicts with which I am familiar. Squatters are considered by ITCO to be a form of spontaneous, undirected agrarian reform. ITCO believes that the squatters are invading lands which they class as latifundium (over 1720 acres). These lands are assumed to be too large for the legal owner to cultivate efficiently. Therefore, the promotion of squatters is considered an aid in the redistribution of land from large land owners to small land owners. Again, the agrarian reform movement is implanted in the social cliché - he who owns the land should cultivate the land and he who cultivates the land should own the land.

ITCO is now five years old. It has not been successful in its attempts to resolve the squatter-legal owner conflicts. Only five per cent of the total cases presented ITCO at its inception have been resolved. The obstacles hindering ITCO's effectiveness are numerous and deserve a separate study. These barriers include: a lack of squatter and legal owner cooperation, a lack of funds to support the buying of land from the legal owner, public opinion against its power to expropriate land



from the legal owner if it seems necessary, poor intra and inter institution cooperation at the national government level, and little realization of the complex social problems involved in squatting and agrarian reform.

It was at this point that we arrived in Costa Rica. We tried to help ITCO understand one of these myriad barriers hampering its effectiveness - the social and geographic factors involved in squatter migration.

#### THE SURVEY

Jean Matteson and I organized our survey into three overlapping sequences. First, we investigated all pertinent historical data and land laws dealing specifically with squatters. In this phase we were greatly aided by the recently published survey of Costa Rican land laws by Jose Manuel Salazar (1962). Concurrently, we made our preliminary contacts with all government organizations that were dealing directly or indirectly with the problem. Second, we conducted a brief survey of two squatter settlements. And third, we interviewed a sample of ninety-four owners of invaded farms. A questionnaire was used in the last phase of the research. A detailed map showing the location of all squatters known to us was completed during the first stage of the research.

I have already presented the results of the historical investigation. The results of the squatter community survey will be reserved for another time, although I will make reference to the conclusion. The results of the interviews with the owners of invaded farms helps elaborate the conditions which must exist upon a given farm to encourage its invasion by squatters. It is upon this final problem that I will now focus my attention.



## FACTORS AFFECTING THE INVASION OF A PARTICULAR FARM

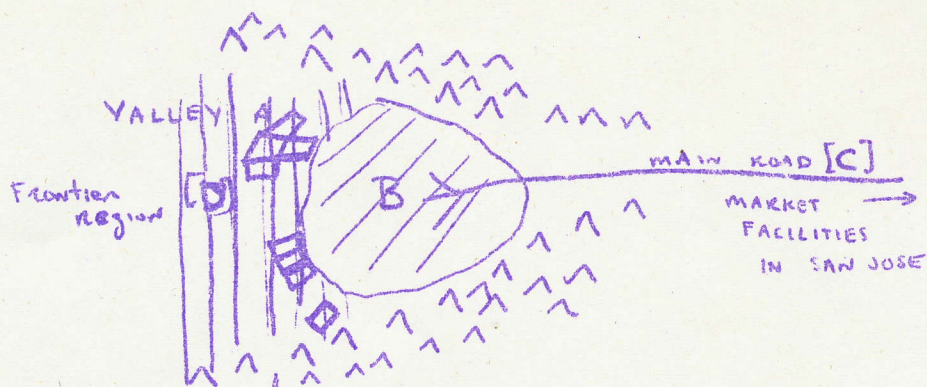
What are the necessary conditions which exist upon an individual farm that will encourage its invasion by squatters? The historical and legislative factors mentioned previously provide the general background for the squatter movement but do not aid us in determining the answer to the question. To help further clarify the situation, I would like to present an important contrast which occurred during the research between what ITCO and we expected was the squatter situation and what we found it to really be.

A seemingly contradictory pattern in the geographic distribution of squatters emerged during our preliminary mapping. Before the mapping started, we had expected squatters to group in natural geographic regions, i.e. valleys, along railroads and all weather highways, etc. Furthermore, we expected squatters to be settling upon farms in the newly opening frontier regions of the lowland tropical jungle. This expected pattern is presented in a ideal model in figure 1a. Given a valley (A) with an area of concentrated settlement (B) near a major road (C), we expected the squatters to be located in the newly opening frontier regions (D). Also, it was expected that the invaded farms would show geographic proximity, i.e. they would be in nucleated clusters showing contiguity.

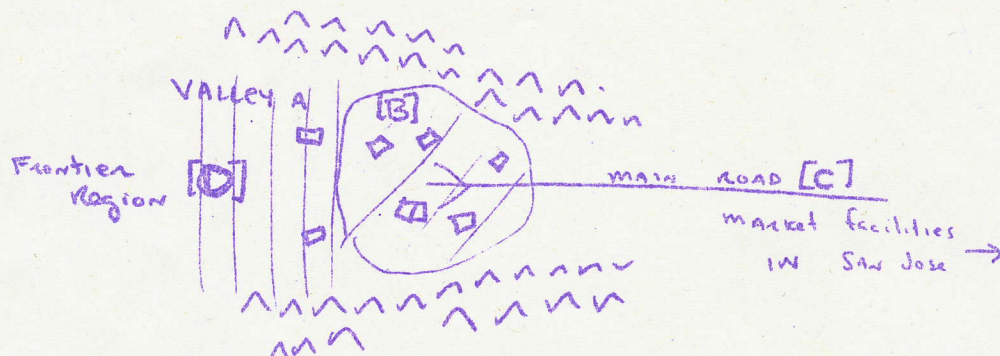
But our mapping revealed an extremely different pattern. The majority of the invaded farms were not located on the frontiers of population migration. Squatters were not pioneers crossing into newly opened areas. Instead, squatters were found in areas of moderate land use and somewhat concentrated settlement (figure 1b). Furthermore, squatters were invading farms side by side with uninvaded farms. They did not group into compact clusters. Farms within equal distance and accessibility to transportation and market facilities were not being invaded.



Figure 1. Expected and Actual patterns of squatter settlement.



A. Expected



B. Actual

□ = farm invaded by squatters



This pattern of settlement negated the possibility that farms which were being invaded would share the characteristics of being only in frontier regions outside the normal population concentrations. It also diminished the possibility that certain farms were more (or less) accessible to squatters because of their geographic location (near roads, railroads, markets, etc.). The invaded farm's location seemed to play only a secondary role in the determination of its potential for invasion.

#### Size of the invaded farm

ITCO thought that squatters would be invading only large farms which ITCO classed as latifundiums. Indeed, this was the basis for ITCO's supporting squatters as a manner of agrarian reform. If the large farms were being invaded and subdivided by a natural migration of squatters, they reasoned, then it should be encouraged. Squatters appeared a simple and inexpensive type of agrarian reform. The expected and the actual pattern are not quite so simple.

Our data indicated that squatters are invading farms irregardless of size. A simplification of the results are seen in Table I. The size groupings were selected because of their natural division in the frequency distribution of cases.

Table I also indicates that the average area of land taken per squatter family<sup>4</sup> tends to be of a similar expanse no matter what the size of the invaded farm. Therefore the density of squatters per acre within an invaded farm does not vary greatly between the larger and the smaller farms.

There are both advantages and disadvantages to this pattern of agrarian reform which is revealed in this settlement distribution. ITCO's plan for the equalitarian redistribution of large farms is being only



TABLE I. DISTRIBUTION OF FARMS INVADED BY SQUATTERS IN COSTA RICA ACCORDING TO THEIR SIZE

Size Groupings (in acres)	Number of Farms	% of total farms	Total area of all farms in size group (in acres)	Average area cultivated by a squatter family
1 - 247	24	25.5	2576	14.6
248-1235	28	29.7	18,433	21.5
1236-3200	19	20.2	37,017	25.2
3201-6175	12	12.8	51,153	20.5
over 6176	11	11.7	182,288	39.3
	94	100.0	276,602	

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partially realized by the squatter movement. The significance of the distribution pattern of squatters among the various size groupings remains for ITCO to determine. On the other foot, the squatters are corresponding to ITCO's goals by showing consistancy in the average size of land which they cultivate. And this very fact, that they are cultivating the land, is important.

Now it may be asked, if the size of the invaded farm has no effect upon its invasion potential, what factors do?

#### Administration

The single most important element discovered during our survey which was share by most invaded farms, irregardless of size, was a lack of administration. Almost three-fourths of the invaded farms were managed by the owners alone without the aid of a formen or hands. Of these farms, less than ten percent had onwers present on them for more than three months per year. It was not unusual to talk to some owners who did not know either how much of their land was in forest or even where their invaded farm was specifically located!

The general administration pattern can be stated in this manner. If the the farm is managed by the owner with the aid of a formen and/or hands, then the farm is usually under some form of cnstant administration throughout the year. On the other hand, if the farm is managed by the owner alone, then the farm is usually void of administration throughout the year.

Considering that only one year is required to establish squatters' rights to a parcel of invad<sup>ed</sup> land, it is easy to see that this pattern of absentee ownership encourages squatter invasion.

#### Owners' use

As could be expected, those farms without administration showed little or no cultivations of either perennial or annual crops. But more interesting, many farms which were under full time administration also had a small percentage of their land in use. The owners explained this pattern. Many of the invaded



farms in valuable timber. This forest land is being held as a form of capital investment for future needs. We observed that the lack of use is more often related to a disinterest in maintaining the farm. This disinterest appears to stem from a lack of capital to develop the farm's potential, a desire to use the farm only for recreational purposes, or a lack of the owners' time because they hold non-agricultural professional jobs.

There was no noticable correlation between the size of the invaded farm and the amount of land being cultivated by the legal owner. Small and large farms both showed wide variation in the percentage of land in cultivation or pasture. The limiting factor upon the owners' usage of his land was not the farms size as much as his interest in the farm, and subsequently, his administration. Here again, IICO's view that the larger farms prohibit their full use by the owners must be reconsidered. I would suggest a more detailed understanding and investigation of the owners' motives for cultivating and not cultivating their farms.

Location of the squatters within an invaded farm.

Generally, squatters are settling upon lands which are not in use by the owner. This follows as a logical consequence of the owners not using their farms. But there is another reason. Squatters prefer, if they have a choice, to settle in virgin forest instead of in secondary forest or upon grasslands. Settling in virgin forest offers them the opportunity to sell timber commercially, which I would hypothesize is a more profitable enterprise than subsistence level farming.<sup>4</sup> Also, the virgin forest offers concealment from few militant owners who attempt to remove squatters by force.

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4. The commercial sale of lumber seems to play an important role in the economics of squatting. Sixty-eight percent of the squatters were selling timber commercially. I know many squatters who sell lumber and do not cultivate. The importance of lumbering to the income of squatters remains to be determined.



Political stimulus

The possibility that the squatter movement was being stimulated by some political organization was suggested by many of the owners. These owners believed that the squatters were directed by either one liberal political party in Costa Rica or by "communists". In only one case of the ninety-four investigated did a political organization directly stimulate a particular farm's invasion. No "communist" master plot was uncovered. I could <sup>NOT</sup> determine if there was any political organization among the squatters.

In the rest of the cases, squatters invaded farms in a random fashion. Nuclear families usually moved only a short distance (1-10 miles) from their previous parcel. They stated that they settled upon a particular farm for a variety of reasons. Some believed the invaded land to be national land (upon which they may legally settle), others felt the owner didn't need the land because he was not cultivating it, etc. No systematic study of the squatters' motives was completed. I hope to investigate this aspect of squatting in the future.



## WAVE MIGRATION

One of our most interesting discoveries was a general pattern of squatter migration into an invaded farm. In the absence of any outside political influences, the squatters seem to move into and out of a farm in waves. First, a primary wave of squatters invades a farm. No inter-squatter organization is present in this wave; squatters come at different times and from a variety of places within the general region of the invaded farm. The squatters in the primary wave clear the land of valuable forest and then cultivate it. Squatters normally cultivate annual crops in this wave; usually rice and corn.

After a period of six to eighteen months, the primary wave of squatters begin to claim rights to their parcels. This claim is "legalized" by a title which is either drawn up by an ~~un~~licensed lawyer or the squatter himself. This extra-legal title, although only periodically recognized in the Costa Rican courts, is negotiable in the hinterland. The primary wave of squatters then sell their titles to other individuals. The second individual could rightly be called the second wave squatter. Third, fourth, and fifth waves are possible. In the meantime, the squatters of the first wave move to other farms in the region to squat again. It would be fruitful to study the variations in the price of land with each successive wave of squatters. I have been unable to determine where the capital for these sales comes from. Again, the study of the "home-economics" of squatting is needed.

The influence of this wave pattern of migration is disastrous upon ITCO's plans to make squatters into an agrarian reform movement. ITCO is presenting the squatters with non-negotiable titles to the property they are claiming. ITCO requires the squatters to pay for these titles on time payments. Hopefully, ITCO's system could establish a stable rural population, i.e. the squatters would not continue to move.

But ITCO and we witnessed that this system is not working. Within weeks



after the titles are issued, many of the squatters sell out and move. Why?

If the squatters are part of other than the primary wave, they view ITCO's solution as economically ridiculous. They have already purchased the land from another squatter. Why should they pay for it twice? Other squatters view the titles as simple declarations of their rights to their claim. Therefore, they have placed the ITCO title within their extra-legal system of land transfer and have sold it to another individual.

Thus, ITCO has failed to realize that two separate and independent titling procedures are present in the Costa Rican hinterland, the extra-legal rights system of the squatters and the national system which I described in the historical section of this paper. ITCO also has failed to make the non-negotiable nature of their titles clear to the squatters. ITCO is faced with a twofold problem: a lack of communication of its goals in agrarian reform to the squatters and a lack of understanding of the targets of their goals, the squatters themselves. Hopefully some solution is being developed.

#### CONCLUSION

I see the squatter problem in Costa Rica and similar agrarian reform problems throughout Latin America as excellent opportunities for both theoretical and applied anthropological research. Just as I have studied the intricacies and complexities of the problem of squatters, so also have other anthropologists begun to attack similar agrarian reform problems like planned colonization, community development, and technological adaptation to newly opened tropical regions. This research is not only to our professional sub-culture, but also to the economic and social development of the country involved in agrarian reform. Much more work in agrarian reform remains, but the infamous first step in the long journey has been taken.



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