



**LAND TENURE CENTER**  
University of Wisconsin - Madison

Consultancy Services to  
The Government of the  
Republic of Trinidad &  
Tobago

## **LAND USE POLICY AND ADMINISTRATION PROJECT (LUPAP)**

---

---

**FINAL DOCUMENT**

**ASSESSMENT OF STATE AGENCIES WITH RESPONSIBILITIES FOR  
LANDS AND OTHER REAL PROPERTIES**

### **THE LAND SETTLEMENT AGENCY**

by

**Dr. Robin Rajack**

**April, 2000**

## **Executive Summary**

Established in 1999 as a body corporate within the Ministry of Housing and Settlements, the Land Settlement Agency (LSA) is charged with the regularisation of pre-1998 State land residential squatters and the development of new settlements for the landless. It is governed by enabling legislation (Act 25/98) which establishes among the Agency's functions, the issue of three instruments of tenure: Certificates of Comfort, Statutory Leases and Deeds of Lease. These are to be issued to applicants in incremental fashion with a view to making tenure more accessible to the squatter and landless population. The policy of regularisation as administered by the Agency is also consistent with the 'New Administration and Distribution Policy for Land' formulated in 1992.

As the latest State Land Management Agency, the LSA bears certain institutional peculiarities. Cognizant of the frustrations experienced by other State Land Agencies who need to depend on manpower from Agencies external to themselves in order to carry out routine functions, the LSA's organisational structure comprises a multi-disciplinary set-up of six Units. The Chairman and Directors of the Agency also function as the top line of Management in order to eliminate the gap between policy making and strategising on the one hand and implementation on the other. All staff are contract officers and the Agency enjoys the freedom to hire and fire its own staff. Reporting is done to the Minister rather than to the Permanent Secretary.

Performance appraisal and monitoring systems exist in embryonic form. The necessary infrastructure including clearly identified performance measures and tracking mechanisms are only now being developed. Tentative development targets are documented in several reports. The Agency is, however, aided in its navigation by a small but active Unit engaged in research and development. Training needs of staff have been identified and a policy for and program of training does exist. The Agency has been proactive in arranging consultations with its stakeholders in order to gain greater support and impetus although a formal data sharing policy does not yet exist.

The Agency's short existence to date does not allow for meaningful assessment of past performance. To date the institutional peculiarities and legal authority designed to boost performance have not manifested themselves in high outputs. At the 9 month mark a mere 154 Certificates of Comfort have been issued. No statutory leases or deeds have as yet been issued. No new settlement lots have as yet been allocated. Infrastructural upgrading has begun on over 20 sites but these have in most cases been small-scale projects.

The Agency is particularly challenged in devising effective strategies for revenue collection from beneficiaries of both its regularisation and land development programs given the soft terms of Act 25 of 1998. It has, however, already exceeded its conservative revenue target for the current fiscal year. It also faces a tremendous challenge in protecting the State's land resources from future encroachments given the extensive and geographically diverse nature of State lands, the lack of plans, aerial photographs and up to date maps for many of the scheduled sites and the Agency's limited manpower.

Contrary to popular opinion, the Agency views its regularisation program as a way of protecting the nation's land resource base for future generations.

Given the genesis of the LSA out of the National Housing Authority and the short life of the Agency to date, a merger is not recommended at this time.

# TABLE OF CONTENTS

Executive Summary	i
Introduction	1
Main Land or Real Property Related Functions	1
Governing Laws	2
Supporting Regulations	2
Land Management Policies	3
Organizational Structure	5
Staff Categories	7
Performance Appraisal	8
Annual Plan of Operations	8
Monitoring System	9
Agency Relationships and Data Sharing	9
Training Programs	10
Research and Development	11
The Policy Making Path	12
Policy Influence	13
Agency Strengths	13
Agency Weaknesses / Threats	14
State Land Management Effectiveness / Preparedness	15
State Land Indicators	20
To Merge or Not to Merge	27
Recommendations	28

Appendices: 1 - 12

## **Introduction**

The Land Settlement Agency (LSA) is a relatively new body corporate established under the State Land (Regularisation of Tenure) Act, No. 25 of 1998. It came into formal organizational existence on June 1<sup>st</sup> 1999. Its parent Ministry is the Ministry of Housing and Settlements. This report describes its key land and real property related functions from various perspectives including the legal, policy, operations, resource and personnel standpoints. The report also assesses the Agency's performance and preparedness for effective State Land Management against stated criteria. Finally, the question of whether the Agency should be merged with any other State Land Management Agency is briefly addressed.

## **Main Land or Real Property Related Functions**

The main land or real property-related functions of the Land Settlement Agency are as follows:

- A. Issuing Certificates of Comfort
- B. Infrastructure Development
- C. Issuing Statutory Leases
- D. Issuing Deeds of Lease
- E. Allocation of Plots
- F. Collection of Revenues for Real Property

In Appendix 1 of this report, the processes for functions A and C that are currently operational are described in detail. The procedures for the other functions are still being formulated.

## **Governing Laws**

The main law which governs the above identified functions is the State Land (Regularization of Tenure) Act, No. 25 of 1998 (Appendix 2). This Act is also explicitly linked to the State Lands Act (Chap 57:01) and the Town and Country Planning Act (Chap 35:01).

As an Agency engaged in conveyancing and land development, the LSA's functions are also supported by all laws which govern the issue, registration, transfer and exercise of interests in land as well as all laws which protect the public interest in the use of land. Finally, the constitution of the Republic of Trinidad and Tobago ultimately governs the Agency's operations.

Proposed laws which are likely to support the Agency's functions include the Planning and Development of Land Bill, the Land Tribunal Bill, the Land Adjudication Bill and the Land Registration Bill.

### **Supporting Regulations**

As a new organization, all of the necessary Regulations to support the LSA's operations are not yet drafted and approved. Act 25 of 1998 directs that supporting Regulations are subject to negative resolution of Parliament. To date, the only Regulations that have been laid in Parliament are the Certificate of Comfort Regulations (see Appendix 3). It is likely that the Agency will over the course of time develop other Regulations to govern the following functions among others:

- a. Issue of Statutory Leases
- b. Issue of Deeds of Lease
- c. Development and Allocation of Plots in Land Settlement Areas
- d. Payment by Beneficiaries

### **Land Management Policies**

The policies that guide the LSA in the performance of the above named functions come from the following sources:

a. International Treaties to which the GORTT is a signatory

Included in this category is the Treaty signed at the United Nations Centre for Human Settlements (UNCHS) 1996 Habitat II Conference. This treaty recognizes shelter as a fundamental human right of every citizen and legal resident of Trinidad and Tobago.

b. Government's overall land and shelter policies

Included in this grouping are policy documents, manifesto positions of the ruling party, verbal pronouncements and gazetted announcements.

The most substantial policy document is the 1992 'New Administration and Distribution Policy for Land' that was formulated under a previous government but elements of which are still adhered to. Section 5.7 of that document recognizes that 'there is little incentive to develop land without security of tenure'. The section goes on to state that the 'Policy recognizes the need to match the duration of leases to the purposes for which State land is authorized to be used...'. Section 5.8 then outlines five arguments in support of the issue of leasehold interests in State land instead of freehold interests, at least in the first instance.

This latter position is consistent with a 'temporary' prohibition against the disposal of freehold interest in State lands except in extraordinary circumstances, instituted, gazetted and practiced since 1941.

Another general policy which guides the LSA is government's expressed intention to regularize informal development as expressed in the 1995 Manifesto of the United National Congress.

c. Specific Aspects of policy captured in the Agency's governing legislation - the State Land Regularisation of Tenure) Act, No 25 of 1998.

Act 25 of 1998 is the most explicit policy guide to the Agency since it goes beyond identification of mandate and powers of the Agency and actually describes eligibility criteria, processes and sequences that need to be followed and courses of action available to the Agency.

Some examples of these are depicted in Table 1.

**Table 1: Examples of Policy Issues Addressed in Act 25 of 1998**

<b>Policy Area</b>	<b>Section of Act</b>
Eligibility under the Act	Section 3
Addition of sites to Schedule	Section 18
Conditions for relocation	Section 27

c. Major Cabinet Decisions

The Agency also heeds policy direction provided in the form of Cabinet decisions recorded in Cabinet Minutes. To date there have been no such major decisions.

d. Specific Directions from the Minister of Housing and Settlements

Under Section 6 of Act 25 of 1998, the Minister of Housing and Settlements is authorized to give the Agency specific directions not inconsistent with the Act. To date there have been no such major directions.

e. Major Decisions of the Land Settlement Committee (Board)

The Land Settlement Committee has statutory meetings at least once a month at which some policy decisions are taken. Paraphrased examples of some decisions that impact the Agency's land management functions are as follows:

Adult family members who live in the same dwelling house as a household whose occupancy is being regularized by the Agency, will not generally be given preference over other applicants for the allocation of surplus lots in a regularization site.

In the first year of operations the Agency shall implement infrastructural works using community based labour in some sites and general contractors in others.

Application forms for a Certificate of Comfort or for vacant lots shall be issued subject to the payment of an application and processing fee of \$20 payable at branches of a commercial bank rather than at the Agency's offices or another government office.

## **Organizational Structure**

At the helm of the LSA's organizational structure is the Chairman of the Land Settlement Committee. The next level is the Land Settlement Committee or Board of Directors who also serve as on-line managers of functional Units. The Agency is currently structured into six (6) functional Units as follows:

- Social and Community Development
- Legal Services
- Engineering Services
- Finance, Admin. and Information Systems
- Settlements Planning and Land Surveying
- Programme Management and Research

Figure 1 gives an overview of the Organizational Structure of the Agency as approved by the Institutional Performance Division of the Ministry of Public Administration. This March 1999 structure is currently under review since the Agency has gained greater insights into its manpower needs in the last few months of operations. One of the changes already in place but not reflected on the March 1998 chart is the merging of the Settlements Planning and land Surveying Units.

## **Staff Categories**

Table 2 depicts the categories of staff employed by the LSA.

**Table 2: Categories of Staff Employed by the LSA**

<b>Social and Community Development Unit</b>	<b>Legal Unit</b>	<b>Engineering Services Unit</b>	<b>Finance, Administration and Information Systems Unit</b>	<b>Settlements Planning and Land Surveying Unit</b>	<b>Programme Management and Research Unit</b>
6 Comm. Dev. Officers	1 Sec. Co-ordin. 2 Jnr. Attorneys	1 Snr. Engineer 2 Eng. Assts. II	1 Fin. Compt. 1 Human Resource Mgr.	4 Planning Tech 1 Sec. Asst.	1 Snr. Program Analyst
8 Comm. Dev. Assistants	5 Title Clerks 3 Invest Officers	1 Eng. Asst. III 2 Draught. Tech	1 Handyman / Messenger	1 Maid / Cleaner 1 CAD Comp. Operator	2 Snr. Research Officers
9 Field Investigators	1 Registrar Clerk 1 Register Clerk	1 Fld Supervisor 10 Clk of Works	1 Accts Superv.	1 Plann. Asst.	1 Exec. Sec. 1 Sec. Asst.
1 Admin. Off.	1 Exec. Sec.	1 Site Plann Eng	2 Accts Clerk I	3 Chainmen	
1 Social Worker	1 Conv. Clerk	1 Plann Officer	2 Accts Clerk II	3 Lic'd Surveyor	
2 Drivers / Messengers	1 Snr. Attorney 1 Auth. Officer	1 Civil Eng. / Architect	1 Payroll Clerk 1 Registrar Clerk	6 Rodman / Polemen	
2 Security		1 Sec. Asst. 2 Fld Officers	1 Receptionist	1 Exec. Sec.	
4 Sec. Assts.		1 Workshop Mgr	1 Maid 1 Stores Attend.		
1 Micro Ent. Specialist		1 SSC Co-Ord 1 Marketing & Research Officer	1 Admin. Superv 5 Sec. Assts. 1 Data Entry Clk 1 Office Clerk		

Appendix 4 contains job descriptions of all staff of the Agency including some who are yet to be hired. These descriptions are currently being reviewed to incorporate performance standards and expected outputs. The job duties component of these descriptions is also under review.

### **Performance Appraisal**

With effect from January 1<sup>st</sup> 2000, the LSA adopted the new Public Service Performance Management System. It is a system aimed at measuring performance on the basis of mutually agreed upon job duties and priorities. The appraisal itself is also done in consultation with the employee. The officer being appraised meets with his supervisor once a quarter to discuss his performance and agree on measures to improve performance. The official report is compiled annually on the basis of the less formal quarterly assessments.

A sample appraisal form is attached at Appendix 5.

### **Annual Plan of Operations**

The LSA's annual operations are guided by two main documents. The first is its Strategic Plan which to date exists in draft form and which contains quantified development output targets (see Appendix 6). The second document is a series of implementation schedules (see Appendix 7 for the formats) for specific projects for which funding has been sourced under the government's Public Sector Investment Programme (PSIP). As it stands, the development output targets identified in the Strategic Plan exceed the capacity afforded the Agency through its PSIP allocation. This is viewed by the Agency as a challenge to raise supplementary funds through revenues and external sources and to utilize cost efficient methods of implementing development works.

### **Monitoring System**

The Programme Management and Research Unit of The Agency has monitoring of performance as a key responsibility. To date, this has been done by discrete investigations and research reports, quarterly reports of achievements and by systematic and regular tracking of expenditure and percentage completion of projects (submitted to the Ministry of Finance on a monthly basis

on the form at Appendix 8). The Agency is also represented on a Ministry of Housing and Settlements' Project Implementation Committee that meets monthly. A more thorough and detailed monitoring system incorporating the use of specific performance indicators at the Agency and Unit levels and utilizing Microsoft Project software in project management is currently being devised.

### **Agency Relationships and Data Sharing**

The LSA recognizes that in order to fulfil the scale and scope of its mandate, strategic partnerships with its stakeholders are needed. These stakeholders have been grouped into seven categories, depicted in Appendix 9. The LSA has been pro-active in establishing smart partnerships with its stakeholders by arranging meetings with them in their offices and presenting to them information about itself and its mandate. These presentations generally cover an overview of the Agency, its governing legislation and its operations including its methodologies for physical planning and community interface. To date consultations have taken place with all Regional/Municipal Corporations, the Forestry Division, The Ministry of Agriculture, the Chambers of Industry and Commerce, the National Commission for Self-Help, the Army, the Police Service, the Trinidad and Tobago Mortgage Finance Company and several others including numerous individual communities. One of the most profitable arrangements to have been born out of these consultations has been agreement by several Regional Corporations to develop its future development programme estimates for the annual national budget in tandem with the LSA in order to synchronize development inputs into sites within their geographic responsibility.

On an ongoing basis, the LSA relates on a regular basis with the Agencies listed in Table 3 in the ways depicted.

**Table 3: Some Key Agency Relationships**

<i>Name of the State Agency</i>	<i>Type of Relationship</i>	<i>Method of Communication</i>
Registry	Source title data	Visits
National Commission for Self Help	Joint-venture	Telephone, letters, faxes, visits,

		meetings
Municipal Corporations	Coordination/ Joint venture	Ditto
Statutory Authorities (WASA, T&TEC etc.)	Obtain approvals and supplies to sites	Ditto
Ministry of Housing and Settlements	Updates, releases, processing of requests	Telephone, memos, visits, meetings

The LSA has no formal, documented data sharing policy. It does however have an unwritten policy that data generated by the Agency is available to other State Agencies, free of charges other than the cost of reproduction. The Agency is actively documenting its operations and best practices with a view to sharing them through local and international media including newsletters, journals, conferences and workshops.

### **Training Programs**

The LSA has a draft training policy which covers orientation and technical and training. In its first full year of operations (1999-2000) it was given a small budgetary allocation for training to the tune of \$100,000. At present, training needs of each Unit are being assessed with a view to exposing staff to the most urgently required training. One aspect of the draft training policy is that where the required training is available through the Ministry of Public Administration, this source will be utilized.

Since its inception, there have been several instances of Agency supported/sponsored training as depicted in Table 4.

**Table 4 : Agency Training as at April 13<sup>th</sup> 2000**

<b>Title/Subject of Training</b>	<b>Training Source</b>	<b>Target Group</b>
Accounting and Financial Procedures for the execution and management of infrastructure works	In-house – FAIS Unit	Engineering Unit
Performance Management	In-house – FAIS Unit	All Staff

The State Land (Regularization of Tenure) Act	In-house – Legal Unit	All Staff
Legal Issues Surrounding the Certificate of Comfort	In-house – Legal Unit	Social and Community Dev. Services Unit
Planning and Land Development Software	CCS	Selected staff of the Settlements Planning and Land Surveying Unit
Support Services to Professionals	In-house-FAIS Unit	Executive Secretaries and Secretarial Assistants to Chief Technical Officers

Appendix 10 contains the draft Training Timetable for the next year.

### **Research and Development**

A major function of the Programme Management and Research Unit of the LSA is research and development. Since its inception the following research and development assignments have been initiated:

- a. A Comparison of Two Methodologies for Implementing Infrastructure Works - Self-Help and General Contractor.
- b. An Assessment of the Shelter Support Centre of the Land Settlement Agency
- c. A Strategic Plan for the Ministry of Housing and Settlements (joint exercise)
- d. A Strategic Plan for the Land Settlement Agency
- e. Institutional Reform in Facilitating Shelter for the Landless – the Ongoing Experience of Trinidad

- f. A Cost Benefit Analysis of the Potential Use of Microsoft Project Software in Project Management within the Ministry of Housing and Settlements.
- g. Shelter Affordability and the Landless
- h. Moonlighting and the LSA Professional

### **The Policy Making Path**

The Land Settlement Agency is particularly unusual in its organizational structure because all Members of the Land Settlement Committee (Board of Directors) have full time executive functions in the Agency. The Chairman serves as Chief Executive Officer and all of the Members serve as on-line Managers of Units within the Agency. This institutional arrangement eliminates the gap between management and policy making at the Agency level. At monthly meetings of the Land Settlement Committee, Managers raise issues directly affecting the Agency's performance with which they are very familiar and then deliberate over them using their Directors' caps. Policy decisions are either made at the meetings at which these issues are raised or at subsequent meetings after sub-committees of the Land Settlement Committee present their reports. Policy issues that are beyond the jurisdiction of the Committee are referred to the Minister of Housing and Settlements usually with a recommendation from the Committee. This referral may be either through formal or informal communications between the Chairman and the Minister. In cases beyond the Minister's own jurisdiction, the Minister may then request the Committee to prepare a Cabinet Note which he takes to the Cabinet for its deliberation.

Some issues are not immediately apparent from day to day implementation and are only discovered upon the completion of research and development activities. Such issues are usually brought to the attention of the Land Settlement Committee through the Manager of the Programme Management and Research Unit.

### **Policy Influence**

The LSA's operations are twofold: the regularization of informal development on State lands and the creation of new settlements. In the former, it is not so much the LSA's operations that

influence Land/Land Use Policy as it is the reality of the multitude of existing established informal settlements that are too numerous to ignore. It is this reality that led to the land policy of regularization which the Agency implements. This regularization involves in some instances applications for changes in land use, such as dereservation of sections of forestry reserves or conversion of agricultural land to residential holdings. It seldom, if ever, requires changes in Land/Land Use Policy although it does exert a pressure to re-examine the historical criteria upon which areas of land are deemed to be reserves or agricultural. Changes in such definitions are not easily or quickly accomplished and have not been witnessed by the Agency in its short existence to date.

The LSA also does not set out to influence Land/Land Use Policy through the establishment of its new settlements called Land Settlement Areas. The locations of these settlements are informed by existing planning considerations for the surrounding areas and by the availability of suitable State lands.

### **Agency Strengths**

Some of the major Strengths and Opportunities of the LSA as identified in its draft Strategic Plan are as follows:

- The Members of the Land Settlement Committee (Board) are also Line-Managers and therefore the path to implementation is more straightforward.
- As a corporate body, the Agency has its own Tenders Committee to assess and award tenders for development works and is therefore not stymied by a thick bureaucracy that slows down implementation.
- While operating in the Public Sector, the Agency is established as a Body Corporate which creates a business-oriented environment with a measure of autonomy needed to deliver quality services on time. These freedoms cover key areas such as the hiring and firing of staff, management of funds etc.

- The Agency's operations are clearly facilitated by enabling legislation: Act 25 of 1998.
- The Land Settlement Agency's Operations are funded by a Special Fund created by Act 25 of 1998 (Sections 30-32), entitled the Land Settlement Fund for which the Agency has full management responsibility. When this fund becomes fully functional and its sources established, timely release of funds to accomplish the Agency's work should be assured.
- The Agency is actually able to deliver tangible documentation of security of tenure ( 3 instruments) and the processes are simpler because the Chairman has been empowered to sign the deeds of lease.

### **Agency Weaknesses/Threats**

Some of the major weaknesses and threats facing the LSA in the performance of its functions as identified in its draft Strategic Plan are as follows:

- ♠ Until the Agency diversifies its source of funds, the rate of implementation of infrastructural works will be dictated by allocations from the national budget.
- ♠ The 251 sites identified for regularization by the Agency in the Schedule of Act 25 of 1998 represent the most disadvantaged and depressed settlements in the nation and are rife with the full range of social problems including crime. The challenge to empower these communities is therefore great.
- ♠ Some of the landless are rushing the sites being developed by the Agency and therefore frustrating the process.

## **State Land Management Effectiveness/ Preparedness**

### Maximisation of Revenues

The legislation governing the LSA empowers it to collect revenues but does not give it any legal authority to evict or penalize the defaulter. The LSA instead has to work almost entirely through an education strategy aimed at enlightening beneficiaries of the benefits of paying in full, most salient of which is the ability to alienate the interest through inheritance. This education role falls largely on the shoulders of the Community Development Officers, their Assistants and Field Investigators. Although the non-formalization of enforcement measures against defaulters was to some extent a deliberate measure in order to keep the terms of regularization soft, it does not put the Agency in a position of strength where revenue collection is concerned. Given the depressed incomes of the target groups, motivating settlers to pay for a facility for which non-payment carries no immediate penalty is a tremendous challenge.

The Agency's revenue collection strength is further diminished by the lack of payment schedules for those settlers who opt to pay. The legislation gives beneficiaries thirty years within which to pay without stating regularity as a requirement. There is no mortgage agreement. This will affect the Agency's ability to reliably forecast revenues.

Additionally, an appropriate premium for land developed by the Agency in both its regularization sites and new developments is yet to be agreed upon. This is currently the subject of a research paper of the Programme Management and Research Unit.

The Agency has no provisions in its organizational structure, either short or long term, for personnel to be devoted to the receipt of revenues, apart from two cashiers. The Agency proposes instead to sub-contract the revenue receipt function to the commercial banks. This proposal which has already been implemented for the receipt of application and processing fees for the Certificates of Comfort and Residential Lot Programme has been working efficiently with a current service charge of \$1 per transaction. It is an arrangement that also makes the Agency

much more accessible to its clients because of the established geographical networks of the commercial banks. It also eliminates the need for the LSA to hire security personnel to oversee the receipt of cash and clerical staff to reconcile cash received on a daily basis.

### Equity in Access to Public Resources

The LSA is charged with addressing the shelter needs of two main groups – informal settlers on State Lands and landless persons who cannot access land on the open market. The former are addressed through regularization whilst the latter are addressed through the development and allocation of serviced lots in new and existing settlements. In its first full fiscal year of operations, the LSA's development program reflects a mixed focus on both these activities. The LSA's organizational structure was also designed with this two-fold mandate in mind with in some cases officers being devoted to one or the other function.

The LSA is in the process of developing its policy on allocation of new lots to the landless. It is as yet unclear the extent to which different income groups will have equitable access to these lots given that the definition of 'landless' used in the governing legislation includes being 'disadvantaged' according to a Ministry of Social and Community Development definition yet to be formulated.

Geographical equity is addressed by the location of the LSA's development projects in the current fiscal year. The squatter regularization projects range from Guayaguayare in the South East to Sangre Grande in the North East to Diego Martin in the North West to Moruga in the South West and Caroni in Central. The new settlements include Arouca in the north, Gran Couva in central and Debe in the South.

Apart from infrastructural works that include surveying, land-use planning and engineering components, the Agency's community development bases are geographically spread. The Agency is currently operation sub-offices in San Fernando, Point Fortin, Couva and Orange Grove in order to make its community based services, including application forms and advice for the Certificates of Comfort, more accessible.

Geographical equity must also be viewed in the context of the concentration of informal development being in the east west corridor.

#### Protection from Abuse of Real Property Resources

The Agency is mindful of potential abuses of its programs at the expense of public resources. In this regard it continues to make representation for the acquisition of the 1998 aerial photography of Trinidad and Tobago which will provide an objective means of verifying eligibility under its squatter regularization program. The Agency does conduct a field and records investigation on applicants to verify the accuracy of information supplied. In the absence of a comprehensive land ownership register, however, thorough verification of certain information such as land ownership status is not possible.

The LSA is particularly stretched in its capacity to monitor illegal construction of dwellings in its sites as the number of such sites exceeds 250 and there is no provision in its organizational structure for personnel devoted to patrolling of lands. The Agency is contemplating the contracting of security personnel to assist in this detection function currently performed by the Community Development Officers, their Assistants and Field Investigators. It is to be noted, however, that the patrolling of these State lands is a function currently assigned to the Office of the Commissioner of State Lands. Currently the Agency's developments are subject to land rushing by the landless including relatives of current occupants. The appointment of voluntary land wardens from within the sites has not always worked because of the vested interests of members of the communities.

#### Technical Evaluation of Applications

The LSA evaluates applications in response to invitations to tender for development works, applications by prospective beneficiaries who wish to be part of its programs and applications for different land uses within sites among other things. The LSA Tenders Committee deliberates over a Technical Evaluation prepared in-house in the case of tenders. As mentioned earlier,

prospective beneficiaries are investigated but there are loopholes. Land Use applications are considered in the context of an approved development plan.

With respect to technical evaluations, therefore, the LSA is coping although it requires officers to perform multiple roles on a frequent basis that does create some amount of organizational stress.

### Efficiency in Granting of Interests in Real Property

The LSA is too early in its existence to be evaluated on its efficiency in granting interests in its sites given that regulations and procedures are still being formulated. Its preparedness is, however, enhanced by the following factors:

- (a) The process of acquiring an interest in its sites is deliberately incremental with less investigation required for the initial documentation i.e. the Certificate of Comfort.
- (b) The LSA Chairman is empowered to sign deeds.
- (c) The in-house legal and conveyancing capacity of the Agency is strongly represented in the Organizational Structure.
- (d) The investigative process on the ownership of its sites was begun before the Agency came into formal existence.

Pilot experience has shown that the LSA is capable of issuing a batch of 154 Certificates of Comfort within a one-month period from start to finish. Since that pilot experience, the organizational capacity has increased. Appendix 11 summarizes the Agency's tangible achievements during the period June 1<sup>st</sup> to September 30<sup>th</sup> 1999.

### Conformity with Land Use Plans

The LSA's development plans for regularization and land development are the subject of land use planning appraisals, consultations with key stakeholders and approval of the Minister with responsibility for Town and Country Planning. The location of new settlements in particular bears relation to the Land Use Concept Plans for the Growth Poles identified in the national planning exercise. Changes in land use are done through the formal approval process. Pressures for such changes sometimes arise because of the high costs involved in relocating an inappropriately located established community of several hundred households for example.

#### Conformity with Development Goals

The LSA is actively pursuing the government's policy direction to regularize most of the existing informal residential development on State Lands and to provide an affordable shelter option to other landless people. With respect to the latter role, the level of infrastructure in the newly developed sites is of a lower standard than traditionally obtains in new developments in order to keep the cost and therefore price within reach of the intended beneficiaries. The LSA's operations are also in keeping with a diminishing role of central government in meeting shelter needs by putting the onus for dwelling construction on the beneficiaries.

#### Monitoring Efficiency in Use of Investments

As discussed earlier the LSA does monitor expenditure on its projects on a regular basis. As yet, however, this monitoring is not being done in a context of improving project management through strategic interventions motivated by diagnostic findings from such monitoring. The proposed introduction of Microsoft Project is intended to help fill this gap.

#### Records Management

The LSA is mindful of the need to manage its land and administrative records in such a way as to enhance State land management. In this respect it has been investing in appropriate technology and personnel. A Systems analyst is included in the organizational structure and despite limited

allocations computer hardware and software are being purchased and all the Agency's offices are to be networked.

The Agency is also about to acquire Global Positioning Systems receivers to coordinate parcels where certificates are being issued which will significantly assist in land management.

The Agency is also required by law to keep a register of all Certificates of Comfort, Statutory Leases and Deeds of Lease issued. This Register is currently being developed.

### **State Land Indicators**

The following table and text represent a description of the Agency on the basis of 34 State Land Management Indicators. It should be borne in mind that the Agency's outputs as depicted in the Table and text are based on operations during the first year - a year during which financial resources, regulations, procedures and manpower requirements are being gradually put in place.

**Table 5 : Basic Indicators of State Land Management: Land Settlement Agency**

	<b>Indicator</b>	<b>Quantity</b>	<b>Comments</b>
1.	Total area managed	Unknown	The Schedule of sites included in Act 25 of 1998 was compiled without an estimation of size in many cases. The sizes of these sites are only now being estimated on a case by case basis first visually and later through perimeter surveys.
2.	Total Land Management Budget per year	\$7.5 Mn	This was the development programme allocation for 1999-2000 to cover squatter regularisation and development of new settlement sites.
3.	Number of leases etc. issued – agricultural	-	Agricultural leases are not issued by the LSA but homestead leases???
4.	Number of leases etc. issued – non agricultural	250 Certificates of Comfort	Estimated number for the first 12 months of operations. 9 month total

		<p>0 Statutory leases</p> <p>0 deeds of lease</p> <p>600 allocations of vacant residential lots</p>	<p>is 154.</p> <p>At the 9 month mark.</p> <p>At the 9 month mark.</p> <p>Estimate for the first 12 months of operations based on the number of lots targeted for distribution in the first batch of allocations applications for which are currently being entertained.</p>
5.	Number of leases/mortgage agreements prepared and sent to external sources for signature or completion – agricultural	-	Agricultural leases are not issued by the LSA. All instruments of tenure are issued in house in any event.
6.	Number of leases/mortgage agreements prepared and sent to external sources for signature or completion – non-agricultural	-	The Chairman of the LSA signs all leases so there is no external delay apart from the time required to get the title information through the search.
7.	Rental rate charged – agricultural	-	Agricultural leases are not issued by the LSA. Rates for homesteads in land settlement areas have not yet been determined.
8.	Rental/mortgage rate charged – residential	\$5 per square foot premium plus peppercorn rental	<p>The LSA envisages charging a premium of approximately \$5 per square foot to cover subsidized payment for raw land, infrastructure, surveying and legal fees.</p> <p>The proposed rate is based on an estimation of the average cost per lot regularised or developed by the LSA exclusive of administrative costs.</p>
9.	Rental rate charged – industrial	-	These lease rates have not yet been developed although the LSA may allocate land for such purposes in Land Settlement Areas.

10.	Rental rate charged – commercial	-	As above
11.	Rental rate charged – community/religious	-	As above
12.	Total revenue collected last available year	\$0.67Mn	Estimate based on a linear scaling up the 9 month total of \$0.5 Mn. Collected from application and processing fees.
13.	Total revenue which should have been collected in 1997	\$0.61Mn	Based on submissions made in the 1999-2000 development estimates.
14.	Arrears of revenue in 1997	Surplus of \$0.06Mn	
15.	Months required for lease renewal	-	Certificates of Comfort and Statutory leases issued by the LSA are not renewable. Deeds of lease are for 199 years so no terms of renewal have been contemplated to date.
16.	Months required for lease assignment	-	The LSA has not issued any leases to date. Given the in-house conveyancing capacity of the Agency, however, assignment is expected to be a short transaction.
17.	Months required for issuance of new lease	unknown	This is yet to be determined since no leases have as yet been issued.
18.	Months required to complete a sale	-	The LSA does not dispose of freehold.
19.	Months required to complete an acquisition	-	The LSA does not need to own land in order to carry out its activities and therefore is not engaged in acquisitions.
20.	Number of households squatting on land – 1999 or last available year.	30,000	Based on a conservative scaling up of a 1985 Ministry of Housing and Settlements estimate.
21.	Acres occupied by squatters	Unknown but a minimum of 5000 acres	The Schedule of sites included in Act 25 of 1998 was compiled without an estimation of size in many cases. The suggested figure is based on a conventional residential density of 6 households per acre.
22.	Number of squatter households fully regularised since 1990	0	The LSA came into being in June 1999. Whilst in some cases infrastructure was subsequently

			improved, in no case was any instrument of tenure apart from a Certificate of Comfort issued.
23.	Acres of squatter households fully regularised since 1990	0	As above.
24.	Number of squatter households in process of regularisation	15000 have begun the process towards gaining a Certificate of Comfort.	This is the number of households who have thus far paid for and received an application form for a Certificate of Comfort. Approx. 3000 have returned their forms to date. The deadline for receipt of forms is Oct. 28 <sup>th</sup> 2000.
25.	Acres of squatters in process of regularisation	Unknown but a minimum of 2500 acres	The Schedule of sites included in Act 25 of 1998 was compiled without an estimation of size in many cases. The suggested figure is based on a conventional residential density of 6 households per acre with the numerator being the number of households who have begun the Certificate of Comfort process.

26. *Are maps and plans available for all lands managed by Agency?*

Maps and plans are not available for all lands managed by the Agency. The schedule of lands which fall under the management purview of the Agency was compiled in a short space of time during the Parliamentary debate of Act 25 of 1998 on the basis of Members of Parliament identification of the existence of these sites. The Agency has to work with existing national topographic mapping and available 1994 aerial photography as a starting point for mapping and planning exercises. The Agency either through its in-house expertise in mapping and planning or through contracted expertise then creates various types of plans (topographic, perimeter, lotification and land use) for each site in which it is actively engaged.

27. *What authority is vested in the Agency, by whom, when, for control over land?*

The authorities of the Agency for control over land were vested by Act 25 of 1998. These authorities are summarised in Section 10 of this Act as follows:

- (a) title investigations;
- (b) sociological and physical surveys;
- (c) preparation of planning and design layouts with a view to developing viable communities;
- (d) infrastructural upgrading works;
- (e) cadastral surveys;
- (f) establishment of Settlement Councils in communities for the purpose of –
  - (i) fostering community spirit and development;
  - (ii) settling of disputes;
- (g) preparation and issue of Certificates of Comfort and Deeds of Lease;
- (h) preparation and upkeep of a Register containing all relevant information pertaining to Certificates of Comfort, Statutory Leases and Deeds of Lease.
- (i) Enter into contract to carry out and do other acts or things incidental to the purpose of the Agency or the Assembly under this Act;
- (j) Research and development;
- (k) Facilitation of micro-enterprise within communities;
- (l) All such things as are incidental or conducive to the carrying out of its functions as prescribed in this section and the Act generally.

28. *Does the Agency have access to land capability for establishing desired use? From whom? Evaluation of use and usefulness of this information.*

The Agency has access to the only existing national study of land capability conducted in the 1960s. The Settlements Planning and Land Surveying Unit utilizes this information whenever formulating major land use proposals. This data is, however, out of date in instances where development and natural forces have altered the environment and

topography of sites since the study. In all instances, the data collected by the Agency's Planning Technicians is used to supplement the existing data when making proposals requesting planning permission.

29. *What are the procedures of the Agency for protecting the land resource base to assure sustainable use by future generations?*

The Agency seeks to protect the land resource base for future generations by a number of measures including:

- (a) Encouraging occupants to enter a highly accessible path towards acquiring secure tenure. Secure tenure is positively linked with lengthened planning horizons and therefore better care of the living environment. Secure tenure also provides for a smooth transfer of property rights to future generations. Secure tenure is also positively linked with more efficient and profitable uses of land which help to sustain livelihoods.
  - (b) Proper physical and socio-economic planning and re-planning of new and existing settlements.
  - (c) Relocation of settlers in environmentally sensitive areas such as river banks.
  - (d) Limitation of residential plot sizes to 5000 square feet more or less – small enough to allow many households to enjoy access to land yet large enough for some on lot commercial or agricultural activity to help sustain livelihoods.
  - (e) Public education through Agency staff and the media.
  - (f) Mobilization of communities into organized groups take responsibility for their settlement areas.
  - (g) Enforcing a cut-off date of January 1<sup>st</sup> 1998 after which any unauthorized occupation of lands is not permitted or to be regularised.
30. *Does the Agency have capability for assessing the value of land? If not, from whom for what purpose? Evaluation of use and usefulness of this activity in the past.*

The Agency does not possess in-house land valuation expertise. Such data is not required on a regular basis because the Agency's draft land pricing policy proposes to price land based on a fixed premium for raw land plus development and conveyancing costs.

31. *Does the Agency have the capacity for drawing up leases and other use and possession agreements, licenses, grants, sales, and acquisitions of land? If not, from whom?*

The Agency has in-house capacity for drawing up all instruments of tenure which it is required to issue. The Legal Unit currently has 18 staff including 4 attorneys.

32. *Does the Agency have the capacity to detect encroachment and to evict encroachers?*

The Agency has a limited capacity to detect encroachment and to evict encroachers given the large number of undefined sites for which it has been given development responsibility. The function of detection and eviction still resides with the Commissioner of State Lands in accordance with the State Lands Act. Because of payment problems, the Agency is yet to access the 1998 aerial photography of the country which would allow conclusive identification of unauthorized structures constructed after the appointed date of January 1<sup>st</sup> 1998.

33. *What procedures are used to inhibit encroachments and to evict encroachers?*

To date the measures used to inhibit encroachments and evict encroachers include the following:

- (a) Service of quit notices
- (b) Demolition of structures by a specially hired demolition crew.
- (c) Mobilization of existing settlers to guard their communities from fresh encroachments. This sometimes involves the appointment of a Land Warden for a site.
- (d) Public education on the new law and policies via the media and consultations.
- (e) Monitoring by field staff.
- (f) Initiation of talks with the Police Service towards the creation of a Special Unit to patrol LSA sites, detect and report on encroachments.

34. *What procedures are used to regularise 'squatters', including time and costs?*

Squatters are regularised through a nine-stage process described in Appendix 12. The time taken is highly variable depending upon funding received, the particular challenges faced and the level of participation by settlers. The LSA is, however, aiming to complete its hard regularisation inputs into any given site within three years of the initiation of active involvement. The costs of regularisation under the LSA are not available because of the Agency's limited experience. A 1992 Committee chaired by Tim Mooledhar did, however, find that the average cost of a regularised lot under the National Housing Authority was \$17,000.

**To Merge or Not to Merge**

The perceived need for a devoted Agency with a reasonable level of autonomy to treat with the issues of regularizing informal residential development and timely supply of building lots to the landless was at the heart of the creation of the LSA. Up until the time of its creation some of the LSA's functions were performed through a Unit of a statutory authority, the National Housing Authority.

Among the factors that led to the creation of a separate entity were the following:

- (1) The large scale of informal development heightened the need for a devoted agency.
- (2) Competition for resources within an Authority always meant that the Unit was under-resourced.
- (3) Competition for access to the Board as a Unit of an Authority meant that crucial decisions were not always made in a timely manner.
- (4) The set organizational culture of an established Authority hindered the formation of new organizational values and concepts needed for the type of work at hand.

These factors suggest that at least in the short term a merger with another organization would be a retrograde step.

### **Recommendations**

It is too early in the life of the LSA to make any firm recommendations other than the Agency use its initial period of existence to monitor its effectiveness in an objective way with a view to making institutional, legislative and policy changes to enhance its performance.

**Government of the Republic of Trinidad & Tobago**  
**Agricultural Sector Reform Program**  
**Land Use Policy and Administration Project**

**Land Tenure Centre Consultancy Team**  
**Consultant: Dr. Robin Rajack**

**ASSESSMENT OF STATE AGENCIES WITH RESPONSIBILITIES FOR**  
**LANDS AND OTHER REAL PROPERTIES:**

**THE LAND SETTLEMENT AGENCY**

**Final Report**

**April 2000**