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FINAL DOCUMENT

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

THE SUGAR INDUSTRY LABOUR WELFARE COMMITTEE

by

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Executive Summary

Established in 1952 as a statutory board under the Ministry of Housing and Settlements, the Sugar Industry Labour Welfare Committee (SILWC) is charged with the granting and monitoring of low interest housing loans and the development of new settlements, in both cases for sugar workers and cane farmers. It is governed by enabling legislation (Chapter 64:04). The SILWC's land policy is guided by the 'New Administration and Distribution Policy for Land' formulated in 1992.

The Agency's organisational structure drafted decades ago is currently being reviewed. Detailed job descriptions including performance outputs and standards do exist. Like many other State Agencies, the SILWC is making the transition from the Confidential Report form of performance appraisal to the public service's new form of performance management. Development targets are documented in several reports.

The Agency's loan funds are sourced from a cess on every ton of sugar exported by Caroni 1975 Limited. The monitoring system for the use of loan funds is strong and minimises abuse of funds which are released in installments. The Agency is, however, limited by the absence of any in-house research and development capacity. Training needs of staff have been identified and a policy for and program of training does exist.

The Agency has viewed its legislative authority to dispose of the freehold interest in its lands as compromised by a 1986 government decision to curtail this practice. This decision also led to charges of inequity among beneficiaries pre and post the decision.

Revenue collected in 1999 was 80% of revenue due – a reasonable performance aided by strategic timing of collection drives during harvesting season and salary deductions. The Agency is also reasonably efficient in allocating and conveyancing of lands with standard transactions requiring 2 to 3 months. The Agency's efficiency is also enhanced by contracting-out of valuations when delays would otherwise be incurred. The Agency has also been active in regularisation of squatters on its sites.

Despite its relative success in the field of public shelter, the Agency is challenged by a dwindling client group as defined by legislative limits. Proposals have been made for its services to be extended to other seasonal workers. Despite this threat, a merger is not recommended at this time because of the uniqueness of the construction model as practiced by the SILWC and the absence of a suitably experienced State partner with which to merge.

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Introduction

The Sugar Industry Labour Welfare Committee (SILWC), a Statutory Board established since 1952 has been utilizing the traditional method of self-help to provide low cost housing to sugar workers and cane farmers. Housing loans at subsidized interest rates have been matched with financial and/or contribution in labour for construction repairs and extensions to owner occupied properties. SILWC has also developed housing settlements and offered building lots on a leasehold basis to its client community. Its legal provision also allows it to provide housing loans for the erection of houses on rented lands. During its period of operation SILWC has facilitated the development of 21 housing settlements and the erection of over 20,000 three bedroom self-contained houses within the sugar belt. The SILWC has acquired a reputation as an institution which is specially designed to assist the low-income citizens engaged in the sugar industry.

This report describes in detail the key SILWC land and real property related functions from various perspectives including the legal, policy, operations, resource and personnel standpoints. The report also assesses the organization's performance and preparedness for effective State Land Management against stated criteria. The question of whether the SILWC should be merged with any other organization is also briefly addressed. Finally, some recommendations are given.

Land and Real Property Related Functions of the SILWC

The main land and real property related functions of the SILWC are as follows:

- A. Grant and monitoring of low interest housing loans.
- B. Development of Housing Settlements for the distribution of fully serviced building lots to landless clients.

Appendix 1 details the procedures utilized in performing the above functions.

Laws and Regulations

The above operations of the SILWC are governed by the Sugar Industry Special Funds Act (Chapter 64:04) which includes the Regulations and by subsequent Amendments to the Act. Appendix 2 contains the Act and Amendments. It is to be noted that over the period of its existence, amendments were made to the Law mainly in response to prevailing economic trends on the life of the client community.

As an Agency engaged in conveyancing and land development, the SILWC'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 organization's operations.

Guiding Policies

The SILWC's operations are guided by the 1994 SILWC's Proposed land Distribution Policy (see Appendix 3) which is an adaptation of the 1992 Central Government policy document entitled 'A New Administration and Distribution Policy for Land'. Appendix 4 contains an elaboration on the services offered by the SILWC including some policy measures.

Organizational Structure

The current Organizational Structure of the SILWC is attached as Appendix 5.

When originally drafted almost twenty years ago, the Organization and Management Division of the Ministry of Public Administration concurred with the proviso that the structure should be viewed as temporary and should be reviewed within five years. Nothing was done, however, for fear that a review may have had adverse effects on the security of tenure of employees, since the Sugar Industry had been the subject of several exercises in downsizing which gave rise to retrenchment.

As part of its overall plans to restructure the entire Public Service, Government has directed all agencies to conduct a review which should make provision for the inclusion of Human Resource expertise in all Agencies, Departments and Ministries.

The current organizational structure has been criticized in the following areas:

- i) There is a wide gap between the Assistant Executive Officer and the Administrative Assistant, the channel which has been traditionally used for promotional opportunities. In most instances the Administrative Assistant possessed neither the required skills nor expertise for the position of Assistant Executive Officer and as a result effective performance has been impeded. Within the past ten years the Statutory Authority Service Commission recognized the anomaly and has sought to employ persons external to the Agency in the position of Assistant Executive Office. This practice limits promotional opportunities of existing personnel and indeed affect employee motivation and morale. The creation of a post of Administrative Officer within the gap may well correct the anomaly.
- ii) The possibility of promoting the Accounting Executive, to the post of Assistant Executive Officer was restricted because it required one incumbent wish to change profession.
- iii) The Agency did not provide for the post of a Human Resource Manager/Officer within its establishment. As a result, training programmes for employees were developed and executed with external expertise. This practice was often beset with delays, postponement and uncertainties. There is a move currently to have a Human Resource Office created in the establishment of the SILWC.

SILWC has recently recruited a Consultant to review the Organizational Structure in order to make it more responsive to the current period. The draft proposed structure is at Appendix 6.

Staff Categories and Job Descriptions

The categories of staff employed by the SILWC, their designations, responsibilities, tasks, outputs and performance standards are summarized in Appendix 7a. Appendix 7b depicts the salary ranges, minimum qualifications, skill types and years of experience required for these staff as well as the numbers of such staff engaged.

Performance Appraisal System

The Confidential Report (see Appendix 8) is the main instrument used by SILWC in its Performance Appraisal System. Different formats of the Report are used for the different categories of personnel e.g. Supervisory/Professional Class, Non-Technical Personnel and Secretarial classes. These reports are the same utilized in the Public Service of Trinidad and Tobago.

The Confidential Reporting System has been widely criticized over the years because it has not been linked with precise duties and responsibilities of the various categories of personnel. The system has been described as reactive rather than proactive. Moreover, the system has not operated on the principle of mutual involvement and participation in the appraisal process.

In response to wide criticisms of the Confidential Reporting System, the Government has sought over the years to introduce a new Performance Management System, which is linked to a position description for each category of officers. The workers Representatives Bodies have resisted the introduction of this system because even though they have accepted its scope and content, they have sought to link it with certain conditions of employment. Government has issued a mandate however that the Public and Statutory Services must introduce the New Performance Management System with effect from January 2000.

In order to comply with the mandate, the SILWC has conducted several Seminars/Workshops under the guidance of Personnel from the Ministry of Public Administration who are responsible

for promoting the Performance Management System. Plans are afoot therefore to commence the system as directed.

The new Performance Management System (see Appendix 9) allows for the preparation of Position Description for each of the categories of employees, which will be used as the basis for the appraisal. The employees must be involved in the preparation of the Position Description and the determination of Standards of Evaluation. Supervisors and supporting staff are to meet on a quarterly basis to discuss performance standards, determine strengths, weaknesses and to decide on training initiatives for improvement wherever necessary. The quarterly reports are to be used in the final analysis for the end of the year Performance Management Appraisal Report.

Annual Plan of Operations

The Annual Plan of Operations is contained in the Draft Estimates which include Recurrent and Capital Expenditures. These Draft Estimates are prepared for Central Government at least six months prior to the financial year to which they relate. In the preparation of Draft Estimates, Section Heads are required to prepare estimates for their particular section. They are to review current estimates for items to be completed or purchased during the ensuing year and to make provisions for services. They are also to anticipate inflationary trends and industrial agreements and to make provisions in the new Draft Estimates for necessary increases. With respect to infrastructural development works they are to make provision for continuation projects as well as new projects. They must include projects for which tenders have been approved.

On the basis of provisions in the Recurrent and Capital Budgets, the Housing Officers III are required to set targets for their respective geographical areas. They must indicate the number of houses to be completed as well as repaired, renovated or extended. On a monthly and annual basis. They must also indicate the number of incomplete houses with the relevant cost commitments, which will be carried over to the next financial year.

In addition to the delivery of housing loans, the Housing Officers III are required to set monthly targets of land distribution for houses. These are linked to infrastructural development of Housing Settlements and the number of lots available for annual distribution. The distribution of

lots must also be co-ordinated with monthly and annual projections for housing loans. In addition, distribution of lots must be synchronized with the needs and expectations of clients who have access to freehold or leasehold lands for houses on their own volition. Relatedly, lands distributed by SILWC must not remain in the possession of allottees for unduly long periods without the accompanying funding.

The SILWC's annual operations are also guided by three main documents. The first is its Strategic Plan which to date exists in draft form and which contains quantified development output targets (see Appendix 10). The second document is a series of implementation schedules for specific projects for which funding has been sourced under the government's Public Sector Investment Programme (PSIP). The third is a set of Action Plans (see Appendix 11) that summarizes the Implementation Schedules by quarters of the fiscal year.

Monitoring System

The foregoing plan of operations is monitored at varying levels in the organization. Initially, the Field officers i.e. Housing Officers III, II and I monitor in the field on a weekly basis all projects for which funding have been released and which are underway at varying stages. These initial monitoring checks are designed to ensure that funds are utilized for the purposes intended. The checks are also intended to guide those involved to operate within estimates and specifications so that cost overruns are avoided. These monitoring efforts are supplemented by visits and inspections from the Assistant Executive Officer and the Accounting Executive. They check on the accuracy and authenticity of the reports submitted by the Field Officers.

In addition to monitoring initiatives from the Statutory officials of the organization, the SILWC Board at its monthly Sub-Committee and Plenary Meetings reviews the reports, issues directives where weaknesses have been identified and provides general guidelines. Sometimes Members of the Board of the SILWC make on the spot visits especially to projects, which are problematic, or those, which are selected for special commendation.

A list of the number of lots developed and distributed as well as housing projects completed during the decade of the nineties is attached as Appendix 12.

A survey of Annual Expenditure and Cost of Operation of each activity for the period 1996 - 1998 is attached as Appendix 13.

Agency Relationships and Data Sharing

Appendix 14 depicts some of the Agencies with which the SILWC relates on a regular basis to source data as well as some of the problems encountered in sourcing those data. In all cases letters, telephone calls, facsimile transmissions, meetings and visits are the media used.

The SILWC has no formal data sharing policy. It has habitually shared data free of charge with other Agencies such as the parent Ministry (Housing & Settlements) and the Ministry of Finance as well as with the Trade Unions who represent the organization's clientele. In the latter case the shared information pertains primarily to the number of applications received from members of the Unions and processed by the SILWC.

Training Programs

As a Statutory Board, the SILWC has access to all government run training programs, particularly those run by the Ministry of Public Administration. Where training needs cannot be met from this source or internally, trainers are sought externally. Appendix 15 depicts some of the key training courses in which the SILWC staff have participated. Apart from these, all employees are encouraged to upgrade their skills and qualifications through external programs for which the SILWC often makes a partial contribution. Such contributions are tied to a contractual arrangement with the SILWC.

Research and Development

The SILWC has no Research and Development staff or Unit. As such there are no Research papers emanating from the organization.

The Policy Path

During the implementation process of land development, allocation and distribution of housing loans, the Field Officers i.e. Housing Officers and Engineering Assistants relate directly with the clients as well as their representatives from the Trade Unions and other Associations. This interface facilitates dialogue and input on issues related to land and loan policies. The issues articulated are aggregated and referred for the consideration of the management of the SILWC. The regularity and relevance of issues are weighted and considered and those which bear on existing policies are referred for the consideration of the Board of the SILWC, which body has the authority to amend or introduce new operational policies.

Issues which have bearing on the legal provisions are referred to the Honourable Minister responsible for Housing and Settlements who decides whether or not approval of the Cabinet should be sought. In instances where amendments of the Act are recommended, the approval of Parliament must be obtained.

Conflict in Land Management Policies between Agencies

The SILWC is authorized by Law to have freehold interest in land through acquisition, donation, gift, etc. The lands owned by SILWC are therefore not strictly classified as State land. In this regard there is no gap between land administration and land management and as such between the period 1952 - 1986 the SILWC offered a leasehold arrangement of 20 years to its clients after which freehold conveyance was effected.

During the 34 year period between 1952-1986 other Agencies engaged in land distribution i.e. National Housing Authority, Lands and Surveys Department etc. did not administer a

distribution arrangement similar to that of the SILWC. Instead, these agencies offered and administered a leasehold arrangement that provided for renewal upon expiry. The period administered ranged between 5 - 30 years. Because of the different land distribution policy administered by the State Agency, the softer arrangement offered by the SILWC was always criticized as discriminatory, unfair and unjustified and that other citizens should be exposed to similar terms and conditions. In other words, the policy makers were being asked to level the playing field.

In 1986 a government decision was taken that the SILWC should amend its land distribution policy in line with Central Government to the effect that the freehold interest should no longer be passed on to the clients. Leases of periods of 30 or 199 years must be offered. As a result of this decision, the SILWC is now required to adhere to all the terms of government's land distribution policy as dictated by the Cabinet or the Parliament.

The introduction of the 30 year lease for the first time at Orange Field Road Housing Settlement in 1980 was met with stiff resistance because residents felt that the annual lease rent was too a demand. According to the size of the building lots annual lease rents ranged between \$ 700. - \$ 1,400. When compared with other similar State agencies these figures were rated much higher, in some instances more than 300 percent.

Because of the wide disparity, most of the residents constructed their houses, but refused to sign the Deed of Lease. As a result, those borrowers occupied the lots and did not pay the rent. The SILWC did not make a positive effort to enforce legal measures for compliance because it was satisfied that the rental charges were harsh, oppressive and discriminatory. Instead, the SILWC took renewed initiatives to have the Cabinet review the terms and conditions. After more than ten years, in 1997 the Cabinet agreed to offer a lease for 199 years with the payment of an initial subsidized premium plus an annual lease rent of \$10.00.

Even though the current terms and conditions are softer than the 30 year lease, members of the client group are still not satisfied when a comparative analysis is made with freehold conveyance which was administered initially. Meetings were held with different interests groups to explain

that the current policy is in keeping with government's decision to retain freehold ownership of all State lands.

Agency Strengths

Some of the major strengths of the SILWC are as follows:

The SILWC has experienced and qualified personnel in all areas of construction.

The SILWC's system of monitoring the use of loan funds successfully restricts abuse of these funds to no more than one installment.

Agency Problems

Some of the major problems faced by the SILWC are as follows:

The SILWC has a limited and dwindling clientele because of restrictions in its governing legislation. This reduces the organization's viability as a player in the financial sector.

The SILWC's land development portfolio is completely dependent upon the organization's annual Public Sector Investment Programme allocation.

State Land Management Effectiveness / Preparedness

Maximization of Revenues

The SILWC heightens its collection of revenue during the period January – May of every year because this period coincides with the sugar cane harvesting season. Contacts are maintained with Caroni (1975) Limited on a weekly basis to ensure that employees and cane farmers deductions for mortgage loans are remitted promptly.

The manual system utilized currently to determine defaulters is slow and tedious. The SILWC has commenced the introduction of computer technology to identify defaulters on a timely basis. When the agency is fully computerized by the end of the current year, it is anticipated that arrears collection initiatives would be enhanced.

It may be necessary as well for the agency to employ additional field officers during the harvesting season to bolster the arrears collection drive i.e. when funding is in circulation.

Within recent years the SILWC has established a separate section to collect arrears in order to enhance its income base. This mechanism has proven very effective.

Equity in Access to Public Resources

The SILWC has adopted a fixed per capita income for households to ensure that families especially those at low income levels are treated with priority in the housing lot distribution programme.

Apart from the per capita income criteria, clients at the low income levels are provided with lands at subsidized rates which range from 45% - 55% of the market value for housing lots.

The SILWC needs on a regular basis to review the per capita income in response to increases in income levels.

Protection from Abuse of Public Resources

Clients who are offered housing lots are required to sign agreements to enter the land and erect houses within a period of six (6) months. From time to time the SILWC was asked to extend the 6 month period because of delays by the approving agencies. The SILWC has avoided the extension because of anticipated abuse.

Field officers visit and monitor the areas to ensure compliance. In instances where flagrant disregard are identified lots are retrieved and redistributed.

Technical Evaluation of Applications

Each application for a housing lot is investigated to determine the bonafides. Legal searches are conducted to ensure that applicants are not the owners or part owners of lands which could be utilized for housing.

Checks are also made at the Revenue Offices, Electricity and Telephone Departments to ensure that applicants are not billed for properties.

The checks administered by the SILWC have proven to be quite effective.

Efficiency in Granting of Interests in Real Property

The SILWC is empowered by law (i.e. its legal provision) to buy and sell properties, to own and have interest in lands and to convey freehold interest in land. The SILWC offers currently, leases of either 30 years or 199 years on option. The SILWC is the only agency in Trinidad & Tobago which is empowered by law to take a “Bill of Sale” for a house erected on rented lands. Even though the “Bill of Sale” arrangement has been criticized in several quarters, it has worked very satisfactory for the SILWC.

The system of lands distribution as administered by the SILWC has been very effective and efficient. Within a period of six (6) weeks after application a building lot is allocated and one week after the house is completed a Mortgage or Deed of Lease is prepared.

Caroni (1975) Limited has on several occasions expressed its satisfaction with the expeditious arrangement delivered by SILWC in the provision of building lots to its employees.

Conformity with Land Use Plans

In its development of housing settlements and allocation of lots for building, the SILWC has followed all general and specific rules as stipulated by the approving agencies i.e. Public Health and the Water and Sewerage Authority (WASA) etc.

In instances even though the Board of Management is not comfortable with land use plans, it is constrained to follow.

Conformity with Development Goals

As a Statutory Board under the jurisdiction of the Ministry of Housing and Settlements, the SILWC receives and follows all guidelines in respect of land distribution policy. The SILWC attends the monthly Public Sector Investment Programme (PSIP) meeting convened by the Ministry of Housing and Settlements.

At these meetings general and specific goals and policy on housing are discussed and disseminated. The SILWC also has inputs at these meetings to make suggestions and / or recommendations to inform land use policy.

Over the years goals and land distribution policies of the SILWC have been modified and changed in accordance with the directives of the PSIP Committee.

Monitoring the Efficiency of Investments

The SILWC has maintained a tight grip on property owned and distributed . Available lands which are developed for housing are distributed promptly. In Instances where residual areas exist and where squatters have undertaken remedial works, distribution has also been effected.

In these areas the SILWC provides the basic infrastructure re roads, water, electricity, drainage etc. after which the lots are sold to the occupants.

Where areas are exhausted, SILWC negotiates with Caroni (1975) Limited for purchase of additional lands which are subsequently developed and distributed.

Also, as noted earlier, the system of monitoring housing loans reduced possible abuse to no more than one installment.

Records Management

Even though the SILWC has prolonged unduly with its manual recording system in its land distribution and housing loan programme, it has maintained its records reasonably well.

The Legal Unit of the SILWC has maintained records of every housing lot according to settlement and provides updated information on lots conveyed as well as those not conveyed.

Detailed records are also available of all mortgage properties including lands and loans. The Legal Unit and the Records Section of the SILWC work in unison to ensure that records are continuously updated.

The SILWC submits Quarterly Reports on the number of lots distributed and the number of loans granted to the Ministry of Housing and Settlements. At the end of the year an annual report which forms part of the records of achievement is prepared.

State Land Indicators

The following table and text represent a description of the Agency on the basis of 33 State Land Management Indicators.

Table 1: State Land Management Indicators: The Sugar Industry Labour Welfare Committee

	Indicator	Quantity	Comments
1	Total Area Managed (Acres)	70 Acres	Approximately 2,300 lots have been conveyed on a freehold basis
2	Total Land Mgt. Budget \$/year	200,000	Maintenance of infrastructure
3	No. of leases, etc, issued – agricultural	n/a	
4	No. of leases etc. issued – non agricultural	300	Housing lots
5	No. of leases etc. prepared and sent to Commissioner - agricultural	n/a	
6	No. of leases etc. prepared and sent to Commissioner - non agricultural	n/a	SILWC issues its own leases
7	Rental rate charged – agricultural (specify method of calculation, e.g. \$/acre/year, percent of value)	n/a	
8	Rental rate charged – residential (specify method of calculation)	300	Premia value on the basis of size and subsidized according to income levels plus \$10.00 annual lease rent
9	Rental rate charged – industrial: (specify method of calculation)	n/a	
10	Rental rate charged - other classification (specify) - (specify method of calculation)	n/a	
11	Rental rate charged - other classification (specify method of calculation)	n/a	
12	Total Revenue collected, last available year (gross) \$	400,000	1999
13	Total Revenue which should have been collected in that year	500,000	Some allottees came on stream late after resistance
14	Months required for lease renewal (comment on procedures typically involved)	n/a	The SILWC has not yet faced this situation because the lease arrangement is new
15	Months required for lease assignment (comments)	2 mths	Matter must be approved by the SILWC Board at monthly meetings
16	Months required for issuance of new lease (comments)	2 mths	Because of legal searches to determine landless clients
17	Months required to complete a sale (comments)	3 mths	Matter must be approved at Monthly Board Meeting
18	Months required to complete an acquisition	6 mths	Deliberation of Board, Valuation, Legal Searches etc.
19	Number of households squatting on land – 1999 or last available year	120	6 residential areas adjoining existing Housing Settlements
20	Acres occupied by squatters	24	
21	No. of squatter households fully regularized since 1980	14	Two small residential areas at Dow Village, California
22	Acres of squatter households fully regularized since 1990	3	
23	Number of squatter households in process of regularization	86	Outline permission obtained for 4 areas
24	Acres of squatter in process of regularization	18	

25. *Are maps / plans available for all lands managed by the Agency?*

Yes

Scales: 1 – 1250

When last updated?

It has never been necessary to update cadastral plans for Housing Settlements which are managed by the agency.

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

(copy of vesting document)

The Sugar Industry Special Funds Act (copy already provided) provides the necessary authority for the SILWC to purchase, lease or convey land.

27. *Does the agency have access to land capability for establishing desired use? From Whom?*

Evaluation of use and usefulness of this information.

The Agency does not possess land capability for establishing desired use. It should be noted, however, that all lands for housing are acquired from Caroni (1975) Limited. Before acquisition the Company ensures that the areas for sale are not prime agricultural lands. It also ensures that areas for sale for housing have the necessary gradient to facilitate the introduction of housing infrastructure.

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

Every Housing Settlement established by the SILWC meets and satisfies the requirements of the following approving agencies: Town and Country Planning Division; Public Health Department; WASA and Fire Services etc.

After the housing lots are distributed the SILWC undertakes maintenance works of roads, drainage, parks, open spaces until these are “taken over” by the Local Government Authorities. In some instances, the SILWC’s maintenance responsibilities may span ten or fifteen years before “take over”.

29. *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 SILWC does not have the capability to assess the value of lands. This service is sought from the Valuation Division of the Ministry of Finance. Because of delays, sometimes valuation services are obtained from private enterprise especially when the need for urgent valuation becomes apparent. Valuation from private enterprise is accepted because most of the individuals covered are retirees of the Valuation Division.

The SILWC Board utilizes the Valuation Report as a significant guide to determine pricing criteria for the sale of lands.

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

The Agency has the capacity to handle all its legal requirements pertaining to land transactions. The Agency has a Legal Section which is staffed with Conveyancing Clerks and other support staff. Apart from this, the Legal Adviser of the Agency is the Chief State Solicitation of Trinidad & Tobago who vets and approves all legal documents of the Agency.

31. *Does the agency have the capacity to detect encroachment onto its lands?*

The agency has two Engineering Assistants among its field staff. These personnel have the capacity to determine encroachment.

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

Regular checks are made by the Engineering Assistants to identify and correct encroachments. In all instances boundaries are indicated to clients as soon as lots are allocated. In instances where encroachments are detected counseling sessions are held with those concerned. When this fails, a Licensed Land Surveyor is hired to realign boundaries, the cost of which is borne by the encroaching client. In cases where uncertainty exists, the SILWC usually bears the cost of re-surveying.

33. *What procedures are used to regularize “squatters”, including time and costs?*

Discussions are convened with squatters in respect of regularization initiatives. In instances where a concentration of squatters exists, a community group will be formed. The group is utilized as a vehicle for consultation, for exerting conformity; for restricting a proliferation of squatters and even for community mobilization for self-help efforts.

The SILWC seeks to provide housing infrastructure through the tendering processes administered by the Central Tenders Board. After all requirements are met by the approving agencies, the lands are conveyed on a freehold basis to the squatter.

The prevailing market value is usually used as the indicator to determine the sale of freehold lands. Period of occupancy is used to determine the extent of the subsidy. Members of the client group are usually the recipients of higher subsidies.

Regularization is completed within a period of 2-3 years after commencement. Delays may ensue for reasons of either dissatisfaction by squatters or queries by the approving agencies.

To Merge or Not to Merge

The issue of the dwindling client group presented by the economic uncertainty of the sugar industry was to be addressed through an expanded role which would have enabled the SILWC to service the housing needs of other seasonal agricultural workers as well as daily paid workers in the government service. This arrangement was anticipated to yield an additional amount of clients that would have sustained the operations of the SILWC. In the absence of the expanded role, concerns have been raised in several quarters as to the future viability of the SILWC. In 1992, a task force appointed by Government to review all aspects of the State's involvement in housing was entertaining suggestion to the effect that the SILWC should be merged with the National Housing Authority (NHA).

The SILWC resisted any merger on the following grounds:

- i) The self help practice which has been very effective in the construction of housing for low income citizens may be discontinued if a merger was allowed. It was argued that systems and/or organizations which have withstood the test of time and continued to be functional in the best interest of the client group should not be dismantled. Instead, it was pointed out that such practices should be retained and promoted.
- ii) It was explained that a certain segment of the population in need of housing may always express the desire to have inputs in the design and construction of their houses, and that the model as enunciated and practiced by the SILWC promote these ideals.
- iii) It was argued further that the SILWC's model of self help advocates voluntary participation from members of the family, friends, relatives and community, a concept which strengthens the family bond and sustains community cohesion.
- iv) Sugar workers and cane farmers have express strong views that their workers is among the most laborious in the country and that over the years they have not been adequately

rewarded or recognized for their contribution towards the national economy. They identify with the SILWC as the only organization that was established for their specific needs, and that any merger may dismantle an aspect of culture with which they identify, belong and feel recognized.

The argument against a merger is also strengthened by the fact that there is no other State Agency involved in Land Management that is involved in the granting and recovery of loan funds. There is therefore no suitable land management partner with which to merge.

Recommendations

The following recommendations are offered with a view to improving the efficiency and effectiveness of the SILWC:

- 1) The organizational structure should be reorganized to make provision for the creation of a Human Resource Division. The absence of this Division has to some extent reflected on the quality of recruitment and training.
- 2) Wide gaps between managerial and clerical as well as technical classes should be analyzed and reduced in order to provide promotional opportunities for personnel from within the organization. Because of the wideness of gaps in certain areas, outside personnel are recruited when vacancies exist. This approach causes frustration among employees.
- 3) The Sugar Industry Special Funds Act should be amended to make provision for the service currently offered to be extended to other workers engaged in agricultural industries as well as other seasonal workers of the country.

A few years back, personnel from SILWC mounted a survey to determine the quantum of seasonal workers who were engaged in the agricultural and allied industries. The survey also included seasonal daily paid workers employed with the State sector e.g. Ministries of Works and Local Government. Preliminary reports indicate that more than ten thousand

seasonal workers could not source loans because funding agencies other than the SILWC do not accept the security of tenure of seasonal employees. The existence of this group whose housing needs were not addressed by any funding agency was mentioned in the 1993 Review of Shelter and Land Development Policy conducted by PADCO and Laughlin and Associates Ltd.

4. Government should allow the SILWC to revert to its policy of freehold conveyance of housing lots after a period of 20 year lease. This arrangement should be extended to other state agencies engaged in land distribution for housing. It is strongly believed that freehold tenure of lands for housing facilitates cultural solidarity in terms of family ownership and security. To a very great extent ownership of land and its inheritances create a family bond.
5. The SILWC should not be merged with any other organization given its successful tract record in dealing with housing finances for a niche market.

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

Land Tenure Centre Consultancy Team
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ASSESSMENT OF STATE AGENCIES WITH RESPONSIBILITIES FOR
LANDS AND OTHER REAL PROPERTIES:

THE SUGAR INDUSTRY LABOUR WELFARE
COMMITTEE

Final Report

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