



LAND TENURE CENTER
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LAND USE POLICY AND ADMINISTRATION PROJECT (LUPAP)

Assessment of the Commissioner of State Lands

Ministry of Housing and Settlements

Government of Trinidad and Tobago

By

A. A. Wijetunga

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Executive Summary

A. Background

1. This study comes under the Land Use Policy and Administration Project (LUPAP), the objective of which is to assist the Government in its effort to shift land policy to become more open, accessible, forward looking and market oriented. LUPAP is one component of the Agriculture Sector Reform Program (ASRP), the subject of an agreement between the Inter-American Development Bank (IDB) and the Government of Trinidad and Tobago. Specifically the LUPAP will assist the Government in streamlining the institutional and regulatory framework of land administration and accommodate an effective land policy to establish a sound framework for future investment in agriculture.
2. The study focuses on the Commissioner of State Lands to assist him to better manage State land and the staff assigned to him. This means assistance with developing a clear strategy to developing more modern management facilities and procedures, and for having a better ability to meet the legal, procedural and administrative demands of the position and its co-ordination
3. State lands other than constituted forests cover 129,288 hectares in Trinidad and 3,665 hectares in Tobago. This broadly represents the extent of land resources available to the State for promotion of productive activity and generation of income and employment
4. The state is responsible for the management of this large estate, preservation where needed lands for posterity, and promotion of development of land for various purposes determining the competing demands of the various sectors, be they agriculture, industry, commercial, housing, forestry, wildlife conservation or tourism. This makes it incumbent upon the State to erect an institutional structure by virtue of which land resources may be located, evaluated, conserved and distributed so that they may be utilized on a sustainable basis and to the greatest national advantage.

B. Findings

5. The work undertaken by the Commissioner of State Lands involves the following:
 - (a) Processing new leases, renewals and other tenancy agreements
 - (b) Regularization of breached tenancies and serving of advisory notices on tenants in breach
 - (c) Preparation and Registration of State Grants
 - (d) Grant of consents for transfer of leases, assignments and mortgages
 - (e) Approval of Building Plans on state lands
 - (f) Acquisition of private land for public purposes
 - (g) Matters pertaining to land reclamation, mines and quarries
 - (h) Resolution of land disputes
 - (i) Court matters

6. The amalgamation of the two distinct positions of Director of Surveys and the Commissioner of State Lands in one individual has resulted in the holder of the position not being able to give adequate time and energy to the functions entrusted to both positions. The Director of Lands and Surveys has not been provided with staff and financial resources to carry out the important functions of Commissioner of State Lands. The legislators have always provided for two distinct and separate positions in the legislation from the very beginning. The functions too are to a great extent distinct from each other. The post of Commissioner of State lands was created and classified but never filled. The posts of Deputies have not been created. The Director of Surveys had to fill the void with his own staff as an interim arrangement. The Lands Section has suffered most on account of this factor.
7. The agricultural utilization levels have contracted over the years as shown by the Agricultural Census of 1982 with total cropped area falling to 18.5 percent (107,400 hectares) from 131,862 hectares as recorded in the Agricultural Census of 1963. The figures indicate a loss of agricultural land to other uses, particularly, housing, industrial and commercial activity. In addition, there is significant occurrence of cropped area being abandoned or semi-abandoned. At the same time, holdings of less than five hectares have increased. The 1998 Quarterly Agricultural Report shows a marked decrease in the extents under food crops. Moreover, there is increased incidence of squatting on State land and it appears that the governmental machinery entrusted with regulatory aspects is not functioning at the level expected.
8. The statutory responsibility for the management of all lands belonging to the state rests with the Commissioner of State Lands. However, over the years, the policy makers have taken away development functions pertaining to State land in respect of agriculture lands, housing, encroachment regularization, ports, health authorities, State land in Tobago, tourism and industrial development, roads, and various development authorities in special areas. Action is being pursued to do the same in respect of quarries, mines and land reclamation. The Commissioner of State lands at present is left with the management of leases, issue of new leases for isolated or abandoned pieces of state land found among already leased out land, acquisition of private land for public purposes, and the regulatory aspects. Any reforms to the existing organizational structure of the Commissioner of State Lands has to take into account the realities of the present legal framework and the limitations imposed.
9. The Commissioner's powers over State lands have been taken away by other statutes empowering other agencies of Government to act on its behalf. They are as follows:
 - (a) State Lands (Regularization of Tenure) Act No. 25 of 1998
 - (b) Tobago House of Assembly Act No.40 of 1996
 - (c) Housing Act
 - (d) Water and Sewerage Act
 - (e) Petroleum Act
 - (f) Port Authority Act
 - (g) Public Transport Service Act
 - (h) Highways Act

- (i) Regional Health Authority Act
- (j) Chaguaramas Development Authority Act
- (k) Tourism and Industrial Development Company of Trinidad and Tobago Limited Vesting Act
- (l) Municipal Corporations Act
- (m) Delegation of Powers to Minister of Agriculture and Lands
- (n) Transfer of Functions (Director of Surveys) Order, Legal Notice No. 89 of 1980

Some of these authorities established under legislation mentioned above, tend to utilize state land for purposes other than for which they were vested or leased out.

10. The Commissioner of State lands does not exercise to the full the powers of administration, management and protection of state lands and the preservation of order on State lands nor does he possess the resources to effectively implement the powers conferred on him.
11. Even though the State Lands (Regularization of Tenure) Act provides relief to certain encroachers, the Government has not encouraged encroachment on State land. In fact, the Policy Paper issued in 1992 clearly states that 'no change is proposed in the general functions and responsibilities of the Commissioner' and specifically makes reference to the function of prevention of squatting. However, there appears to be an apparent conflict in policy implementation, as the above Act permits issue of Certificates of Comfort preventing encroachers from being ejected, and to the grant of a Deed of Lease. The squatters who fail to relocate to a lot within a Designated Area or a Land Settlement Area, where relocation is necessary, can be subjected to ejection. The Land Settlement Agency charged with the responsibility for carrying out the provisions of this Act, refers squatters who fail to comply with relocation, to the Commissioner of State Lands for ejection in accordance with Section 20 of the State Lands Act. The preamble to this Act recognizes squatting as a phenomenon in Trinidad and Tobago for well over one hundred years. The present policy on encroachments has not been clearly spelt out to enable the Commissioner to take preventive action against encroachment.
12. The responsibility to process applications for licenses for quarries, mines and reclamation of land has been taken away by Cabinet decision, and two committees appointed by the Cabinet have been entrusted the tasks of processing such applications. The Commissioner of State Lands is a member of these committees. The Commissioner does not possess the technical capacity within his establishment to process such applications.
13. The Commissioner is also charged with the collection of the rents of lands that belong to the State. The total arrears of revenue as at 30/9/1998 reflected in the Revenue Estimates of the Lands and Surveys Division is 14,761,388. This clearly shows that there is a large loss by way of revenue to the Government. There is also a very wide variance between the actual revenue collected in 1997 and 1998 and the estimated revenue for 1998/1999 and 1999/2000 as depicted below.

1997 Revenue Actual	Actual Revenue 1/1/98-30/9/98	1998/1999 Revised Estimate	1999/2000 Estimate
3,386,289	2,514,387	7,887,960	8,892,872

Unfortunately, no serious attempt has been made to determine the rent due on leases annually, and to collect them through the District Revenue Offices, thereby causing loss of revenue to the Government.

14. At present, an attempt is being made to collect data on new leases. However, there is no automated system that would provide information as to the number of leases issued, their dates of renewal, whether rental has to be reviewed at regular intervals and such other data. Unless this information is pieced together, there is no way to determine the number of defaulting lessees or the actual volume of work in a given year in regard to renewals.
15. The Cabinet in 1996 mandated the Lands and Surveys Division to take a 'lead role' in the implementation of the National Land Information System/Geographic Information System. A project funded through the Public Sector Investment Program to computerize the cadastral graphical database is now proceeding. One component of this project is to computerize the State land records that are at present held in paper files to create a relational database of the attribute data of all State land parcels in the country. The project is still at in its embryonic stage. Only 980 parcels of state land have been digitized with detailed data. Financial resources have not been provided for this project as originally envisaged. Even if all the resources are made available, it is highly unlikely that this project can be completed within the next ten years. Moreover, there is no system installed to update the data that is entered into the system. The resultant effect is that the data would not be of much use for state land management. The Commissioner of State Lands cannot make use of this data to resolve his immediate problem of not having a lease management system.
16. There are 30,708 files maintained in the registry of the Division. Some are dormant for long period of time but have to be maintained securely as action pertaining to renewals, consents for transfer of leases, assignments and mortgages, advisory notices have to be undertaken. In addition there are applications that are made by the members of the public for various services from the Division. These are all actions that affect the public. No attempt has been made to-date to monitor the workflow of the lands section to ascertain the progress made in each case, without looking at the individual files. The Surveys Section has installed a program to monitor progress of survey orders issued by them and are monitoring them very closely. The positive results of this exercise can be seen from the increased number of plans approved for the year 1999. Similar action has not been pursued in regard to land work.
17. The function of identifying suitable land for distribution as contained in the State Lands Act, as 'settlement and allotment of State lands and the laying out of village lots' is not being pursued. Non-pursuance of action in this regard in the past, may have contributed in no small measure to the establishment of numerous agencies that have been entrusted the tasks of planning and development of housing, settlements,

agriculture lands, industrial and commercial sites etc. At present, only applications made by members of the public in isolated units falling within state lands are processed for new leases.

18. The Commissioner of State Lands does not possess, maintain or utilize land use and land capability data available with other agencies in the management of state lands. The Town and Country Planning Department has data on land use. Unfortunately, this data is not shared with the Commissioner of State lands.
19. Land policy must necessarily form an integral component of the wider national development strategy to achieve the composite goal of growth with equity. The Commissioner of State Lands has been identified to provide advice to the Government on land policy and make recommendations in this regard. Unfortunately, the Commissioner of State Lands does not appear to carry out the function. This role at the present juncture cannot be performed by the Commissioner of State Lands alone, as there is a proliferation of agencies handling land work within the Government.
20. The processes adopted for acquisitions, new leases, and renewals are subject to long delay. The major reason for these delays is an extremely weak workflow management. Past studies have shown that the process of issue of a new lease or a renewal takes a period of 2-3 years at the least. The rapid appraisal of files with the Commissioner shows that the period taken to complete this operation extends to over 5 years in the average. Similarly, acquisitions take a period of 7-15 years according to past studies. The rapid appraisal shows an average of 10 years. Generally, the delays are adduced to dependence on outside agencies. The study shows that the longest delay is in surveying the land parcels, whether done through government or private surveyors. During 1999, as a result of closer monitoring considerable improvement has been achieved in the completion of preparation of plans.
21. The Commissioner does not follow an Annual Plan of Operations. The absence of such a plan prevents any type of monitoring of progress or evaluation of performance on a monthly basis.
22. The output of work pertaining to new leases and renewals for the past three years cannot be described as impressive. The work pertaining to new leases and renewals forms the most important component of the work carried out by the Commissioner of State Lands and needs to be highlighted.

Year	New Leases	Renewals	Total
1997	83	92	175
1998	50	83	133
1999	107	164	271

In addition to the above, the Lands Section carries out work in regard to acquisitions, regularization of breached tenancies, consents, transfers, and assignments, serving of

advisory notices, and inspections of state land parcels. The details are found in the body of the report.

23. The budget allocated to the Lands Section of the Land and Surveys Division is only 20.7% of the total budget for the Lands and Surveys Division. This shows clearly that there is a serious imbalance in the allocation of financial resources to the Lands Section.
24. There are serious flaws in the organizational structure of the Division. The present strength of staff assigned to the Lands Section is totally inadequate to carry out the numerous functions assigned to the Section. It should be pointed out that these functions, particularly on the regulatory side are time bound. Any delay causes transaction costs in time and money, both to the Government as well as to the members of the public. The greatest drawback as far as staff and skills is in management information. The institution has staff with skills in identifying the content of management information required to run the establishment efficiently and effectively. However, they have been detailed work in the Survey Section and are not available for use by the Lands Section.
25. The processes, methods and work steps employed in each of the activities need further improvement. However, the major cause of delay can be safely adduced to lack of monitoring of progress.
23. The procedure followed at present is to obtain Cabinet approval for the following:
 - (a) New Leases
 - (b) Change of Use
 - (c) Sub-division
 - (d) Transfer(sale) of agricultural land, other than by will/consent clause

There is no reason why Cabinet approval needs to be sought in each of the cases mentioned above. The Cabinet can lay down the overall policy for State land alienation and the selection procedure. The issue of leases to individuals should remain a legitimate function of the Commissioner of State Lands within the Cabinet approved framework, subject to approval of the Minister in charge of the subject of state lands. This would save the time of the Cabinet as well as expedite handling of leases. If the Cabinet so desires, they can lay down a particular ceiling on the value of land over which prior Cabinet approval should be obtained.

24. No attempt has been made by the authorities to install a Monitoring and Evaluation Unit within the establishment as a process of measuring, processing, recording and communicating information to assist management in decision making.
25. The Commissioner of State Lands does not adopt a realistic performance appraisal system for the staff that relates to the quantum of work performed during a given period. Nor are there established indicators to measure such progress.

26. The Commissioner is expected to work very closely with other Heads of Agencies that service the Division in its activities. However, the established system of communication or linkages, is extremely weak.
27. There is no system of delegation adopted with the result that matters that could have been handled at the Deputy level reaches the desk of the Commissioner. This is a result of the failure to create the posts in the public service.
28. There is no formal or informal process to bring to the notice of policymakers, the policy issues that surface in the course of implementation of the program of work that is currently handled by the Commissioner of Lands.
29. Training programs should form an essential component to upgrade the skills of the staff as well as an incentive. The Lands Section does not have any training program for its staff, whereas the Surveys Section has number of such programs for their staff.
30. A Land Manual had been used years back as a guiding document. With the changes in the legislation, regulations and policy decisions, the Manual needs updating. A new Land Manual is required to ensure uniformity in decision making and to enable staff to follow approved procedural steps for each item of work.
31. No opportunity is made available to review legislation or land regulations based on the experiences the senior staff acquires in the process of implementation.
32. The physical and financial resources made available to the Commissioner of State Lands are totally inadequate to carry out the functions assigned to him.

C. Recommendations

33. The amalgamation of the two distinct positions of Director of Surveys and the Commissioner of State Lands in one individual has resulted in the holder of the position not been able to devote adequate time and energy to the functions entrusted to him. The Lands Sections has suffered on account of this factor and adequate resources both physical and financial have not been provided to meet the tasks entrusted. Therefore, it is recommended that this separation be effected without delay.

In 1959, during the re-organization of the Public Service, a decision was taken to separate the Lands function from the Surveys function. The Cabinet had agreed on August 25, 1994 to the separation of the functions but for some reason, that decision too was not implemented. The Consultant is aware of a recent decision of the Cabinet to effect the separation.

While the separation is advocated, it is necessary to emphatically state that the linkages between the Surveys Division and the State Lands Division should be continued without disruption. The need for access to a common up to date cadastral base has to be recognized. It is recommend that the two divisions be housed in one building if possible or if it cannot be done, at least to house them in close proximity to each other.

There are several models that can be followed in effecting the separation. One is to separate the two positions altogether and establish two Divisions, under the Director of Surveys and the Commissioner of State Lands. A second model is to create a post of Director-General of Lands and Surveys and have two Heads of Divisions under him i.e. Director of Surveys and the Commissioner of State Lands. Each Head has to be provided with separately identified staff. A third model is to create a Land Management Entity, merging the functions and responsibilities of the Lands Section and with those of other closely linked agencies, possibly the Land Administration Division of the Ministry of Agriculture and the Land Settlement Agency.

34. The powers, duties and functions of the Commissioner of State Lands have been taken away by policy makers through numerous pieces of legislation as shown in our findings. Since de-concentration has already occurred, it would be best to permit such agencies to carry out the functions pertaining to State land speedily. To enable resolution of this issue, it is recommended that the following be appointed as Deputy Commissioner of State Lands under Section 4(2) of the State Lands Act in addition to the substantive positions they hold. This will not only expedite work, but also would provide the Commissioner of State Lands with data to keep a tab on the activities carried out by respective agencies, in regard to management of State lands. If the agencies tend to deviate from their assigned functions and attempt to utilize state land for purposes other than those authorized by legislation, that will be brought to the notice of the Commissioner immediately.

- (a) Director, Land Administration Division of the Ministry of Agriculture
- (b) Director, Land Management Services in Tobago
- (c) Conservator of Forests (for the limited purpose of prosecuting and ejecting encroachers within forest reserves)
- (d) Director of the Minerals Division of the Ministry of Energy (as envisaged in the new legislation)
- (e) Chairman, Land Settlement Agency and
- (f) Such other officers that may require to be appointed from time to time

35. The Government should spell out by way of a new policy paper the Land Policy of the Government. Particular attention should be paid to the issue of encroachment of state land, as the Commissioner of State Lands needs guidance as to actions he should pursue against illicit encroachment. Encroachments are only a symptom of a deeper-rooted problem of pressure on land and the serious imbalance between supply and demand. The Chapter on Policy Formulation and Development highlights some of the issues that need to be addressed in this policy paper.

36. The responsibility to process applications for licenses for quarries and mines should be handed over to the Ministry of Energy as contemplated in the new Minerals Act. The Ministry of Energy should not only be held responsible for issue of licenses but also for collection of revenue and management of these sites in conformity with environmental and other considerations. The Draft Act needs change to incorporate these responsibilities and to empower the Director, Minerals for the issue of permits and licenses.

37. Similarly, the subject of land reclamation too should be handled by an appropriate authority or a committee having the technical expertise within its establishment to process such applications and monitor implementation of approvals in line with the stipulated terms and conditions.
38. The Commissioner of Lands does not possess basic data in an automated form on the leases issued to-date, the dates of renewal, whether rent reviews have to be obtained at regular intervals, names of lessees, transfers or mortgages made etc. In order to find this data, he has to search among the 30,000 files manually. It is recommended that a Lease Management System be established with a limited amount of data specifically designed for the purpose. This information can be gathered from the Lease Books maintained at the Red House. Subsequent transfers/assignments etc., which would not be reflected in the Lease Books can be incorporated after the primary data is collected, by referring to individual files. It is proposed that the private sector be engaged on contract to extract this information and to enter such data into a simple database system. This exercise can be completed within a short period of time. The Commissioner of State Lands will then possess data of all leases, their dates of renewal and the quantum of rental due for each year. The information content of this database has been identified in detail in the body of the report.
39. It is proposed that a computer supported Workflow Management System be introduced to provide the Commissioner of State Lands the basic information he needs to track progress. The activities that involve state leases/grants and acquisitions generate correspondence and liaison with multitude of agencies.

The objective of the work flow management system is to develop the ability to track down the progress made at any given time, in any of the applications made by the public or initiated by the Commissioner of State Lands himself. At present there is no procedure for tracking or registering the progress of an application without an exhaustive search of the files. The information content of this database has been identified in detail in the body of the report.

40. The Lease Management System described above would generate adequate data to enable the Commissioner of State lands to determine the amount of rentals due in each year and pursue action on each case. It is recommended that a Deputy Commissioner is made responsible for this task in addition to other duties, so that the revenue collection aspect of the operation is given due priority.
41. It is recommended that the Commissioner of State Lands prepares an Annual Operations Plan based on the data generated by the Lease Management System and the Workflow Management System and monitor its implementation.
42. In the short term, one possible organization structure would have the Commissioner of State Lands assisted by two operational Deputy Commissioners in charge of the Northern and Southern Counties. This is in conformity with the decentralization efforts undertaken by the Government in recent years. Directly under the charge of the Commissioner are two units, one covering Personnel/Accounts/Revenue and the other Management Information. The Management Information Unit includes a

Monitoring and Evaluation facility. The Monitoring and Evaluation Unit, in addition to progress review, should also monitor conformity to Terms and Conditions of leases, including those lands that have been vested or leased to governmental agencies. This can be done through the field staff. The Personnel/Accounts and Revenue unit will be under an Administrative Officer (AO II) and supported by an Accounts Assistant.

The two Deputies have ten Land Officers. The increase has been determined based on the volume of work in the counties. Eight of the Land Officers will be in charge of identified Counties, and another in charge of Acquisitions. The Land Officer in charge of Mines and Quarries will revert to county land work after the new Minerals Act comes into force and the subjects are entrusted fully to the Ministry of Energy.

43. The Surveyors who function as Land Officers should be permitted to revert to their substantive positions. It is recommended that the Surveyors be replaced with Administrative Assistants in the Public Service and be trained for the assignment.
44. The greatest drawback as far as staff and skills is in management information for the lands section. The Lands and Surveys Division has staff with skills in identifying the content of management information required to run the establishment efficiently and effectively. However, such staff has been detailed work in the Survey Section. It is recommended that the services of a Management Information Officer with adequate computer skills and experience in the development and maintenance of a system that caters to the needs of workflow management, management of leases and in monitoring and evaluation of performance be recruited for the purpose.
45. One of the ways to gain efficiency and effectiveness is to simplify the processes and streamlining methods used by the institution. The delays in the acquisitions process and the issue of leases have been identified and specific procedural changes proposed to improve the speed of implementation. In the short run, until the Land Management Entity (LME) is decided, it is recommended that two Attorneys from the Chief Solicitor's Office, a Valuation Assistant from the Department of Valuation and two surveyors from the Director of Surveys be housed in the office of the Commissioner of State Lands. These officers will come under the direction of their respective heads. One of the Attorneys should be a Senior Attorney having experience in land law and conveyancing.
46. In order to avoid the delay encountered on account of having to seek Cabinet approval for leases at every turn, it is recommended that the Cabinet be requested to lay down the overall policy for State land alienation and the selection procedure. Delays occur in the parent Ministry with the preparation of Cabinet Notes. The issue of leases to individuals should remain a legitimate function of the Commissioner of State Lands within the Cabinet approved framework, subject to approval of the Minister in charge of the subject of state lands. This would save the time of the Cabinet as well as expedite handling of leases. If the Cabinet so desires, they can lay down a particular ceiling on the value of land over which prior Cabinet approval should be obtained. Similarly, if required, investments of a large nature, where the land component plays a major role can also be referred to the Cabinet. The

Commissioner of State Lands should prepare this policy framework and selection criteria and seek the approval of the Cabinet.

47. It is recommended that a Monitoring and Evaluation Unit be established under the Management Information Officer to undertake a comprehensive program of monitoring and evaluation of the work carried out. This can be done through identification of the annual targets for each component of the program, identification of indicators to measure progress and identification of benefits. Targets and indicators have been identified in the body of the report. The Unit in addition to monitoring the annual program will also undertake monitoring of leases including those vested or leased to Governmental agencies for conformity with the terms and conditions..
48. It is proposed that a quantifiable performance appraisal system with norms determined in consultation with staff, be adopted to evaluate work of officers.
49. A system of better communication and linkages is proposed to improve the established system of communication with other agencies.
50. The delegation of identified functions to the two deputies is proposed to ease the burden cast on the Commissioner of State Lands.
51. The need for a forum to bring to the attention of policy makers, the policy issues that surface in the course of implementation of the programs of work carried out by number of agencies in the state land sector is strongly felt. The Interim National Physical Planning Commission has embarked on establishing a Committee on National Land Policy. National Land Policy cuts across number of Ministries and therefore this committee should have representatives of all concerned Ministries. In addition, it would be preferable to have representation from the private sector, Universities and Policy Research Institutes as well as non-governmental organizations representing the environmental field. This committee should be supported by a small, multi-disciplinary, yet effective team of experts to study the issues that surface and make recommendations for changes or reform of land policies. The decisions made by the National Land Policy Committee should receive Cabinet approval and be conveyed to all relevant Governmental Authorities, Local Government and Regional Bodies, to be incorporated into their policy agenda.
52. A training program for the staff is proposed with courses covering the initial training course for Land Officers, State Land Management, Project Planning and Management, Use of the Information Management System, Computer Literacy and Public Relations.
53. It is proposed that a new Land Manual be developed as a guiding document for all land officers.
54. Regular review of legislation and land regulations based on practical experiences gained in implementation is proposed.

55. The additional physical and financial resource needs for the implementation of the proposed changes have been identified in the body of the report. It is recommended that careful consideration be given to provide these needs to enable the Division to function efficiently and effectively.
56. The subject of revenue collection should be an important function entrusted to one of the Deputies and the data generated by the Lease Management System should be utilized to set targets and achieve recovery of rents due from all lessees.

Chapter 1.

Background to the Study

1.1. Definition

The term “land management” is used in this study to describe decision making by the owners of the land about the use and enjoyment of land. The term “land” includes land parcels and buildings attached to the land. Land management, including the management of State owned land, can be both the direct use of that land by State agencies, or the leasing of State land by the State to private holders of the land and the supervision of those leases by a State agency. State land management functions also include the acquisition of private land for public purposes, sale, dealing with informal settlement, use of state lands etc.

The term “ State land management” has some elements of real estate management but covers a much wider scope and describes the responsibilities cast on governmental agencies managing state owned land. The management responsibilities require that the agency concerned has an effective management structure to identify, evaluate, conserve, distribute and manage state land so that they may be utilized on a sustainable basis to the greatest national advantage. Identification means the ability to identify and demarcate state-owned lands as opposed to private lands. Evaluation covers the area of competence to evaluate the capability of land parcels so identified, to satisfy the competing demands emanating from differing sectors of the economy and to prioritize use through land capability assessments. Conservation means the ability to identify the protection and preservation needs within those state lands based on pre-determined criteria. Distribution includes the efficiency with which the agency is able to release/sell such land in the open market or select recipients, provide infrastructure where needed, demarcate land parcels, valuation of land parcels, ensure conformity with planning requirements and issue of legal instruments with the least possible delay. Management primarily entails the effective implementation of the regulatory aspects governing such land, prevent/discourage encroachment, regularization of encroachments, relocation and resettlement where required, review of valuations when required, ensure conformity with terms and conditions under which state lands are given, including review and recovery of rents due at the appropriate time.

The term “land administration” is used to mean the processes of recording and disseminating information about ownership, use and value of land (a United Nations definition).

1.2. Methodology

The study adopted a process of research and consultations that employed variety of methods and research procedures. These included the following:

- (a) Review and re-analysis of past studies
- (b) Review of policy statements of Government covering the subject area of state land, its management and administration
- (c) Review of strategic plans
- (d) Use of a questionnaire and guided interviews with relevant officials
- (e) Unstructured interviews
- (f) Collection of data available within the agency
- (g) Meetings with officers of related agencies

Persons met during the course of the study are given in Annex D.

1.3. Land Use Policy and Administration Project (LUPAP)

The Government of Trinidad and Tobago (GOTT), with the assistance of the Inter-American Development Bank is presently implementing the Agriculture Sector Reform Program (ASRP). The main components of this program are:

- (i) Land Use Policy and Administration Project (LUPAP)
- (ii) Agriculture Sector Policy and Administration
- (iii) Agribusiness Development and Rationalization of State-owned Enterprises

This study comes under the Land Use Policy and Administration Project (LUPAP), the objective of which is to assist the Government in its effort to shift land policy to become more open, accessible, forward looking and market oriented. Specifically the LUPAP will assist the Government in streamlining the institutional framework for further investments in agriculture.

1.4. Study Objectives and Scope

The study focuses on the Commissioner of State Lands to assist him to better manage State land and the staff assigned to him. This means assistance with developing a clear strategy for more modern management facilities and procedures, and for having a better ability to meet the legal, procedural and administrative demands of the position and its co-ordination. The study which is an initial assessment, clarifies the responsibilities of the office that the Commissioner holds and attempts to:

- (i) define the main problems he faces
- (ii) assess the existing staff and facilities capabilities with dealing with these problems
- (iii) explore and develop linkages between offices he has to work with
- (iv) develop proposals for improving the efficiency of the office in the use of their available resources, particularly in the management of leases; and
- (v) outline proposals for improving the efficiency and effectiveness of the office in meeting his legal responsibilities with land management

1.5.Overview of State Land Resources

Trinidad and Tobago possesses a total land area of 512,600 hectares. Overall, 52% of this land area is owned by the state. In the island of Trinidad, 126,490 hectares or 47% of State lands are under forest cover and protected by law from indiscriminate use. The corresponding area of constituted forests in Tobago amounts to 3,930 hectares. State lands other than constituted forests cover 129,288 hectares in Trinidad and 3,665 hectares in Tobago. This broadly represents the extent of land resources available to the State for promotion of productive activity and generation of income and employment. (1)

The state has the responsibility to manage this large estate, preserve where needed lands for posterity, promote development of land for various purposes, determine the competing demands of the various sectors, be they agriculture, industry, commercial, housing, forestry, wildlife conservation or tourism. As mentioned, a large percentage of land is under state control. This makes it incumbent upon the State to erect an institutional structure by virtue of which land resources may be located, evaluated, conserved and distributed so that they may be utilized on a sustainable basis and to the greatest national advantage.

The agricultural utilization levels have contracted over the years as shown by the Agricultural Census of 1982 with total cropped area falling to 18.5 percent (107,400 hectares) from 131,862 hectares as recorded in the Agricultural Census of 1963. The figures indicate a loss of agricultural land to other uses, particularly, housing, industrial and commercial activity. In addition, there is significant occurrence of cropped area being abandoned or semi-abandoned. At the same time, holdings of less than five hectares have increased (1). The 1998 Quarterly Agricultural Report shows a marked decrease in the extents under food crops. Moreover, there is increased incidence of squatting on State land. The large sum due as arrears of rental and the inordinate variation between the actual revenue collected from State lands and the Estimates of Revenue indicate clearly that the governmental machinery entrusted with regulatory aspects is not functioning at the level expected.

1.6. Declared Land Policy of Government

A new land policy document issued by the Government on November 19, 1992 aims to maximize the benefits the community derives from national land resources, with seeking a balance between current gains and sustainable development. It identifies the following as the general policy goals:

- (i) preventing prime agricultural land from being subjected to non-agricultural use by instituting a system of land zoning
- (ii) the provision of adequate security of tenure to tenants of State lands
- (iii) the discouraging of land speculation and the taking of steps to bring idle land into production;
- (iv) the promotion of development that is sustainable economically, socially and ecologically

This policy document advocated the reform of the institutional and administrative framework of existing institutions. It proposed the establishment of a National Land Information System, restructuring of the Lands and Surveys Division, the establishment of a seabed advisory committee, strengthening of the existing land use zoning system, arresting fragmentation, and the improvement of State Land Data Base. It also developed a criteria for distribution of state lands, the general and special terms and conditions of leases and a “Summary of Land Disposal Policies of the State and its Agencies” to bring about inter-agency harmonization. In addition, it identified initiatives required to bring about changes in the legislation to facilitate implementation of and provide support for the policy and institutional changes proposed earlier.

1.7. Chronological Transformation of the Land and Surveys Division

“The Division was first headed by the Crown Surveyor and in 1922, the first Surveyor General was appointed. This post was subsequently changed to that of the Director of Surveys and Sub-Intendant of Crown Lands. Up to 1960, the Director of Surveys was responsible to the Minister of Agriculture and Lands for survey matters and to the Governor who was the Intendant of Lands, for Crown Land matters. There was also a Director of Surveys Ordinance that governed the activities of the Director of Surveys.

In 1959 during the re-organization of the Public Service, a decision was taken to separate the Lands function from the survey function. The post of Commissioner of State Lands was created and classified but never filled and apart from a few structural changes within the Division, the old model continued to operate. When the State Lands Act was revised in 1980, Legal Notice No. 19 of 1980 was published to empower the Director of Surveys to carry out the legal and administrative functions of the Commissioner.

The duties of the Commissioner were appended to those of the Director of Surveys without any reclassification of the post of Director of Surveys.

In 1987, a committee was appointed by the Minister of Planning and Mobilization to conduct a comprehensive management audit of the Lands and Surveys Division. This Committee recommended a restructuring of the Lands and Surveys Division including the setting up of a Land Resources Management Division to carry out State Land Administration functions of the Lands and Surveys Division. Cabinet accepted the recommendations of the Committee in 1986 and a team was appointed by Cabinet in 1991 to implement the decisions. The Team did not complete the exercise.” (2)

In August 1994, the Cabinet was asked to consider and approve proposals for the transformation of the Land and Surveys Division. This paper drew on the diagnoses and analyses of a series of in-depth studies on land management and administration undertaken in the past. A major conclusion was that the Lands and Surveys Division is neither structured appropriately nor provided with sufficient resources to carry out the responsibilities assigned to it. The Cabinet agreed to the restructuring including separation of the functions of the Director of Surveys for surveying and mapping from those of the Commissioner of State Lands for estate management and to the future establishment of a Land Management Authority. However, the separation of functions did not occur and the Land and Surveys Division continues to function in its original form and without adequate resources to carry out the responsibilities entrusted to it, particularly in the Land Section of the Division.

1.8. The Structure of the Study

The study on the Commissioner of State Lands will in the first instance review past land management studies pertaining to the role of the Commissioner of State Lands and also make an in depth assessment to:

- (a) determine what the Commissioner of State Lands is required to do by law or stated purpose
- (b) develop indicators how well the agency fulfills its mandate
- (c) describe the financial, technical and staff resources which he possesses
- (d) describe the unit cost of land management activities, financially and in time
- (e) describe the use of land information used in each of the activities of the agency
- (f) availability of training resources to staff
- (g) what extent State land management policies administered by the agency is in conflict with those administered by other agencies
- (h) the input that this agency provides to the formulation of state land management policies

1.9. Summary of Findings and Recommendations from Previous Reports

The findings and recommendations of past studies are summarized below. A list of studies and documents reviewed are given in Annex C. We explore and expand these findings in the following chapters.

Land Tenure and the Management of Land Resources in Trinidad and Tobago
Research Paper No.115 Land Tenure Center, University of Wisconsin-Madison (3)

- (a) The management system concerning leaseholds granted by the Commissioner of State Lands is deficient
- (b) The administrative responsibilities for managing state lands are fragmented among various agencies and suffer from a lack of coordination
- (c) The State has allowed its tenants to accumulate outstanding rents now totaling many millions of dollars

- (d) It is impossible to determine the number of functioning and valid leases from the records system as presently organized within the Lands and Surveys Division
- (e) The inadequacies of the land administrative system induce lessees simply to transfer their rights to the land to their heirs or to other people, without following the prescribed procedure
- (f) When leases expire, the system in place for renewing or reassigning the lease does not respond to such events
- (g) Substantial proportions of state lands are at present occupied by people who have no documentation of their personal rights to the land

Land Tenure and the Management of Land Resources in Trinidad and Tobago
 Research Paper No.116 Land Tenure Center, University of Wisconsin-Madison (4)

- (a) The information concerning leases, grants, acquisition, and supervision of state land is generally not up to date and is, in some instances, inaccurate
- (b) Inquiries to the division concerning the status of parcels of state land and the leases or grants of those parcels require too much time for generating satisfactory responses
- (c) There is inadequate surveillance of quarries and deposits of quarrying materials, resulting in many illegal and environmentally damaging quarrying operations
- (d) The system for filing and retrieving information concerning the status of leases, grants, and acquisitions is deficient, resulting in substantial arrears of ground rents and a lack of information concerning who has what right to which state lands
- (e) There is inadequate land administration technical staff. Particularly lacking are legal officers to advise the Director on legal matters as well as to identify and approach defaulters. Also wanting are estate managers to provide overall surveillance of leases to identify non-compliance with the terms of the leases and to identify land not presently being used which could be assigned for productive use
- (f) Cabinet should approve a land policy for the management of state land, including land held by statutory bodies, stating policies for urban and rural squatting; for the distribution of state land through grants and leases, including the mechanism for calculating rental and sale prices; for the subdivision of land parcels; for changing land use; and for other matters as Cabinet deems appropriate
- (g) A new land administration information system should be developed for all lease of state lands
- (h) Reshape the agency through organization of records; a field registration manual; upgrade personnel including valuers and legal officers, and training of patrollers and inspectors; a new procedures manual for implementing the new policy

Land Records Management Project – User Requirements Analysis (5)
R A Baldwin and F Reyes 25th April 1996

- (a) The procedures within Lands and Surveys for the processing of state leases are inadequate, and the weak work flow management is a major contributing factor to the stagnation and delay involved in processing applications
- (b) Recommends a complete review of all stages of the processing of state leases, application procedure is critically examined, streamlined, and a proactive management strategy is adopted
- (c) Suggests the introduction of a strong workflow management system which will give information concerning individual cases, classes of application, and statistical information for management purposes
- (d) There is no procedure for tracking or registering the progress of an application, and applications can take years to process (excess of five years is not unusual)
- (e) Recommends the establishment of a well-defined land management unit with required human, information technology, training and physical resources.

Lands and Surveys Division Strategic Plan 1999-2003 (6)

- (a) Extensive responsibilities of Commissioner of State Lands have been placed without adequate resources
- (b) The Director of Surveys has no qualified estate management nor legal specialists, and has to deploy a large portion of his own time and that of his Land Surveyors on the land section which is detrimental to other work
- (c) Considerable liaison is necessary with other Government agencies
- (d) There are around 30,700 active files relating to leases of State land, and a serious backlog is apparent
- (e) Charges for State leases and transactions are fixed in the Provisional Collection of Taxes Order (No.2) of 1992. Suggests that charges be increased
- (f) Need for better intelligence about change on the ground that need to be captured through Inspectors of State Lands
- (g) Implement a new PC based property management system
- (h) Replace the Land Surveyors employed as County Officers with suitably qualified Administrative Assistant staff
- (i) Implement a computerized system to accelerate the acquisition process

Strategic Plan for the Lands and Surveys Division and the Hydrographic Surveys Unit 1992-1997 (7)

Strategic directions that relate to land management contained in this plan are as follows:

- (a) Revenue portfolio to be reorganized and computerized
- (b) To establish training, retraining programs
- (c) To undertake a cost benefit analysis and establish priorities for a Management Information System

- (d) To obtain clear directives with respect to the development of a National Land Information System
- (e) A detailed system design study
- (f) The development of a comprehensive policy on State Land Administration
- (g) To implement a property management system
- (h) Train members of staff in Estate Management
- (i) To develop a training program for the Inspectors of State Lands and the assistant Inspectors of State Lands

References

1. A New Administration and Distribution Policy for Land- Ministry of Planning and Development. 19th November, 1992 p.1-3
2. Strategic Plan for the Lands and Surveys Division 1992-1997 p. 6-7
3. Land Tenure and the Management of Land Resources in Trinidad and Tobago Research Paper No.115 Land tenure Center, University of Wisconsin- Madison
4. Land Tenure and the Management of Land Resources in Trinidad and Tobago Research Paper No.116 Land tenure Center, University of Wisconsin- Madison
5. Land Records Management Project – User Requirements Analysis
R A Baldwin and F Reyes 25th April 1996
6. Lands and Surveys Division Strategic Plan 1999-2003
7. Strategic Plan for the Lands and Surveys Division and the Hydrographic Surveying Unit 1992-1997

Chapter 2. Organizational Structure of the Commissioner of State Lands

This chapter presents the current organizational structure of the Commissioner of State Lands under the Ministry of Housing and Settlements. It provides an insight to the statutory responsibilities entrusted to the Commissioner, the organization structure, organizational arrangements, main functions and activities and the resources made available to deliver the services

2.1. The Statutory Responsibilities of the Commissioner of State Lands

The statutory responsibilities entrusted to the Commissioner of State Lands include (1):

- Administration, management and protection of State Lands
- Preservation of order on State lands
- Prevention of squatting and encroachment
- Settlement and allotment of State lands and the laying out of village lots
- Collection of rents of lands belonging to the State
- Issue of mining and other leases and licenses
- Surrenders of leases and licenses
- Grants of rights and liberties over the foreshore or lands under territorial waters, or for reclaiming of lands from the sea
- Any instrument dealing with or affecting any other right or interest in State lands
- Land Acquisition

Even though the statutory responsibility for the management of State lands resides in the Commissioner of State Lands, the management functions are now scattered amongst several agencies, through statutory responsibilities enshrined in their respective mandates. “State Land” includes land held by these agencies or any other land transferred to the State from time to time by any State Agency, including the Commissioner of State land. The State Agencies involved in the management of State land are as follows:

- Ministry of Housing and Settlements
 - Commissioner of State Land
 - Land Settlement Agency
 - National Housing Authority
 - Sugar Industry Labor Welfare Committee
 - Urban Development Company of Trinidad and Tobago
- Ministry of Agriculture, Land and Marine Resources
 - Land Administration Division
 - Forestry Division
 - Caroni (1975) Ltd.
 - Non Pareil Estates Ltd.

- Tobago House of Assembly
Dept. of Land Management Services
Dept. of Natural Resources
Division of Settlements, Tourism and Information
- Ministry of Public Administration
Property and Real Estate Division
- Ministry of Energy
PETROTIN
- Ministry of Planning
Chaugaramas Development Authority
- Ministry of Local Government
Local Government Units
- Property and Industrial Corporation of Trinidad and Tobago (Subsidiary of TIDCO)
- Port Authority of Trinidad and Tobago
- Public Transport Services Corporation
- Point Lisas Industrial Port Development Company

In addition to the numerous agencies mentioned above handling state land management, there are other agencies that support the implementation of the land work carried out. The Commissioner of State Land needs to obtain the services of these agencies and therefore has to maintain strong linkages with these institutions to function effectively. They are as follows:

- Land Registry of the Registrar General Department of the Ministry of the Attorney General
- Director of Surveys, Ministry of Housing and Settlements
- Valuation Division, Ministry of Finance
- Chief State Solicitor, Ministry of the Attorney General
- District Revenue Offices
- Interim National Physical Planning Commission and Town and Country Planning Department, Policy Research and Development Institute (PRDI)
- Environment Management Agency

2.2. Organizational Structure

The Lands Section of the Lands and Surveys Division functions under the direction of a Supervising Officer. Under the Supervising Officer, there are five Land Officers. Work is divided mainly by way of counties among four of the officers. The fifth handles the subjects of land reclamation, quarrying and mines. They are:

- St. George West
- St. George East, St. Andrew, St. David
- Caroni, Nariva/Mayaro, Tobago
- Victoria, St. Patrick
- Land Reclamation, Quarries and Mines

An Administrative Officer heads the Land Acquisitions Unit of the Section, supported by five Title Clerks. Details are given under 2.13.

The work in the land section involves the following:

- Processing new leases, renewals and other tenancy agreements
- Regularization of breached tenancies and advisory notices served on tenants in breach
- Preparation and Registration of State Grants
- Grant of consents for transfer of leases, assignments and mortgages
- Approval of Building Plans on state lands
- Acquisition of private land for public purposes
- Matters pertaining to land reclamation, mines and quarries
- Resolution of land disputes

2.3. Organizational Arrangements - Field Operations

The field organization is under 4 Field Inspectors and 8 Asst. Inspectors. These officers are assisted by 48 Patrolmen. The applications for new leases, renewals or transfers received by the Lands Section are redirected to these field inspectors on a weekly basis. They are expected to report to Head Office every Friday of the week. On this weekly visit, they hand over the status reports/site inspection reports and also collect the new applications for inspection. The report does not follow a standard format but is handwritten, covering their findings after site investigation and checks made at the Revenue Office. The Land Inspectors, in the case of renewal of Leases have to ascertain whether Rents and Taxes have been paid as well as charges for water/sewerage to WASA. This is done through the Patrolmen under them who are expected to check the records found in the Revenue Office. They make a record of all unpaid dues and the applicant has to settle all dues before s/he is permitted to proceed with the application. In the case of breaches of the Terms and Conditions of the lease, the Inspectors have to report on the type of breach to the Head office. Once such breaches are reported, the Head Office is expected to send a notice to the party quoting the clauses of the Terms and Conditions of the lease that have been breached. The workload depends on the geographical location and the types of problems that are encountered and varies from 7 to 35-40 cases a week referred to them for reporting. The problems they encounter range from illicit immigrants from

neighboring islands to land speculators, and genuinely poor people who encroach on state land for survival. They are expected to prevent squatting on state land but recent policy and legal changes on squatting have made it extremely difficult for them to take a hard line. It appears that the general public believes that encroachment is a quicker path to obtaining state land and that they will be able to get the State to regularize their encroachments over a period of time. In addition, at times the Inspectors have to attend Courts to give evidence on cases on illegal occupation etc. of state land. However, they have had no formal training in court work and more often, are not supported by any State Attorneys. The outcome is that the State is not able to prosecute offenders in an effective manner.

2.4. Alienation of State Land

The process of alienation of state land begins with an application for land by an applicant. There is no set application form provided, but the applicant is expected to provide sufficient information to enable identification of the parcel of land. A status report is prepared verifying whether the land belongs to the state or not. This application is referred to the Town and Country Planning Division to enable them to determine whether the prospective development is in conformity with the zoning and planning requirements. The Inspector of State Lands attached to the Commissioner is directed to verify on the ground whether the identified plot is without any encumbrances including occupation by other parties. Dependent on the location, other governmental agencies have to be referred to, such as the Drainage Division of the Ministry of Works, Airports Authority, Highways Authority, Environmental Management Authority etc. In regard to plots of land coming under reclamation and sea-bed leases, the responsibility is presently entrusted to the West Coast Master Plan Committee for the determination of suitable lessees for industrial use. At the application stage, the matter is referred to the Commissioner of State Lands to determine the ownership status of the identified plot. Similarly, applications for Mines and Quarries are referred to the Quarries Advisory Committee chaired by the Permanent Secretary of the Ministry of Energy. Details are furnished under sub-section 2.11.

2.5. Process for New Leases

Application by prospective lessee→Site Inspection→Status Report→T&CPD or any other relevant Agency approval→Referred to Valuation Div.→Letter of Offer to Applicant→Letter of Acceptance from Applicant→P.S. for Note to Cabinet→Cabinet Decision→Request D/L&S to nominate a private surveyor→Issue of Survey Order→Plan preparation→D/L&S approves plan→Issue instructions to Chief Solicitor to prepare lease→Collection of fees→ Execution of Lease→Registration of Lease with Registrar General→Issue copy of Lease to Revenue Office

The letter of offer to the applicant provides the Terms and Conditions of the Lease. Options are given on the financing terms, either to lease for 199 years by paying the premium up front, which would be the market value of the property. The other option is to lease for a 30 year period with renewal for a further 30 years at a percentage of the market value of the land. The majority prefers to opt for the 30 years lease as it provides

for an annual rental. The annual rental is calculated on a pre-determined percentage of the market value and is as follows:

- Agriculture 2%
- Commercial 5%
- Industrial 5%
- Residential 3.5%

2.6. Process for Renewals

Same as above, except that the original plans are made use of, if there have been no changes in the boundaries.

Application by Lessee → Site Inspection → Referred to Valuation Div. (if rental has to be reviewed) → Letter of Offer to Applicant → Issue instructions to Chief Solicitor to prepare lease → Collection of fees → Execution of Lease → Registration of Lease with Registrar General

2.7. Process for the Grant of consents for transfer of lease, assignments and mortgages

Application by Lessee → Site inspection for breach of conditions in the original lease → Issue of consent → Preparation and registration of transfer/assignments/mortgages by private attorneys-at law employed by the applicant/transferee

2.8. Process for the Issue of a State Grant in Ownership for National Housing Authority Parcel Holder in specified areas agreed to by Cabinet

Application for Grant → The Drawing Office in Lands and Surveys Division draws parcel on 3 Grant Forms → Officer in Charge of the Drawing Office checks forms → D/L&S approves → Boundary Information inserted to Grant Forms → Forwards to P/S → P/s forwards to President → Back to the Ministry → back to L&S → L&S enquires about indebtedness of applicant from NHA → If not indebted informs applicant to deposit stamps for registration → Affixes stamps → D/L&S initials Forms → Forwards to Registrar-General → Registrar-General checks and registers Grant and provides Registered No. to Clerk → D/L&S informs Applicant to Collect Grant from Registrar-General

If indebted NHA prepares Deed of Mortgage in favour of Lender → Registers Deed of Mortgage → Deposits State Grant Forms and Mortgage at the Registrar-General's Office → Applicant collects Grant and Mortgage

The issue of Grants for those occupying housing lots of the National Housing Authority is confined to five sites. They are:

- (a) Barataria
- (b) Malick
- (c) Mt. Hope
- (d) Bon Accord- Tobago
- (e) Pleasantville

The volume is in the region of 15 Grants for a month, with the annual issue of approximately 180 Grant documents. It takes 3-6months to complete this operation and plan drawing of the parcel on three Grant Forms takes the most amount of time.

2.9. Procedure on receipt of Lease Document from Chief State Solicitor

The officer in charge of leases, on receipt of the lease from the Chief State Solicitor sends a Memo to the relevant District Revenue Office to collect the rent on the lease as determined. The lessee is informed to collect the lease document. The lessee has to show proof that he has paid the rent due to the Revenue Office and also has to pay a Processing Fee to the Commissioner of State Lands on the following basis.

Residential	\$ 200
Agriculture	\$ 100
Industrial	\$ 500
Commercial	\$ 500

In the case of leases for lands vested in the Housing Authority, one copy of the lease is sent for their records. Office copies of these leases are bound and kept in alphabetical order and with an Index. If there is a subsequent change of lessee through gift, transfer etc. cross-reference is given to identify the new lessee of the property and to enable location of the lease. A copy goes to the Drawing Office of the Surveys Section to enable them to make note of the lease number in their plans, so that all plans will have a cross reference to the particular lease. Building Plans on state land too have to be referred to the Commissioner of State Lands and approval obtained as it is necessary to determine beforehand whether the lessee has contravened any of the Terms and Conditions of the Lease during the interim period. An amount of \$ 250 is charged for processing such applications.

The officer in charge of leases also looks at leases sent back by the Chief State Solicitor to ascertain whether there are any errors. If there are errors of a material nature, such leases are sent back for purposes of rectification, as they have already been registered. However, such errors as wrong revenue office address is corrected through administrative action and referred to the relevant office.

Data on the number of registered deeds received from the Chief State Solicitor from 1994 to 1999 is given below. However, it should be noted that the pace of receiving registered deeds from Chief State Solicitor has improved considerably in 1999.

Year	Number of Registered Deeds of Lease Received
1994	144
1995	159
1996	158
1997	175
1998	133
1999	271

Out of this total, the data pertaining to new leases and renewals for the past three years are given below:

Year	New Leases	Renewals	Total
1997	83	92	175
1998	50	83	133
1999	107	164	271

It appears that the whole process of issue of a new lease or a renewal of a lease takes a period of 2-3 years at the least. The rapid appraisal of a sample of files with the Commissioner of State Lands (Annex A) shows that the period taken to complete this operation extends to over 5 years in the average. This finding is further confirmed by the User Requirements Analysis (p.68). In 1999, the processing of leases and plan preparation has shown some progress. The Valuation takes approximately 3 months on average. Assents, assignments too go through the process of status reports, to determine whether any of the terms and conditions has been breached. However, these take a short period of time.

2.10. Lease Management System

The User Requirements Analysis conducted for the Land Records Management Project in April 1996 has indicated that “the procedures for the processing of state leases are inadequate, and the weak workflow management is a major contributory factor to the stagnation and delay involved in processing these applications”. This report recommends that a complete review of all stages of the processing of state leases is undertaken, the application procedure is critically examined, streamlined, proactive management strategy is adopted, and a strong workflow management system is introduced.

At present, an attempt is being made to collate data on new leases. However, there is no automated system that would provide information as to the number of leases issued, their dates of renewal, whether rental has to be reviewed at regular intervals and such other data. Unless this information is pieced together, there is no way to determine the amount due by way of lease rental each year and the defaulting lessees. No action can be pursued against defaulters until it is brought to the notice of the Commissioner by the lessee. The lessor has the full responsibility to inform the lessee in time to make payments due from him. This is a totally unacceptable position and needs to be remedied.

2.11. Quarries and Mines

One Land Officer is entrusted the responsibilities pertaining to the issue of licenses for quarrying and for land reclamation. The issue of licenses for these purposes is mandated through the State Lands Act and is a duty cast on the Commissioner of State Lands. A Quarries Advisory Committee was established in 1972 to act in an advisory capacity to the Sub-Intendant of State Lands. In 1976 this Committee ceased to function. In January, 1977 the Cabinet re-established the Quarries Advisory Committee with the following:

- (i) The Sub-Intendant of State Lands (Commissioner of State Lands) (Chairman)
- (ii) Chief Geologist, Ministry of Petroleum and Mines
- (iii) A representative of the Ministry of Works, Transport and Communications
- (iv) The Chairman, Pollution Control Council
- (v) The Director, Town and Country Planning
- (vi) The Conservator of Forests
- (vii) The Supervisor of Lands and Surveys (Secretary)

Subsequently, The Permanent Secretary to the Ministry of Energy became the Chairman, replacing the Commissioner of State Lands. The present composition of the Quarries Advisory Committee is as follows:

- (i) Permanent Secretary, Ministry of Energy (Chairman)
- (ii) Director, Land and Surveys
- (iii) Director, Town and Country Planning
- (iv) Environment Management Authority
- (v) Drainage Division, Ministry of Works
- (vi) Factory Inspector
- (vii) Forestry Division
- (viii) Tobago House of Assembly

Quarries on private lands are dealt with by the Director of Town and Country Planning. However, both state and private land quarries are listed for discussion at the Quarries Advisory Committee. The quarries portfolio has been seriously neglected over the years. The Commissioner of State Lands does not have the resources or the technical competence to make any determination. At present, the interim procedure that is followed for the allocation of new quarry blocks to applicants other than Government Ministries is as follows:

- (a) When the Minister of Energy and the Commissioner of State Lands have determined an area subject to competitive bidding, a public notice is issued. All the preliminary investigations and surveys are conducted by the Geological Survey prior to this event
- (b) The Ministry prepares the Tender Documents and receives bids for each Block. Once the Tender Board decides on the individuals or companies selected for removal of materials, the recommendation is submitted to the Cabinet for approval.

- (c) The Commissioner of State Land is expected to issue a license in terms of the provisions of the State Land Act at that stage.

However, the Commissioner of State Lands has so far not issued licenses as all unpaid royalties have to be settled before the issue of a license. It appears that those selected members of the industry owe large sums of monies in unpaid dues. In the meantime, the operation of quarries continues. The total arrears of revenue from royalties for quarries as at 30/9/1998 have been identified as 8,429,798. Moreover, the royalty has been fixed based on the average selling price of the material and therefore should be reviewed from time to time. This has not been done for quite a while causing an additional loss of revenue to the Government.

A list of quarry operators that have been active since January 1, 1996 and ongoing as at October 22, 1999 is given below:

Location	Number of Operators
St. Andrew/St. David	13
St. George East	8
St. George West	1
St. Patrick/Erin	4
Caroni/Victoria	9
Tobago	1
Mayaro/Nariva	1
Total	37

2.12. Land Reclamation

Reclamation of Land is governed by Sections 3(1), (2), (3) of the State Lands Act, wherein the authority to issue licenses is vested with the Commissioner of State Lands. In 1984, due to large number of illegal reclamation that were taking place, the Cabinet decided to appoint a multi-disciplinary committee. This committee was chaired by the Commissioner of State Lands. Agencies represented on this Committee were

- (i) Director of Maritime Services
- (ii) Drainage Division of the Ministry of Works and Transport
- (iii) Town and Country Planning Division
- (iv) Valuation Division of the Ministry of Planning and Development
- (v) Institute of Marine Affairs, Office of the Prime Minister
- (vi) Solicitor General Department of the Ministry of the Attorney General and
- (vii) Environmental Management Authority

A new policy statement for Land Reclamation was prepared by this committee. In 1998, the Cabinet decided to disband this committee, and entrusted the responsibility to the West Coast Master Plan Committee. The members of this Committee are as follows:

- (a) Chairman, INPPC
- (b) CEO, UDeCOTT
- (c) Chairman, Town & Country Planning Advisory Panel and
- (d) Director, Town and Country Planning

At their first meeting in September 1998, this committee decided to co-opt the Commissioner of State Lands, the Environmental Authority and the Institute of Marine Affairs as members. The committee does not have any secretarial support as yet. However, projects of national urgency are being processed at present.

From the above, it is clear that there is considerable erosion of the powers and authority of the Commissioner of State Lands, in regard to the subjects of Mining, Quarries and Land Reclamation. Moreover, the Commissioner of State Land does not possess the technical expertise within his establishment to process any of the applications pertaining to quarries, mines or reclamation. The present practice of getting the processing of applications for quarries and mines done at the Ministry of Energy appears to be the only available option. However, an early decision has to be made to address the questions of revision of royalties, recovery of unpaid dues and to the requirement to carry out environmental impact assessments prior to approval being granted for any project. Similarly, the composition of the West Coast Master Plan Committee may have to be expanded to include those with the required expertise in the area of reclamation. Provision of secretarial support too needs attention.

2.13. Land Acquisition

The acquisitions unit established under the Lands Section is charged with the responsibility of implementing the provisions of the Land Acquisitions Act No. 28 of 1994. This Act enables the State to take possession of private land from its owner by way of a compulsory acquisition and pay compensation for the property. Alternatively, the State, may acquire the desired land by a private arrangement with the owner. This is referred to as the private treaty acquisition, under the 'shadow' of compulsory acquisition so that the benefits spelt out under the Act are granted to the private owner as if it were a compulsory acquisition.

The procedure is as follows:

- (i) The State Agency which requires land furnishes information relating to:
 - (a) the purpose for which the land is required
 - (b) a location on the Ward Sheets of the parcel of land
 - (c) outline planning approval of the Town and Country Planning Division for intended use
 - (d) estimated cost of the purpose
- (ii) The Commissioner of State Lands requests the approval of the Cabinet to pursue compulsory acquisition

- (iii) If Cabinet approves, Section 3 Notice is published which allows the State to enter the property to undertake tests and cadastral surveys.
- (iv) If the tests show that the land is not suitable, Section 8 Notice is published abandoning the acquisition.
- (v) If the land is found suitable, Section 4 Notice is published which allows the State to execute the project pending formal acquisition; and for the land owner to submit claims for advance payment of compensation. He can be paid up to 80% of the Commissioner of Valuations' estimate of compensation
- (vi) Section 5 Notice is published vesting the acquired lands in the State. This requires the approval of Parliament. The date of publication is the official date of the acquisition. Land owners have to submit claims to the Commissioner of State Lands for compensation
- (vii) A claim of compensation must be submitted to the Commissioner of Lands not later than one year after the publication of the Notice under Section 5.
- (viii) Claimants must supply proof of ownership
- (ix) In a private treaty acquisition, negotiations are conducted to agree on the quantum of compensation and the provisions of the Acquisitions Act apply

In order to handle the work of acquisitions, an Administrative Officer heads the unit supported by five Title Clerks. They handle the work on a county basis. A Clerk II assists the work of the Unit. The survey order to survey the property is issued by the Supervisor, Surveys after Section 3 Notice has been published. The work is carried out by government/private surveyors. Payment for the survey is made from the Land Acquisition Vote. Once the survey plan is ready, a request for valuation is made. Two valuations are obtained. The first an interim valuation when Section 3 Notice is published and the Final value after Section 5. This is required as the Cabinet and the respective Agency of Government should know the approximate financial commitment on account of the proposed acquisition. If there is a case that is determined as of National Interest, Section 5 is published, vesting the land in the State, immediately after the publication of the Section 3 notice. Several institutions play major roles in acquisitions. The Chief State Solicitor must determine who should receive compensation from the claims received.

The User Requirements Analysis conducted for the Land Records Management Project in April 1996, states that the average time taken for completion of a land acquisition is 7-15 years. The rapid Appraisal of the files of the Acquisition Unit (Annex A) further confirms this finding and the study shows that the average time period taken to complete the activity is around 10 years.

The User Requirements Analysis has data on the subject, which is reproduced below. The following table records the number of applications made during the period 1991-1995 and also the number that have been completed.

Year	No. of Applications	No. of Applications Completed	Payment Finalized
1991	10	71	TT\$8.6 million
1992	3	20	TT\$2.0 million
1993	17	32	TT\$3.0 million
1994	3	38	TT\$9.8 million
1995	12	33	TT\$10.0 million

The same study provides a Summary of Acquisitions for the period 1971-1996

Purpose	No. of Acquisitions	Outstanding	% Completed
Community centers	27	14	48
Cemeteries	14	7	50
Health	22	10	55
Housing	15	11	27
Market sites	6	2	66
Miscellaneous	162	99	39
Recreation grounds	96	65	32
Roads	178	121	32
Schools	55	30	45
Water & Drainage	20	17	15
Total	595	376	Average 40

The position regarding new applications and the completed acquisitions for the period 1996 to 1999 is given below.

Year	No. of New Applications	No. Completed	Budgetary Allocation	Actual Release	Total Expenditure	% Utilized
1996	4	40	10 Million	7,581,701	5,438,774	71%
1997	7	46	10 Million	8,073,066	4,484,827	55%
1998	8	20	8 Million	4,400,475	4,302,353	98%
1999	20	21	8 Million	7,090,881	6,375,244	89%

There is an improvement in the utilization of monies allocated for payment of compensation in the year 1998 (98%) and 1999 (89%). However, the variance between the budgetary allocation and the amount of actual release has to be overcome. The backlog of outstanding acquisitions has to be dealt with.

2.14. Process of Acquisition

State Agency applies to D/L&S → Preliminary valuation → D/L&S seeks Cabinet approval → Section 3 Notice published → Survey Order issued → Two months after Section 3 Notice, Section 4 Notice is published → Land Owner submits claim for advance payment of compensation → Chief State Solicitor determines to whom compensation should be paid → Section 5 is published vesting land in the State → Compensation is paid → Copy of Section 5 Notice filed with Registrar-General

2.15. Procedure followed by Surveys Section

The work undertaken by Lands Section is dependent on the outcome of the conduct of surveys, the speed of preparation of plans and approval of such plans. It is therefore necessary to look at the procedural steps followed by the Surveys Section. Once a request is made for a Survey Order and a Survey Order is issued, the Section can monitor progress as the information is recorded in the Survey Order Book and also is available on their computer. The data that is available as follows:

- (a) Survey Order Number
- (b) File No.
- (c) Description
- (d) Ward and County
- (e) Date Order Issued
- (f) Overall Work- for whom
- (f) Date of Plan Submission by Surveyor
- (g) Date Plan sent to Checking Staff
- (h) Date Plan sent to Director of Surveys for approval
- (i) Date approved

The officer in charge of survey orders maintains this data very well to monitor progress. They have commenced issuing warning letters to surveyors from 1999, and it appears that there is remarkable improvement in the performance compared to the previous years. If this record that is maintained manually can be computerized, it will facilitate further closer monitoring and provide the surveys section added advantage to manage survey orders more efficiently.

However, it should be noted that there are several factors that tend to delay the process. Other than for Acquisitions, the selection of a Surveyor for the work is a matter left in the hands of the applicant for land and payment for the services is also made directly by the applicant to the Surveyor. The Director does not play any role in it. At times, even after the survey order has been issued, clients appear to be not interested in pursuing the matter. There are instances where private surveyors do not wish to submit plans for approval until they are paid for the services. In the case of acquisitions of private lands, any delay in the payments due to a surveyor may dissuade private surveyors from accepting work from the Division. These factors play a role in the time taken and are not entirely under the purview of the Director of Surveys. However, the position taken by the Director and the Supervisor, Surveys is that if for some reason the private surveyor cannot undertake the survey, he should give reasons and return the survey jacket to the Director of Surveys, without delay. The volume of work of Survey Orders has increased rapidly over the past few years, details of which are given below:

Year	No. Issued	No. of Plans submitted.	No. approved and entered
1989	117	106	97
1990	163	123	98
1991	169	130	104
1992	115	91	77
1993	109	68	60
1994	100	65	56
1995	129	39	20
1996	146	44	68
1997	232	105	99
1998	285	116	156
1999	516	400	317

It should be noted that there is no direct relationship between the number of survey orders issued each year, the number of plans submitted and the number approved as the accumulated figures from previous years gets reflected under plans submitted and plans approved columns. Therefore, one cannot show a percentage of approvals as a reflection of performance. A large increase in the volume of survey orders issued and a marked improvement in the number of plans approved can be seen, as a direct result of closer monitoring.

Four officers at the Red House handle checking of plans submitted by surveyors for their accuracy. This is considered adequate in relation to the volume of work. However, the quality control aspects of this operation may need attention. The numbers sent back for correction of plans are not large. Acquisitions are mostly undertaken through Government Surveyors. Private surveyors are detailed for such work, only if Government Surveyors are not available for the work.. There are 15 surveyors including Graduate and Hydrographic Surveyors in the Cadre. Licensed surveyors attached to the Division are permitted to undertake private work during weekends or when they are on vacation leave.

The strength of the survey profession in Trinidad and Tobago is as follows:

No. in Private Survey Practice	58
No. in Govt. Employment(who can carry out private surveys)	10
No. of Graduate Surveyors	5
Total	73

This strength is considered adequate for the volume of work in surveying in the country.

2.16. Identification of State Lands

The Drawing Office has identified State lands marked in pink covering the entire country on the 1:10,000 sheets. At present, they are engaged in updating the data by inserting information on acquisitions of private lands. This information is obtained from gazette

notifications published in the past. They are hampered in this exercise by not having all the gazette notifications published on acquisitions.

More importantly, it appears that the drawing office is not updating these sheets by including data on leases that have been issued. The Plan Books that are maintained in the Drawing Office does not correspond to each 1:10,000 Sheets. It would be a relatively easy exercise to separate the Plan Books in terms of each Sheet and this would enable easy access to data on a particular parcel of land. At present, the officers have to refer to a number of Plan Books to ascertain the position. Similarly, the leases that have been issued to-date can also be compiled into separate Plan Books based on 1:10,000 Sheets with cross-reference on the sheet itself. This is required as the legend on the 1:10,000 sheet provides for “Leased”, “Rented” and “Allocated” land as well.

2.17. Computerization of the Cadastral Records of the Lands and Surveys Division

The Land and Surveys Division has been mandated by Cabinet Minute #1127 of 1996 to take a ‘lead role’ in the implementation of the National LIS/GIS. A project to computerize the cadastral graphical database is now proceeding and this project seeks to:

- (a) computerize the Division’s cadastral graphical data base which is now held in analogue form
- (b) computerize the Division’s State land records which are at present held in paper files to create a relational database of the attribute data of all State land parcels in the country
- (c) link the graphical and attribute databases created via the assignment of a Unique Parcel Reference Number (UPRN)

The project is funded through the Public Sector Investment Program and is expected to have continued funding support over the next five years. The project output has been identified as a comprehensive graphic database of all the surveyed parcels in the country. The attribute database is expected to provide at a single glance, all data related to the particular parcel under consideration. Technical analyses will be possible on combination with other digital layers.

The benefits of such a system as identified in the project document are as follows:

- (a) determination of squatting on State lands, road and other forest reserves
- (b) more speedy provision of goods and services to clients
- (c) faster processing of land-related matters
- (d) availability of accurate, up-to-date land information on demand
- (e) greater ability to share data with other land mangers
- (f) more informed decision making leading to more appropriate use of the State’s land resources
- (g) greater capacity to institute long-term development and maintenance planning activities
- (h) more effective lease management

- (i) alternate storage of the cadastral records in digital form allowing for easier manipulation and possibility of spatial analysis

The project commenced only in 1998 and has developed very comprehensive data sheets (seven forms) related to each land parcel. This data is valuable as it provides information pertaining to State lands that have been leased out. However, the problem lies with the speed at which the project is proceeding. Up to now only 980 land parcels in Morvant has been computerized and it appears at the present speed, this process will not be completed even within a ten-year time frame. As there is no arrangement for continuous updating of data, the data that will be generated by this project will become outdated. The project, therefore will not help in the short term to bring Lease Management in to some order. Relational database management systems without graphic capabilities (a flat file system) have been found to be quite suitable. A simpler type of automation has to be explored to facilitate the limited needs of the lease management process with linkages to the existing State Agricultural Land Information System.

2.18. Mail Distribution System

The point of receipt of mail at the Land and Surveys is at the Personnel Section, where mail is registered and the mail received concerning land, acquisitions and revenue are sent to Clerk in charge of the Registry. This officer distributes the mail to the relevant supervising officers, namely the Supervisor in charge on all land matters, to the Officer in Charge of Acquisitions on all acquisitions and to the Officer in charge of Revenue. Land matters pertaining to new leases, renewals, assignments, transfers, mortgages etc., are referred to the relevant Land Officers who are entrusted with work of one or more counties. Each land officer has a Correspondence Clerk and a Memo Clerk. The Correspondence Clerks and the Memo Clerks are under the supervision of a Clerk II. The Correspondence Clerk files the correspondence in the relevant file and forwards it to the memo clerk who is expected to initiate action viz. obtain status reports, arrange field inspections/site investigations.

2.19. Filing System

The registry maintains 30700 files under a Clerk II and assisted by two registry attendants. They note or initial the correspondence and send the correspondence to the relevant correspondence clerks who are expected to open files if it is a new case or to locate an existing file, if it is a pending matter. Once the file is located or opened as the case may be, the file is put up to the memo clerk who has to prepare a draft reply, notice or action. The Land Officer has to approve the draft and the approved draft goes to the typists pool. The typist obtains the signature of the Land Officer and the letter/notice is dispatched. The office copy is placed in the file and the file returned to the vault. The vault is organized on a numerical filing system with Movement Cards, which provide information on File Number, Subject, and provide data on location of the file. However, this Movement Card is not maintained properly by some officers using files and therefore the Registry Clerk has considerable difficulty in locating files. All staff officers do not maintain the Movement Card System. The old system of numbering files was to provide a numerical number followed by the year (1320/63). The new system of numbering has three boxes, the first box gives indication of the category, whether agriculture, industry or

housing. The second box identifies the county and the third the location of the land parcel.

2.20. Human Resources - Staff Composition

The Land section currently is staffed as follows:

Head Office

Position	Number
Director of Lands and Surveys	1
Supervising Officer- Lands	1
Land Officers	5
Administrative Assistant (Acquisitions)	1
Clerk (IV) (Lands)	1
Clerk (III) in charge of Leases	1
Clerk II in charge of the Registry	1
Title Clerks	5
Clerk I	6
Checker	6
Clerk/Typists	2
Laborers	3
Handyman	1
Chainman	1
Messenger	1
Total	36

Field Staff

Position	Number
Inspector of State Lands	4
Asst. Inspector of State Lands	8
Patrolmen	48
Total	60

2.21. Qualifications of Staff

The five land officers are surveyors employed to handle land work. One of them has obtained his license while the other four are graduates awaiting conferment of the license. The officers awaiting their licenses are at a disadvantage, as the work experience they gain by working in the Section does not qualify them to obtain the Survey License in terms of the rules. These surveyors have to work with a licensed surveyor for a period of two years before they can present themselves to the written and oral examinations. This causes a lot of heartburn for them as their future is affected on account of their remaining in the system. Moreover, all five officers are on term contracts renewed every 6 months. The question also has to be posed whether the nature of their work requires the skills of a

surveyor. It appears that the work can be executed by experienced Administrative Assistants with some short-term training.

The Supervising Officer is a licensed surveyor by profession.

The Inspectors of State Lands possess General Certificate of Education (Ordinary) Level or the Higher National Certificate and have acquired experience on the job.

Bulk of the Patrolmen too has G.C.E. (O) Level educational qualifications.

2.22. Remuneration

It has to be pointed out that 13 of the staff attached to the Lands Section are on the Daily Paid category. The balance 43 is monthly paid. The details of current salary paid to the staff in both categories are given under sub-sections 2.28.2 to 2.28.4. under Financial Resources.

2.23. Volume of Work

An “Overview of the Role of the Commissioner of Lands”, published in 1988 has attempted to classify the types of files stored and provides the following information.

- (a) Leases and Tenancy Agreements - 16,000
- (b) Applications for access roads, requests for surveys, quarry applications, oil mining leases, sale of lands to the Government, claims and complaints, recreation grounds, cemeteries, school sites and churches, health and sanitation areas’ and other miscellaneous files -18,000
- (c) Isolated lots under the N.H.A. Program - 6,000
- (d) Total Number of Files - 40,000 (approx.)

The User Requirements Analysis of the Lands Records Management Project, has estimated 45,000 leases in existence. How this figure was arrived at is not known, but it is likely that it related to the number of files in the registry at the time. From the available information, it is difficult to determine the number of leases in existence with accuracy. The more important finding of this diagnostic study is that “ the lease records maintained by Land and Surveys may be out of date in that many land units are now occupied by somebody other than the official leaseholder. Land and Surveys are supposed to monitor the occupation and usage of the state leased land, but in practice, they are only able to respond to applications received from the public and from lease holders/occupiers”.

There are 30,708 files in the Office of the Commissioner of State Land. Some are dormant for a long period of time but has to be maintained securely as renewals, consents for transfer of leases, assignments and mortgages, advisory notices on tenants in breach of conditions have to be issued from time to time. However, the number of files does not portray the real picture of the volume of work.

The number of new leases and renewals provide us with some indication of the output of work. Even though there are other activities such as regularization of breached tenancies, preparation of State Grants, grant of consents, transfers, assignments, approval of

building plans and serving of advisory notices, the total output in relation to leases that are handled for the year cannot be considered heavy.

Year	New Leases	Renewals	Total
1997	83	92	175
1998	50	83	133
1999	107	164	271

2.24. Annual Program of Work

The Commissioner does not follow an annual program of work. A summary of estimates of annual activities carried out by the Lands Section in 1995, extracted from the User Requirements Analysis of the Land Records Management Project indicates the following:

Existing Leases(No. of consents processed)	500 Transfers (estimate)
New Leases – Housing	117
New Leases – Agricultural	9
Site Investigations	1800 (estimate)
Building Plans Approved	25
Acquisitions Finalized	33

The Annual Report that was made available covering the period October 1, 1998 – September 31, 1999, provides a statistical summary of the work carried out during the year, with an attachment pertaining to issues on reclamation and quarries.

The salient features of this report are:

New Leases & Renewals	208
Regularization of Breaches	105
State Grants prepared	35
State Grants Registered	54
Building Plans approved	39
Advisory Notices served	912
Site Inspections	3700
Grant of Consents/assignments/mortgages	309

This report does not reflect the performance pertaining to acquisitions.

2.25. Workflow Management

No attempt has been made to-date to monitor the workflow of the Lands Section of the Lands and Surveys Division. While the Surveys Section has installed a workflow system to monitor the progress of survey orders, which is supported through computerization, the Lands Section does not have any idea of the number of applications received and their processing stage. The Section has to look at individual files to ascertain progress. No time limits have been placed or work norms established.

2.26. Performance Monitoring

The work carried out by the Section is a reactive response to the applications or requests from the public. The Division does not have a system of monitoring workflow or progress made on the applications made by the members of the public for varying services and/or leases that are due for renewal in a given year. The performance of the officers too cannot be gauged as no targets/norms have been established. The Annual Performance Review, a confidential Staff Report is the only tool available to make any observation and this is applicable to all in the public service. The format provides a qualitative assessment. The appraisal is not based on any quantitative performance indicators or norms.

2.27. Financial Resources

The budgetary allocations for recurrent expenditure made to the Lands Section cannot be separated as the Lands and Surveys Division functions as one entity. However, an attempt was made to determine the actual recurrent expenditure by way of salaries and allowances paid to the staff in the Lands Section. The Lands Section has no Capital Budget allocation. A separate allocation is provided for acquisitions.

2.27.1. Estimates of Expenditure 1999/2000

Sub-Head/item/ Sub Item Description	1998 Actual Jan-Sept.	1998/99 Estimates	98/99 Revised Estimates	99/2000 Estimates	Increase	Decrease
003 Lands & Surveys						
01 Salaries & Cola		7,500,000	7,613,000	7,800,000	187,000	-
02 Wages & Cola		5,176,800	4,937,614	5,200,000	262,386	
03 Overtime		120,000	105,000	120,000	15,000	
05 Govt. Cont. to NIS		240,000	383,500	708,600	325,100	
Total		13,036,800	13,039,114	13,828,600	789,486	
003 Land & Surveys						
01 Travelling		600,000	600,000	590,000	-	10,000
03 Uniforms		55,000	55,000	55,000	-	-
04 Electricity		412,000	360,000	400,500	40,500	
05 Telephones		1,440,001	114,090	143,000	30,000	
06 Water		7000	7000	7000		
07 House Rates		10,000	10,000	5,000	-	5000
08 Rent/Accom.		856,000	775,000	1,036,000	261,000	-
10 Stationery		60,000	40,000	60,000	20,000	-
11 Books		3000	3000	3000	-	-
12 Materials/supplies		200,300	138,000	153,000	15,000	
13 Upkeep/vehicles		140,000	86,500	120,000	33,500	

Sub-Head/item/ Sub Item Description	1998 Actual Jan-Sept.	1998/99 Estimates	98/99 Revised Estimates	99/2000 Estimates	Increase	Decrease
14Repair/Vehicles		90,000	60,000	90,000	30,000	
15Repair/Maintenance (Build/Equip)		330,000	265,000	340,000	75,000	
16Consulting		400,000	397,775	400,000	2,225	
18Expenses		15,000	9000	15,000	6000	
57Postage				5000	5000	
62Promotions/Public ity			10,000	10,000	-	-
Total		4,618,301	2,930,365	3,432,500	518,225	15,000
003L&S						
01Vehicles (Replacement)		175,000	177,000	-	-	177,000
02 Office equip.		50,000	113,965	175,000	61,035	-
03Furniture/ Furnishing		4000	41,475	43,000	1525	
04Other Minor Equip		57,000	13,062	115,000	101,938	
Total		286,000	345,502	333,000	164,498	177,000
01Severence Benefits		150,000	73,000	70,000	-	3000
01Lands&Surveys Board		453,000	364,660	453,000	88,340	-
01Intl.Hydrographic Org.		96,000	103,000	83,000	-	20,000
Grand Total		17,941,101	16,314,981	17,594,100	1,472,209	227,502

2.27.2. Salaries and Allowances of Daily Paid Staff attached to the Lands Section

Category	No.	Salary/day	Cola/day	Total	Total/Month	Total/Year
Checkers	8	TT124.14	TT2.50	TT1013.12	TT22288.64	TT267463.68
Handyman	1	TT103.24	TT2.50	TT105.74	TT2326.28	TT27915.36
Laborers	1	TT107.04	TT2.50	TT109.54	TT2409.88	TT28918.56
Laborers	1	TT 98.86	TT2.50	TT101.36	TT2229.92	TT26759.04
Rodman	1	TT112.46	TT2.50	TT114.96	TT2529.12	TT30349.44
Stores Hand	1	TT112.46	TT2.50	TT114.96	TT2529.12	TT30349.44
Total						TT411,755.52

2.27.3. Salaries and Allowances of Monthly Paid Staff attached to Lands Section

Category	Number	Salary/Month	Cola/month	Annual Salary
D/L&S	1	TT8749.00	TT50.00	TT105588.00
Land Surveyor II	1	TT6764.00	TT50.00	TT 81768.00
Graduate Surveyor	1	TT4564.00	TT50.00	TT 55368.00
Graduate Surveyor	1	TT4421.00	TT50.00	TT 53652.00
Land Surveyor I	2	TT4421.00x2	TT50.00x2	TT 107304.00
Land Surveyor I	1	TT4564.00	TT50.00	TT 55368.00
Land Surveyor I	1	TT4856.00	TT50.00	TT 58872.00
Ag.Insp.of Lands	2	TT3885.00x2	TT50.00x2	TT 94680.00
Asst.Insp.of Lands	1	TT3474.00	TT50.00	TT 42288.00
Asst.Insp.of Lands	1	TT2748.00	TT50.00	TT 33576.00
Asst.Insp.of Lands	1	TT3359.00	TT50.00	TT 40908.00
Asst.Insp.of Lands	1	TT2482.00	TT50.00	TT 30384.00
Asst.Insp.of Lands	1	TT3100.00	TT50.00	TT 37800.00
Asst.Insp.of Lands	1	TT2569.00	TT50.00	TT 31428.00
Temp.Patrolmen	16	TT2351.00x16	TT50.00x16	TT460992.00
Temp.Patrolmen	1	TT3471.00	TT50.00	TT42252.00
Temp. Patrolmen	8	TT2293.00x8	TT50.00x8	TT224928.00
Temp. Patrolmen	1	TT2569.00	TT50.00	TT31428.00
Temp.Patrolmen	9	TT2405.00x9	TT50.00x9	TT259740.00
Temp. Patrolmen	1	TT2931.00	TT50.00	TT35772.00
Temp.Patrolmen	2	TT2239.00x2	TT50.00x2	TT54936.00
Temp. Patrolmen	2	TT2189.00x2	TT50.00x2	TT53736.00
<i>Sub-Total</i>				<i>TT1,992,768.00</i>
Ag.Clerk IV	1	TT4439.00	TT50.00	TT53868.00
Ag.Clerk IV	1	TT3617.00	TT50.00	TT44004.00
Temp.Title Clerk	1	TT3462.00	TT50.00	TT42144.00
Actg.Clerk II	1	TT2698.00	TT50.00	TT32976.00
Clerk II	1	TT2924.00	TT50.00	TT35688.00
Temp.Clerk I	1	TT2676.00	TT50.00	TT32712.00
Temp.Clerk I	2	TT 2372.00x2	TT50.00x2	TT58128.00
Title Clerk	1	TT1345.15	TT50.00	TT16741.80
Temp.Title Clerk	1	TT2977.00	TT50.00	TT36324.00
Temp.Clerk I	1	TT 2178.00	TT50.00	TT26736.00
Clerk I	1	TT 2748.00	TT50.00	TT33576.00
Clerk I	1	TT2439.00	TT50.00	TT29868.00
Temp.Clerk I	1	TT2239.00	TT50.00	TT27468.00
Temp.Clerk I	1	TT2676.00	TT50.00	TT32712.00
Temp.Cleaner I	1	TT2009.00	TT50.00	TT24708.00
Clerk Typist I	1	TT2762.00	TT50.00	TT33744.00
Clerk Typist I	1	TT2638.00	TT50.00	TT32256.00
Title Clerk I	1	TT3387.00	TT50.00	TT41244.00
Messenger I	1	TT2140.00	TT50.00	TT26280.00
Sub-Total				TT661,177.80
<i>Total(monthly paid)</i>				<i>TT2,653,945.80</i>
<i>Total (daily paid)</i>				<i>TT411,755.52</i>
Grand Total				TT3,065,701.32

The estimate of utilization of transport allowance annually by the staff of the Lands Section as indicated by the Accounts Section is as follows:

Post	Annual Utilization
Land Officers	TT90,000.00
Inspectors & Asst. Inspectors of Land	TT210,000.00
Patrolmen	TT50,000.00
Total	TT\$350,000.00

The rates are as follows:

Purpose	Rate
Upkeep of Vehicle	TT750.00/month
Mileage	TT0.72cents/km
Subsistence	TT45.00/day
Transport of workmen & Equipment	TT0.06cents/km
Depreciation Allowance	15% of the mileage

2.27.4. Total Annual Cost of the Operation for the Land Section (1999)

Purpose	Annual Cost of the Operation
Salaries and Cost of Living Allowances	TT3,065,701.32
Transport	TT 350,000.00
Electricity	TT 80,000.00 (Taken as 1/3 of D/L&S)
Telephones	TT 48,000.00 (Taken as 1/3 of D/L&S)
Consumables	TT 60,000.00 (Taken as 1/2 of D/L&S)
Total	TT 3,594,701.32

The budget allocated to the Lands Section of the Land and Surveys is only 20.7% of the total budget for the Lands and Surveys Division. This shows clearly that there is a serious imbalance in the allocation of financial resources to the Lands Section.

2.27.5. Estimates of Revenue from Commissioner of State Lands

Revenue generation as reflected in the Estimates of Revenue for the Financial Year 1998/1999 and 1999/2000 from the activities entrusted to the Commissioner of State Lands is as follows:

	1997 Actual Revenue	Actual Revenue 1/1/98 to 30/9/98	1998/1999 Revised Estimate	1999/2000 Estimate
Ground Rents (excluding quarries, sand and gravel pits)	1,611,134	1,512,260	1,600,000	1,600,000
Way leave for oil pipeline	3,793	3809	4000	4000
Rent of access roads	-	15	10	10
Mining Leases	Nil	Nil	Nil	Nil
Rents of Housing Lots –N.H.A.	43,926	29,475	45,000	45,000
Quarries, Sand & gravel pits	300,671	486,309	1,500,000	1,500,000
Premia on Leases	25,500	5700	2,198,900	2,383,960
Premia on Housing Lots N.H.A.	-	1600	5,000	5,000
Premia on Reclaimed Land	-	369,755	380,000	330,000
Premia on variations on existing leases	913,370	500	2,000,000	2,870,652
Search Fees	1,506	1049	5,800	5,000
Miscellaneous	19,710	13,700	20,000	20,000
License fee for land reclamation	37,803	Nil	Nil	Nil
Preparation & Processing of Agreements & Leases	343,961	19,600	42,000	42,000
Processing of Reclamation & Jetty Licenses	750	Nil	Nil	Nil
Approval of Building Plans in State Leases	3,750	5000.00	7,250	7,250
Grant of Consent to assign	80,415	65,615	80,000	80,000
Total	TT\$3,386,289	TT\$2,514,387	TT\$7,887,960	TT\$8,892,872

P.S. The revenue generated through sale of nautical documents, sale of maps and sale of survey control information has not been taken into account as they fall within the purview of the Survey Section.

The Estimates of Revenue for 1999/2000 also identify the total arrears of revenue as at 30/9/1998. Under item of revenue Rental Income a sum of 6,331,590.38 and under

Royalties for Quarries, Sand and Gravel, a sum of 8,429,798.00 are in arrears, totaling to 14,761,388.

2.27.6. Collection of Revenue

Rents due on leases issued by the Commissioner of State Lands have to be paid at the designated Revenue Offices. However, there is no established mechanism to verify whether the rents due annually are being paid by the lessees, as the Commissioner of State Lands does not maintain a list of lessors and rents due from them. The procedure followed is to collate information furnished by each Revenue Office based on a statement forwarded by them. This statement provides information on amount paid and the period for which payment is made. The statements furnished by the Revenue Offices are filed of record and a composite statement of recovered revenue is prepared for the year. Information on new leases is forwarded to each Revenue Office as well as the Revenue Officer in the Head Office to enable opening of a ledger folio. The system is totally dependent on the premise that the lessees will pay rents due at the appointed date. This does not happen and as a result large sums of money due to the government are lost by way of revenue. The Commissioner has identified a sum of over 14 million as arrears as at 30/9/1998.

The inordinate variation between the actual revenue collected for the Financial Year 1997, 1998 and the Estimates of Revenue for the Years 1998/1999 and 1999/2000 may be adduced to failure on the part of the Commissioner of State Lands to collect revenue due to the State. Explanations for variances as furnished by the Commissioner of State Lands, are as follows:

- (a) Arrears to be collected from National Quarries
- (b) Matters are being processed
- (c) Matters dealt with by the Reclamation Committee
- (d) Lack of legal support to launch a comprehensive campaign for collection of all outstanding rents

The above indicates clearly that the existing system of collection of revenue is totally inadequate and that extra effort is needed to improve the system.

2.28. Physical Resources

The Lands Section in comparison with Surveys Section of the Division has extremely few resources(equipment) that can be itemized as their \own.

Physical Resources	Number of Units	Date of Acquisition/Age
Desk Top Computer	2	Not known
Typewriters	2	1-6 months old,1-7yrs old
Writing Desks	42	15-25yrs.old,20-5yrs.old,6-1yr.old,1-new
Chairs	29	15-5yrs.old,7-5yrs.old,6-1yr.old,1-new
Steel Cabinets	1	7yrs.old
Filing Cabinets	73	41-10yrs.old,6-12yrs.old,25-6months old,1-new
Telephones (Direct)	Nil	
Telephones (Extensions)	10	
Photocopier	1	5yrs.old
Consumables (Paper etc.)	Paper (approx.TT60,000 annual worth)	

References

1. The State Lands Act and the Acquisitions Act

Chapter 3. The Legal Framework

3.1. Background

The statutory responsibility for the management of all lands belonging to the state rests with the Commissioner of Lands. However, the legislative reforms that were instituted over the past twenty years or so, indicate clearly that the policy makers wished to obtain quicker answers to the burning questions confronting them, particularly in the context of an increasing demand for land for agriculture, housing, commerce and industry. This situation was further exacerbated by the state continuing to hold a large mass of land in the country. The policy makers have dwelt on the 'rationalization of the existing uses of land', which means the allocation of available land among competing demands on the basis of certain objective criteria. In order to achieve this within a given time frame, the policy makers appear to promote the establishment of institutions specifically charged with responsibilities to implement particular programs that benefit the people. Thus it is seen that the authority that rested with the Commissioner of State land as the sole custodian of state land had begun to erode heavily. The birth and proliferation of the new legal framework should be viewed in this context.

3.2. Duties and Responsibilities cast on the Commissioner of State Lands by Statute

3.2.1.State Lands Act 32 of 1918 Chapter 57:01 together with its amendments

The important provisions which mandate the Commissioner of State Lands with specific duties and responsibilities are as follows:

Section 4(2) confers all rights of ownership in respect of state lands to be exercised by the Commissioner of State lands or any Deputy Commissioner on behalf of the President

Section 4(3) provides authority to the President to make regulations with respect to the administration, management and protection of State lands and with respect to the manner in which the Commissioner of State Lands shall exercise his functions

Section 6(1) entrusts the management of all lands of the State to the Commissioner who is charged with the prevention of squatting and encroachment, spoil and injury to the woods and forests on such lands, and with the settlement and allotment of State lands and the laying out of village lots

Section 6(2) empowers the Commissioner to take possession of, and is charged with care and letting and the collection of the rents of, all lands which belong or escheat to, or which by virtue of any Act may be forfeited to and become vested in, the State.

Section 7(1) empowers the Commissioner of State Lands to issue deeds and instruments dealing with or affecting state lands or any interest including mining and other leases and licenses, surrender of leases and licenses, grant of rights and liberties over the foreshore or lands under territorial waters, or for reclaiming lands from the sea

Section 20 lays down the procedure for ejecting persons unlawfully in possession of state land

Section 21 lays down the procedure to recover monies due to the State on account of non-payment of dues by those in possession of State lands

Section 25 prescribes punishment for digging, and removal of material from State lands

Section 26 empowers the Commissioner, any Deputy Commissioner or any constable to seize and detain any such material

The Land Regulations dated 4th September 1913 have been repealed and in place a large number of regulations published in 1949. The regulations cover the subject areas of General Administration, Reserves, Alienation of Land, Leases, and Mineral Lands. Under Land (Oil Mining) Regulations the subjects covered are General Administration,, Exploration Licenses, Mining Leases.

3.2.2. Land Acquisition Act No.28 of 1994

The Commissioner of State Lands has authority under this Act to acquire any land likely to be required for a public purpose. The powers conferred on the Commissioner under Section 3 (Publication and serving of Notice of Acquisition), Section 4 (Taking over possession), Section 5 (Notice of Acquisition, requiring persons to state their respective interests), can be exercised by any person acting under the authority of the Commissioner. The duties and responsibilities can be summarized as follows:

- a) Publication and serving of Notices of Acquisition
- b) Entry and survey
- c) Declaration of Acquisition
- d) Taking of Possession
- e) Abandonment of Acquisition
- f) Payment of Compensation

3.2.3. Mines, Boring and Quarries Act- Chapter 61:01

This Act applies to all mines, borings and quarries in Trinidad and Tobago. It requires that every mine, boring or quarry be under a manager who is responsible for the control, management and direction. Such manager should be registered as the holder of a certificate of competency under this Act. For the implementation of the provisions and for supervision the Chief Petroleum Engineer is the nominated officer for borings and for mines and quarries the Senior Inspector of Factories. The owner or manager has to maintain a plan of mines, a log of borings and provide every year the amount of slate, stone, asphalt, crude petroleum or other minerals gotten and other statistical information as required.

Under the Mineral Resources Division of the Ministry of Energy identifies, conducts geological surveys, evaluates the material content of the land and invites the public for bids. Based on the content, the value is determined and payment has to be made in a lump sum.

The Director of Land and Surveys is represented on the Quarries Advisory Committee. This committee is now chaired by the Secretary to the Ministry of Energy. The Commissioner of State Land derives legal powers and authority from the State Lands Act Sections 7(1), 25, 26, and 28. He is the officer empowered to issue mining and other leases and licenses. Every person digging, winning or removing materials from State lands has to obtain a license. The Commissioner of State Lands is further empowered to seize any material which he has reasonable cause to suspect to have come from State land.

(A draft Minerals Act is presently before the Chief Parliamentary Counsel to replace the Mines, Boring and Quarries Act)

3.2.4. Real Property Ordinance Chapter 27 No.11 1st January 1946

This is an Ordinance relating to the Registration of Titles to land. The Department of the Registrar General is authorized to carry into execution the provisions of the Ordinance. Judges of the Supreme Court deal with all applications for bringing land under the provisions of the Ordinance. The Registrar General can require applicants to furnish documents or instruments and to appear in person to prove title to the lands in question. On being satisfied with the evidence placed before him, he can correct errors in grants or certificates of title or in any plan.

In terms of the provisions, all state lands and all state lands set apart for public purposes remaining unalienated when granted in fee simple or in fee tail, are subject to the provisions of the Ordinance. The Registrar General maintains a "Register Book" containing the originals of all grants and certificates of title. Every map or diagram required for the purposes of this Ordinance should be prepared in the manner specially provided for the purpose by the Land Surveyors Ordinance.

In the case of land registered under this Ordinance which is resumed by the State, the Commissioner of State Lands has to forward to the Registrar General the particulars of such resumption, acquisition or taking together with a plan showing the extent of such resumption, acquisition or taking.

3.2.5.Registrar General Ordinance Chapter 28:01 10th November 1921

Under this Ordinance, the Registrar General is empowered to keep four separate and distinct indexes, one of deeds, another of wills, another of judgements, decrees, orders, and rules, and another of memoranda of *lis pendens*. He is expected to maintain an index of deeds, enter every deed so registered under the letter of the alphabet corresponding with initial letter of the surname of each person named as party to such deed. A separate chronological index of all deeds of gift and settlements registered with him is kept.

3.2.6. Registration of Deeds Ordinance Chapter 28:02 1st January 1885

This Ordinance relates to the execution, registration and admission in evidence of deeds and provides for the protection of purchasers and mortgagees. Deeds are not required by law to be registered under this Ordinance but the option of registering is given. The Registrar General numbers every deed with a distinguishing number in a regular

numerical series which are kept in volumes. Duly registered deeds become effectual in law according to the priority of time of registering such deed against any other deed, conveyance or disposition.

3.2.7. Resumption of Land Act Chapter 57:03, 15th June 1914 58:01 (1980)

This is an Act to deal with resumption of land under State Grants. Whenever it is desired to resume land under the powers and for the purpose contained in a state grant, the Commissioner of State Land, any authorized officer or surveyor are empowered to enter such land for the purpose of ascertaining where such resumption shall be made and of surveying the land to be so resumed. When land is resumed for the purposes contained in a state grant, resumption does not confer a right to compensation. However, compensation is payable in respect of cultivation on the land that is actually resumed and cultivation of land adjacent to the resumed land which is damaged or destroyed by reason of any operation. The State is entitled to receive not exceeding 1/20 of the value of the parcel without charge by way of resumption in terms of Regulation No.8 of State Land Regulations.

3.2.8. Archipelagic Waters and Exclusive Economic Zone Act No.24 of 1986

This is an Act to declare the Republic of Trinidad and Tobago an archipelagic state and to define the new areas of marine space appertaining to Trinidad and Tobago in the exclusive economic zone, and in the archipelagic waters. The conservation and management has been entrusted as a responsibility of the Minister in charge of the subject of fisheries. Regulations are made under this Act for the protection and preservation of the marine environment and the prevention, reduction and control of pollution of that environment from land based sources, sea bed activities, construction, operation and use of artificial islands etc.

However, any agreement or lease is issued by the Commissioner of State Lands under the provisions of the State Lands Act.

3.2.9. Territorial Sea Act No.23 of 1986

This is an Act to make provision with respect to the Territorial Sea of Trinidad and Tobago. Section (1) defines the baselines from which the territorial sea shall be measured. They are the low-water line along the coasts of the island of Trinidad and of the island of Tobago as well as the coasts of all other islands that form part of Trinidad and Tobago and the straight baselines drawn from points shown on a large scale Government map of Trinidad and Tobago in localities where the coast is deeply indented.

The sea bed or submarine areas bounded on the land ward side by the baselines referred above and on the seaward side by the outer limits of the territorial sea is deemed to be and always to have vested in the State.

Any agreement or lease is issued by the Commissioner of State Lands under the provisions of the State Lands Act.

3.3. Supportive Legislation

3.3.1. Valuation of Land Act Chapter 58:03 No.18 of 1969

This is an Act to make provision for the valuation of land for taxation, rating and other purposes. The Commissioner of Valuations is the authorized officer under this act and in the determination of value, will make a valuation of the site value and improved value of every parcel of land. The Commissioner of Land has to obtain a valuation of each parcel of land or a group of parcels as the case may be from the Commissioner of Valuation, prior to the issue of a lease document.

3.3.2. Land Surveyors Act No.33 of 1996

This Act provides for the registration of Land Surveyors, Trinidad and Tobago Land Surveyors and Land Surveying Graduates, for the regulation of the practice of surveying. The Director of Surveys is the Chairman of the Land Survey Board appointed by the Minister. The Board registers applicants, prescribes the qualifications, promotes and maintains high standards, monitor adherence to and investigate breaches of the Code of Ethics etc. The Director of Surveys under this Act is expected to administer, co-ordinate and maintain the National Survey Control System, implement and administer the examination. He is the custodian of the Survey Register, sets standards for the format in which digital data should be presented, and produces and maintain topographic maps, hydrographic charts, photogrammetric data and mapping derived from cadastral and topographic information. Under this Act, the Director of Surveys has to provide surveys, mapping, land information and related services.

3.3.3. Land Surveyors Regulations 1998

The regulations under the Land Surveyor Act provide details of qualifications for registration, maintaining the Public Register of all surveyors, mode of application for registration, the use of title, Code of Ethics, Application for examination, examination arrangements, certification of documents etc.

3.3.4. State Grants and Leases (Re-issue) Act Chapter 57:02 17th November 1904 and amendments

This Act relates to grants and leases of State land which have been lost or destroyed. It empowers the President, to certify the issue of a grant of land alienated in fee from the State before 9th of August 1889, or any lease of State lands, that has been destroyed or lost. Such certificate has to be registered with the Registrar General and when registered be admissible in evidence to the same extent and for the same purpose as the original grant or lease. Such land has to be surveyed before issue of certificate and the application for such certificate has to be advertised in the Gazette and newspapers.

3.3.5. Town and Country Planning Act Chapter 35:01 of 1st August 1969 as amended by Act No. 21 of 1985

The Act provides for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities. It confers powers to grant permission to develop land and has powers of control over the use of land. It also confers additional powers for acquisition and development of land for planning.

Under the Act the a Development Plan is prepared that:

- (a) defines the sites of proposed roads, public and other buildings and works, airfields, parks pleasure grounds, nature reserves and other open spaces
- (b) allocates areas of land for use for agricultural, residential, industrial or other purposes
- (c) designates any land for compulsory acquisition for the purpose of securing its use in the manner proposed by the plan

Permission has to be obtained to develop any land, which means carrying out of building, engineering, mining or other operations in, on, over or under any land or the subdivision of any land.

Under Section 31, land that is designated as subject to compulsory acquisition can be acquired in accordance with the Land Acquisition Act as being land needed for public purposes. Under Section 33 the Minister is empowered to dispose of land acquired by him to any local authority, statutory undertakers or other body or person for development in accordance with planning permission granted under this Act.

The Commissioner of State Lands has to seek planning permission prior to alienation of any state land.

3.3.6. Forests Act Chapter 66:01 15th May 1916 and amendments

Under this Act, all forests declared to be a Forest Reserve under the Land Regulations come under the authority of Conservator of Forests/Director of Forestry, his Assistants, Forest Officers and other authorized officers. Such officers are empowered to regulate activities within such reserves and to issue property marks and classification marks for timber. It also provides for the preservation of trees. Under this Act, State land includes-

- (a) the waste or vacant land of the State within Trinidad and Tobago; and
- (b) all lands vested in the State, whether by forfeiture, escheat, purchase or exchange, and not dedicated to the public

Persons have to obtain a permit from a forest officer to transport timber, which includes all species of trees listed in the Third Schedule. Forest Officers have been granted powers to seize produce, carts etc. under this Act. The 1999 Amendment requires persons to obtain Felling Permits too, for trees listed in the Second Schedule. The amendment extends the requirement of obtaining permits for removal of timber to private lands.

The Conservator of Forests/Director of Forestry does not have powers to eject encroachers of forested lands under this Ordinance. He has to seek the assistance of the

Commissioner of State Lands to eject such encroachers under the provisions of the State Land Act.

The Forests (Prohibited Areas) Order Legal Notices 125/53, 154/54,145/58, 136/59, 122/60, 129/66, 66/68, 163/98 and 42/99 formally declares number of forested areas as prohibited areas under Section 2 of the Forestry Act.

3.3.7. Environmental Management Act No. 3 of 1995 7th March 1995

This Act provides for the management of the environment within Trinidad and Tobago through the establishment and operation of an Environmental Management Authority, an Environmental Trust Fund and an Environmental Commission. The general functions of the Authority are identified under Section 16 as follows:

- (a) make recommendations for a National Environmental Policy
- (b) Develop and implement policies and programs for the effective management and wise use of the environment, consistent with the objects of this act
- (c) Co-ordinate environmental management functions performed by persons in Trinidad and Tobago
- (d) Make recommendations for the rationalization of all governmental entities performing environmental functions
- (e) Promote educational and public awareness programs on the environment;
- (f) develop and establish national environmental standards and criteria
- (g) monitor compliance with the standards, criteria and programs relating to the environment;
- (h) take all appropriate actions for the prevention and control of pollution and conservation of the environment
- (i) establish and co-ordinate institutional linkages locally, regionally and internationally;
- (j) perform such other functions as are prescribed; and
- (k) undertake anything incidental or conducive to the performance of any of the foregoing functions

3.4. Legislation that empowers other Agencies to Manage State Lands

3.4.1. State Land (Regularization of Tenure) Act No.25 of 1998

Section 4(1) of this Act confers protection from ejection in respect of his dwelling house on any squatter who squats or otherwise occupies State Land. A squatter who applies is entitled to the issue of a Certificate of Comfort and to a statutory lease in a designated area. and to the grant of a Deed of Lease. Nothing in this Act affects the operation of the Real Property Ordinance with respect to bringing the State Land under the provisions.

The Land Settlement Agency established under this Act is charged with the responsibility for administering and carrying out the provisions of this Act with respect to State Land in the island of Trinidad. The Tobago House of Assembly is responsible for administering the provisions with respect to State lands which are vested in the Tobago House of Assembly. The Agency has powers amongst many others for the preparation and issue of Certificates of Comfort and Deeds of Lease. Under Section 16(1) the President can empower the Land Settlement Chairman to execute on his behalf any Deed or Lease under this Act. An area occupied by squatters and tenants which has been approved by the Minister for the purposes of regularization is determined as a Designated Area under this Act. Under Section 25, the Minister and the Assembly can identify and declare certain areas of State Lands as Land Settlement Areas, facilitating the provision of shelter for citizens and residents who are landless and relocating squatters.

The appointed day under the Act is 1st January 1998. A squatter in a designated area or a land settlement area can be directed to relocate to another lot within the Designated Area or the Land Settlement Area under Section 27. A squatter who fails to comply is referred to the Commissioner of State Lands for ejection under Section 20 of the State Lands Act.

3.4.2. Tobago House of Assembly Act No.40 of 1996

This Act repeals and replaces the Tobago House of Assembly Act, Chap. 25:03, and provides for the membership, powers and functions of the Tobago House of Assembly and its Executive Council.

The following provisions contained in this piece of legislation have very important implications in relation to land management.

Under Section 25(1) without prejudice to section 75(1) of the Constitution, the Assembly in relation to Tobago, is responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule. The Fifth Schedule which describes the areas of responsibility of the Assembly includes amongst many others State Lands, Land and Marine Parks, Tourism, Agriculture, Forestry, Town and Country Planning, Highways and Roads, Industrial Development, Environment and Housing. The formulation and implementation of policy in regard to these subjects in particular, have serious implications to management of land in Tobago.

Under Section 54, all lands and other property of every kind located in Tobago vested in the State except the residences of the President and the Prime Minister are vested in the Assembly in right of the Republic of Trinidad and Tobago.

As the applicability of the State Lands Act to Tobago has not been repealed, the THA has to continue to fall back on the State Lands Act to manage State Lands.

3.4.3. Housing Act Chapter 33:01 of 7th August 1962

This is an Act to create a National Housing Authority to replace the statutory bodies dealing with housing, and to revise, consolidate and extend the laws relating to the encouragement of construction of dwelling houses and home ownership.

Under Section 69(1) all land and other property vested immediately before the commencement of this Act in the Planning and Housing Commission of Trinidad and Tobago, the Government Housing Loans Board or the Public Housing Loans Board has been vested in the Housing Authority

Section 10(1)(d) of the Act permits the Authority to construct housing units for experimental purposes upon land owned by the State or to be acquired for such purpose.

Section 10(1)(f) permits sale, lease, exchange, or dispose of real or personal property acquired by it pursuant to this Act.

Section 10(1)(k) permits the Authority to directly or by contract to install services in and effect improvements to land acquired by it, construct, convert or improve housing projects etc.

The National Housing Authority has been established under the Ministry of Housing and Settlements to carry out these functions.

3.4.4. Water and Sewerage Act Chapter 54:40 of 1st September 1965

This Act provides for the development and control of water supply and sewerage facilities in Trinidad and Tobago, the promotion of conservation and proper use of water resources; and for the establishment of an Authority to administer the several purposes mentioned.

Under Section 11 of this Act all land and other property of every kind that comes under the Authority, is vested in the Authority.

Under the Second Schedule of this Act, a Compulsory Purchasing Order can be made by the Authority. The powers conferred by Section 3 of the Land Acquisition Act can be exercised by the Authority. The Authority exercises these powers subject to certain modifications to the Land Acquisitions Act. They are:

- (a) the powers conferred by Section 3 of the Land Acquisitions Act can be exercised upon publication by the Authority in a news paper
- (b) in assessing compensation the value of land is taken to be the amount which the land will realize if sold in the open market
- (c) no account will be taken of any outlay, improvement or alteration after the notice of the order is published

Water and Sewerage Authority (WASA) carries out these functions.

3.4.5. Petroleum Act Chapter 62:01 of 30th December 1969

This is an Act to make provision for the exploration for, and the development and production of petroleum. A reference to State Lands is construed as including a reference to the mineral rights in all lands by whomsoever possessed, the subject of a grant by the State after 30th January 1902. No person can engage in petroleum operations on land or in a submarine area unless he first obtains a license as provided for in this Act. Where a license is granted and ancillary rights are required by the licensee, in the case of State Lands the licensee can negotiate with the Minister in charge of the subject of petroleum, who is authorized to act on behalf of the President for such purpose. Such ancillary rights include a right to cut timber, right of way, right to use and occupy the surface for exploration, erecting, installations and constructing buildings etc.

Under the regulations, the licensee occupying any State land is expected to give at least one month's notice to the Commissioner of State Lands before clearing. If the Commissioner has a valid objection, he should notify the licensee in writing within twenty one days from the date of receipt of the notice. If there is a dispute between the parties, it has to be referred to arbitration under the Act.

Similarly, if the Commissioner wishes to sell or lease the surface of any portion of State Lands included in a licensed area he has to give notice in writing and in the absence of agreement the dispute has to be submitted to arbitration.

3.4.6. Port Authority Act of 1961 and Port Authority (re-vesting property) Act No. 2 of 1975

This is an Act to make provision for a coordinated and integrated system of harbor facilities and port services through the establishment of a Port Authority. Under Section 9(1) of this Act, the Authority is empowered to lease any lands, buildings, facilities or equipment. Under 9(2)(d) the Authority is further given authority to acquire real or personal property rights, or the disposal of any real or personal property or rights.

Under Section 54, all lands, buildings, installations, equipment and all other forms of property whether real or personal are vested in the Authority or deemed to be vested. Under Section 56(6) the rights and obligations of the Sub-Intendant of State Lands (Commissioner of State Lands) entered into by him with other parties in respect of operation of private wharves and leases of land for storage of any commodity, the erection of buildings or any other purpose are vested in the Authority. Under Section 57, The President can from time to time vest in the Authority any port or harbor in Trinidad and Tobago. The First Schedule provides the boundaries of Lands vested in the Authority.

3.4.7. Public Transport Service Act chapter 48:02 7th May 1965

This Act provides for the establishment of a Public Transport Service to operate road and rail transport facilities with a view to promoting the development of road transport and to facilitating the phased substitution of road transport for the existing railway system. A Public Transport Corporation is established under section 3 of the Act.

As far as land is concerned all land and other property vested immediately before the enactment of this Act in the Railway Board or under the Motor Omnibus Concessions (Acquisition of Undertakings) Act 1964 are vested in the Corporation. As from 24th December 1974, the date on which the Public Transport Service (Revesting of Property) Act 1974 all land vested in the Corporation are revested in the State.

Under Section 31, the Corporation can dispose of property held by it relating to the carriage of goods and passengers by railway.

3.4.8. Highways Act Chapter 48:01 of 16th April 1970

This Act consolidates written laws relating to highways, streets and bridges in Trinidad and Tobago. Under Section 118 and 120 of this Act, the Minister is empowered to acquire compulsorily, land required for the construction of a main road. Section 121 states that this power vested in the Minister to acquire land compulsorily is a power vested in the State and exercisable in accordance with the Land Acquisitions Act. Under Section 122 every highway maintainable at the public expense and the subsoil of such highway is vested in the State.

3.4.9. Regional Health Authority Act No.5 of 1994

This Act provides for the establishment of regional health authorities to provide efficient system of delivery of health care. The properties described in the Third Schedule of the Act are transferred and vested the respective Authorities. As far as property dealings are concerned, the Authority can acquire, hold, and enjoy any property, real or personal by purchase, devise, bequest, gift or in any other way. It can lease, accept surrenders of leases, mortgage, grant or accept licenses, rights of way or easements. It can also with the approval of the Minister dispose of the property which is no longer required for the purpose of the Authority. Property which was transferred to and vested in the Authority by the State without consideration or a nominal consideration, has to be transferred back to the state on the same basis, as the case may be. Property not falling into this category should be offered to the State at a fair market price. If the State does not wish to purchase the property, the Authority can dispose of the property on the open market.

3.4.10. Chaguaramas Development Authority Act Chapter 35:02 of 9th December 1972

This is an Act to establish and operate an Authority for the development of the North-West Peninsula. The Authority has power to acquire land and other property and also to sell, exchange or otherwise dispose of all property vested in or have been acquired by it.

Under Section 16(1) the President is authorized to make a Vesting Order transferring to and vesting in the Authority land that comes within the development plan covering the North-West Peninsula. Under Section 16(3), the President by Order can divest any land vested in the Authority

Under Section 18(1) the Authority is empowered to any disposition of land subject to terms and conditions of any development plan relating to such land.

Section 21(1) and (2) permits the Authority to prosecute squatters and evict them on conviction.

3.4.11. Tourism and Industrial Development Company of Trinidad and Tobago Limited Vesting Act 1995

This Act repeals the Industrial Corporation Act and the Trinidad and Tobago Tourism Development Authority Act and transfers all of the assets, liabilities and functions of the former bodies to the new company. Under this Act, the new company is responsible for administering nineteen industrial estates including the lands thereon. It also administers facilities along beach fronts.

3.4.12. Municipal Corporations Act No. 21 of 1990

Under the Municipal Corporations Act, parks, savannahs, markets, slaughterhouses, pastures, commons, recreation grounds or cemeteries and crematoria and certain streets, all of which are state property within municipalities are under the control and management of the Municipal Corporations. The Council can collect rates, rents, dues, tolls and charges as the Council may determine from time to time. Under Section 123 (3), any Municipal Corporation with the consent of the President and under the Seal of the President can sell and demise any land vested in it.

3.4.13. Transfer of Functions (Director of Surveys) Order, Legal Notice No. 89 of 1980

Under this Order made by the President under Section 16c of the Interpretation Act 1962, all the functions vested by any written law in the Commissioner of State Lands have been transferred to the Director of Surveys.

3.4.14. Creation of the Land Administration Division in the Ministry of Agriculture

The Land Administration Division was created within the Ministry of Agriculture in 1994 by Cabinet Minute No. 2192- 94/08/25 to coordinate the activities of the Ministry with respect to land management by carrying out the following:

- (a) coordinate the identification of blocks of land to be distributed/regularized
- (b) administration of the processes of granting titles to State agricultural lands
- (c) management of tenure granted over State agricultural lands
- (d) maintenance and upgrading of SALIS

3.4.15. Lease of State Land for Agricultural Purposes – Delegation of Authority to the Minister with responsibility for Agriculture

By Cabinet Minute No.1726 of July 10, 1997 the Cabinet agreed to provide for the delegation of authority to the Minister with responsibility for Agriculture to authorize the

Commissioner of State Lands to approve the grant of Standard Agricultural Leases in the following circumstances:

- (a) conversion of existing temporary agreements, for example, Probationary Tenancy Agreements, month-to-month agreements and annual agreements, to Standard Agricultural Leases where the tenant is already in possession of the land and where the conditions laid down by the Ministry for the grant of Standard Agricultural Leases as well as the terms and conditions of the new Administration and Distribution Policy for land are met
- (b) renewals, transfers to immediate family or next of kin, or joint tenancies to immediate family or next of kin where a Standard Agricultural Lease has already been granted for a parcel of land

3.5. Realities of the Present Legislative Framework

The practice adopted in the past has been to establish new agencies with specific legal mandates to carry out the envisaged program of work. It is clear from the legislation referred to above that the legislators have taken away development functions pertaining to State land in respect of agriculture lands, housing, encroachment regularization, ports, health authorities, State land in Tobago, tourism and industrial development, roads, and various development authorities in special areas. Action is being pursued to do the same in respect of quarries, mines and land reclamation. It is safe to surmise that the developmental functions envisaged in the State Lands Act conferred on the Commissioner of State Lands have been negated as a result of these pieces of legislation and legal orders. What is left is the management of the existing leases, issue of new leases for isolated or abandoned parcels of state land, acquisition of private land for public purposes, and the regulatory aspects of lease management. The reforms to the existing organizational structure of the Commissioner of State Lands has to take into account the realities of the present legal framework and the limitations imposed. However, the Commissioner of State Lands as the custodian of all state lands in the country should continue to monitor whether the lands leased or vested to these agencies are utilized for the purpose for which they were granted.

Chapter 4. Some Issues for Land Policy Formulation and Development

4.1. Introduction

Land policy must necessarily form an integral component of the wider national development strategy to achieve the composite goal of growth with equity. The policy document that is in vogue and followed by the staff is “A New Administration and Distribution Policy for Land” issued by the Ministry of Planning and Development dated November 19, 1992. This document spells out the general policy goals of the New Land Policy as follows:

- (i) preventing prime agricultural land from being subjected to non-agricultural use by instituting system of land zoning
- (ii) the provision of adequate security of tenure to tenants of State lands
- (iii) the discouraging of land speculation and the taking of steps to bring idle land into production
- (iv) the promotion of development that is sustainable economically, socially and ecologically

In so far as the Land Section is concerned, the major functions of this Section have been identified in the 1992 Policy Document as follows:

- (i) to conserve and manage State lands;
- (ii) to ensure that the State’s interest in land is preserved and maintained;
- (iii) to advise the State and implement decisions on matters relevant to land and property policy including disposal into private ownership, acquisition of private land or property, reclamation, resumption and conservation;
- (iv) to make recommendations for the allocation of land as required to meet community needs; and
- (v) to make recommendations on matters relating to land taxation

This policy document has very clearly given an important role to the Commissioner of Land in policy formulation. However, there is no mechanism in place in the Lands Section at present to engage in any form of policy discussion. The effort is confined only to get over the day to day volume of work. Moreover, there is no organized communication system whereby those in charge of land work in other agencies of Government are consulted on issues affecting any of the parties. Absence of a formal communication system results in conflicting policy decisions being made and implemented relating to State land. A holistic view is not taken when addressing such issues. The Commissioner of Land as the custodian of State Land should take the lead role in this exercise. However, it appears that the Commissioner of Land has abrogated this important role as at present. Every effort has to be made to place land policy in the context of a broader national development strategy based on the empirical realities of the country.

4.2. Forum for Land Use Policy Formulation and Development

The Commissioner of State Lands has been identified in the policy document discussed above, to provide advice to the Government on land policy and make recommendations in this regard. The Commissioner of State Lands is not called upon to the extent envisioned in the policy document to carry out this important function. Moreover, this role at the present juncture cannot be performed by the Commissioner of State Lands alone, as there is a proliferation of agencies handling land work within the Government. A systematic de-concentration of duties and responsibilities of the Commissioner of State Lands has occurred over the years. It is therefore necessary to seek ways to overcome this vacuum.

4.3. Re-orientation of Land Policies

The term Land Policy as used here denotes “major lines of public action to improve the use of resources and the conditions of property rights under which people live and work on land” (Building a Land Policy by Timmons, J.F.(1972) in “Land Problem and Policies” edited by Timmons, J.F. and Murray, W.). Land Policy formulation and development has to be treated as an ongoing activity, and therefore need regular revision, dependent on the changing scenario, problems and issues that surface. It is therefore necessary to present a broad vision for the future to make the land sector in Trinidad and Tobago sustainable and to identify the guiding principles that should be followed to achieve the vision.

4.4. The Vision

The vision at the base of the land policy should be clearly stated. One formulation of this vision would be to transform the present under-developed land sector to achieve high productivity and become a key contributor in economic growth, while recognizing the importance of issues pertaining to social and environmental sustainability. The next step is to insure that the institutional structure/s established to handle the land sector have the analytical capability and institutional capacity to determine the competing demands emanating from agriculture, housing, industry, commercial, conservation and other needs of the country. This is required to determine appropriate use through prioritization.

4.5. Principles of Land Resources Management Strategy

The principles identified to form the basis of land resources management strategy could be phrased as follows:

- (a) “That the resources of the natural environment must be seen to belong ultimately to the whole nation and must be devoted to the national welfare
- (b) That there is an obligation on the social-democratic state to erect an institutional structure by virtue of which such resources may be located, evaluated, conserved and distributed so that they may be utilized on a sustainable basis and to the greatest national advantage

- (c) That as land provides the conceptual and operational plane of contact between nation and environmental resources, this institutional structure should be framed in terms of land policy and land use planning
- (d) That land policy and planning should be rooted in scientific knowledge of bio-physical process and in a deep understanding of economic progress and of socio-political change; that they should be supported by reliable data; that they should have a positive developmental orientation; and that they should be comprehensive and closely integrated but sufficiently flexible to permit and promote the operation of state, corporate and private sectors in a mixed economy
- (e) That the objective must be that the nation should learn to live in productive equilibrium with natural resources, that access to resources should be widely and equitably distributed and that basic needs should be safeguarded for all citizens". (1)

4.6. Some Policy Issues

Some of the policy issues that may form the basis of future deliberations are highlighted below, in order that they receive the attention of the policy makers. It has to be pointed out that the issues raised here are not a comprehensive set and would form only a part of the many issues that would surface in the course of future deliberations on the subject. The purpose of raising them here is to generate discussion on this important subject.

- In respect of land ownership, it is estimated that over 52% of the total land area of the country remain under the ultimate ownership of the State. Out of this extent, 25% is held by the Forestry Division, 8% by State Agencies and 20% by the Commissioner of State Land (figures are approximate). The principle feature of the policy may be the re-definition of the role of the Government as that of a facilitator and provider of basic services to support investors/farmers/individuals in self-development and management of lands allocated to them.
- It is now opportune to consider the potential for rationalizing the existing uses of land, particularly in the context of the work being carried out by the Interim National Planning Commission and the Town and Country Planning Department. By 'rationalization' we mean the allocation of available state land among competing demands on the basis of criteria developed from policy objectives, supported by a reliable and systematized database. The allocation methods of state lands and the policy objectives may be determined in economic, social wellbeing and environmental terms.
- There is an urgent need for an effective and meaningful policy for the diffusion of social stress exemplified by high rates of encroachments in private and state lands. The encroachments that are taking place are only a symptom of a deeper-rooted problem of pressure on land and the serious imbalance between supply and demand. The slow pace of land distribution may have contributed to this in no small measure.

A focus only on the regularization of encroachments, although politically attractive, is incompatible with the policy of zoning advocated by the Interim Physical Planning Commission, Town and Country Planning Department and land use planning. However, the approach to mitigate the ill effects by bringing in the planning element even after the event, as advocated by the Land Settlement Agency of the Ministry of Housing and Settlements appears to be the only available option. A clearer policy statement is required as to the policy stance of the Government, particularly in the light of the State Lands (Regularization of Tenure) Act No.25 of 1998.

- One option is for the adoption of a more pro-active approach towards securing long-term increases in the national wealth in terms of output, productivity and income by encouraging private sector investments in State lands for housing, industry, commercial activity and for agriculture. Policies and programs for encouraging a positive environment for private sector investment in land would be appropriate under this approach.
- With the current progress in urbanization in the country, the need for a complete inventory of urban land, and for a redefinition of urban areas is clearly felt. The possible demands for the projected expansion of urban areas in the future and land in urban peripheries which will be subjected to fringe conversion have to be taken cognizance of. State land falling within this redefinition has to be clearly earmarked for future use.
- Considering the large number of alienated yet abandoned or semi-abandoned state agricultural land parcels and the requirements for the efficient use of allocated land, it is necessary to improve the system of selection based on a scientifically designed point system with emphasis on knowledge and experience in agriculture. At the same time, the system that is in place to implement the regulatory aspects of legislation affecting the holders of state and private land has to be improved to a great extent to change the mindset of the public.
- The potential negative environmental impacts and adverse social impacts of land related projects are an important policy issue.
- The laws reflect the norms of the State and all laws reflect the political thinking of the time. To be truly effective as a system, a law must have social relevance and it must regulate the activities of the people in a manner acceptable to them, regulating conflicting social interests. Conflicts among laws in terms of their regulation of land issues are problems which lead to the paralysis of state land management. A serious and comprehensive effort at resolving these conflicts is needed
- Major weaknesses in the state land sector are managerial and organizational and therefore efforts are needed to rationalize and simplify the institutional framework as well as re-vitalize the agencies to enable them to carry out their roles in implementing management of state land

- The administrative costs of the operation of the lease hold system of state land management are significant and need to be balanced by the benefits obtained by that system
- A fundamental condition for the efficient operation of a land market is the existence of well-defined, exclusive, secure, transferable and enforceable property rights. Policies are needed to stimulate land markets to operate in socially and environmentally desirable ways.

4.7. A Declaration of New Policy on State Land

As mentioned above, the basic document on Government policy on State land that is available at present is the 1992 Document issued by the Ministry of Planning. A lot of changes have since taken place by way of legislation as well as in the establishment of new agencies mandated to exercise the provisions of such legislation. The ground situation too has changed with an increasing demand for land and pressure emanating from the public. It is therefore considered opportune to address the policy issues at the present juncture through a well considered new policy document on State Land.

References

1. H. W. West 1986 Land Use Planning – Phase II Consultant’s Report 2 AGROF:SRL 184/032 p. 5-6

Chapter 5. Conclusions and Recommendations

5.1. Introduction

The objective of this study is to assist the Commissioner of State Lands to better manage State land and the staff assigned to him. This includes developing a clear strategy to meet the legal, procedural and administrative demands of the position he holds. The assessment reflected above enables us to arrive at certain conclusions. In this final chapter, an attempt is made to define the main problems, arrive at conclusions and outline proposals for improving efficiency and effectiveness of the institution in meeting responsibilities cast on the Commissioner.

5.2. Identification of Problems

The problems faced by the Director of Lands and Surveys in relation to State land management can be summarized as follows:

- (a) The amalgamation of the two distinct positions of Director of Surveys and the Commissioner of State Lands (as reflected in numerous legislative provisions), in one individual
- (b) Non-implementation of mandated functions
- (c) The flaws in the organizational structure to perform the mandated functions
- (d) Assignment of land work to Survey profession
- (e) Inadequate staff resources and skills to perform the important functions
- (f) The absence of a Lease Management System providing the capacity to the Commissioner of State Lands to identify the total number of leases issued thus far, and to pursue action in each case
- (g) The absence of a Workflow Management System to monitor progress of applications for services from the agency (i.e. new leases, renewals, transfers, surrenders, terminations, breaches of tenancy, licenses, applications for reclamation, change of use, consent to assign/mortgage)
- (h) Non-use of Land Use and Land Capability Data covering State lands
- (i) The processes adopted for each of the tasks assigned
- (j) Lack of planning of the annual operation
- (k) The absence of a Monitoring and Evaluation System
- (k) The absence of a Performance Appraisal System

- (l) The existing system of communications and linkages with other related agencies
- (m) The system of delegation
- (n) Non-availability of a forum to formulate and develop land policy
- (o) The absence of a training program for all levels of staff
- (p) The absence of a Land Manual as a guiding document to ensure uniformity in decision making
- (q) Non-review of legislative provisions based on practical experience in implementation
- (r) Inadequate physical resources
- (s) Inadequate financial resources

5.2.1. Separation of the Functions of the Director of Surveys and the Commissioner of State Lands

The Cabinet had agreed on August 25, 1994 to the separation of the functions the Director of Surveys for surveying and mapping from those of the Commissioner of State Lands for estate management. However, this decision was not implemented. The Consultant is made aware of a recent decision of the Cabinet that agreed again to effect the separation.

The amalgamation of these two distinct positions in one individual has resulted in the holder of the position not been able to give adequate time and energy to the functions entrusted to both positions i.e. surveying and mapping, state land management. The Director of Lands and Surveys has not been provided with staff and financial resources to carry out the important functions of Commissioner of State Lands. The legislators have always provided for two distinct and separate positions in the legislation from the very beginning. The post of Commissioner of State Lands was created and classified but never filled. The posts of Deputies were not created in the public service. The Director of Surveys was assigned to fill the gap. The functions too are to a great extent distinct from each other. The Lands Section has suffered most on account of this factor.

There are several models that can be followed in effecting this change. One is to have two independent entities with their own heads of Divisions i.e. Commissioner of State Lands and Director of Surveys. A second model is to create a position of Director-General of Lands and Surveys and have two Heads of Divisions under him, with separately identified staff. A third model is to create a Land Management Entity merging the functions and responsibilities of the Lands Section with those of other closely linked agencies, possibly the Land Administration Division and the Land Settlement Agency.

While the separation is advocated, it is necessary to emphatically state that the linkages between the Surveys Division and the State Lands Division should continue to be maintained without disruption. Otherwise, both Divisions would suffer and programs carried out by the respective agencies will be affected. In fact, we recommend that the two divisions be housed in one building if possible or if not feasible, at least house them in close proximity to each other. Both Divisions need to have access to a common up to date cadastral base. The Commissioner of State Lands has to seek the assistance of the Director of Surveys for surveys of selected lands and in the preparation of plans, while the Director needs to be provided with lease information from the Commissioner, to be noted on all his survey plans. There should be a ready exchange of data and information and the two divisions should be mutually supportive of each other. Moreover, in the medium term, the two agencies should adopt the Unique Parcel Reference Number (UPRN) for all state land parcels under their charge. Some work has already been done in this regard by the Surveys and Mapping Division and this data should be relayed to the Commissioner of State Lands.

5.2.2. Implementation of Mandated Functions

The main piece of legislation that confers wide powers on the Commissioner of State lands is the State Lands Act. Even though the State Lands Act confers powers of ownership of all state lands on the Commissioner, in actual fact he does not exercise these powers to the full, as other legislation has taken away some of the powers. For example, the Housing Act permits leasing of State land on the Housing Authority, and the Authority is empowered to issue sub-leases to occupants of housing blocks. Similarly, State Lands (Regularization of Tenure) Act confers powers on the Minister to declare certain areas occupied by squatters to be declared as Designated Areas and Land Settlement Areas. The encroachers in such areas cannot be ejected and a Certificate of Comfort followed by a Deed of Lease is being issued giving the encroacher authority to stay on the land without fear of being ejected. The squatters who fail to relocate to a lot within a Designated Area or a Land Settlement Area, where relocation is necessary, can be subjected to ejectment. The Land Settlement Agency charged with the responsibility for carrying out the provisions of this Act, refers squatters who fail to comply with relocation, to the Commissioner of State Lands for ejectment in accordance with Section 20 of the State Lands Act. The preamble to this Act recognizes squatting as a phenomenon in Trinidad and Tobago for well over one hundred years. There appears to be a conflict as to the Government's policy on encroachment.

The indicators below demonstrate clearly, that the Commissioner does not fulfill the mandate given to him under this Act, some by reason of Governmental decisions, or as a result of other legislation and others by default:

- (a) The Commissioner's powers over State lands have been taken away by other statutes empowering other agencies of Government to act on his behalf
- (b) He does not exercise to the full the powers of administration, management and protection of state lands and the preservation of order on State lands nor does he possess the resources to effectively implement the powers conferred on him

- (c) Even though the State Lands (Regularization of Tenure) Act provides relief for certain encroachers, the Government has not encouraged encroachment on State land. In fact, the Policy Paper issued in 1992 clearly states that ‘no change is proposed in the general functions and responsibilities of the Commissioner’ and specifically makes reference to the function of prevention of squatting (p.6). However, there appears to be an apparent conflict in policy implementation, as the above Act permits issue of Certificates of Comfort preventing encroachers from being ejected, and to the grant of a Deed of Lease. The squatters who fail to relocate to a lot within a Designated Area or a Land Settlement Area, where relocation is necessary, can be subjected to ejection by the Commissioner of State Lands in accordance with Section 20 of the State Lands Act. The government’s policy on encroachments has not been clearly spelt out to enable the Commissioner to take preventive action against encroachment.
- (b) The responsibility to process applications for licenses for quarries, mines and reclamation of land has been taken away by Cabinet decision, and two committees have been entrusted the tasks of processing such applications. The Commissioner does not possess the technical capacity within his establishment to process such applications.
- (c) The Commissioner is also charged with the collection of rents of lands that belong to the State. Unfortunately, no serious attempt has been made to ascertain the number of leases issued by him over the years, or to determine the rent due on those leases, thereby causing loss of a large amount by way of revenue to the Government.
- (d) The function of identifying suitable land for distribution as contained in the Act, as ‘settlement and allotment of State lands and the laying out of village lots’ is not being pursued. The failure on the part of the Commissioner of State Lands to pursue action in this regard, may have contributed in no small measure to the establishment of numerous agencies that have been entrusted the tasks of planning and development of housing, settlements, agriculture lands, industrial and commercial sites etc. At present, only applications made by members of the public in isolated units falling within state lands are processed for new leases. In the present context, it is impractical to mount a regular program of state land distribution as other agencies are mandated to undertake such development. The Commissioner of State lands can only provide a supportive role in the identification and quick release of such lands.

5.2.3. Proposed Organizational Structure for Land Management

There is no question that the current organizational structure of the Lands Section of the Lands and Surveys Division is not conducive to the requirements of state land management and that it has failed to deliver the services expected of the Commissioner in an efficient and effective manner. The organization itself is so designed that it can only

make a reactive response to the demands made by the policy makers and the public and does not promote a pro-active role in land management.

Legislative provisions and policy directions mentioned above, require the Commissioner of State Lands to play three major roles in State land management.

- (a) Developmental function
- (b) Regulatory function
- (c) Advisory function

The developmental function relates to identification (location), evaluation, conservation, and distribution of state lands to satisfy the competing demands of the various sectors of the economy. In order to fulfil the responsibilities assigned to this task, the Commissioner of State Lands has to first identify the state lands and maintain a comprehensive database of all state lands in the country. Evaluation envisages use of land use data and land capability assessments to determine land capability of such lands. Conservation refers to the need to identify environmentally sensitive areas and stream, road and other reservations. Distribution of state lands refers to allocation of such lands to various authorities established by statute to perform those development functions or to persons selected for allocation of state land in a timely manner.

The regulatory function relates to processing of new leases, renewals and other tenancy agreements. It includes collection of lease rentals at the appropriate time, the regularization of breached tenancies and issue of advisory notices on tenants in breach of Terms and Conditions of Leases. The Commissioner has to grant consents for transfer of leases, assignments and mortgages and provide approvals of building plans on state owned land. In addition, the Commissioner should have the organizational capacity to identify encroachments taking place on state lands as they occur and take immediate action to prevent such occurrence.

Finally, the Commissioner of State Lands has the important function as the custodian of State lands to play a catalytic role in policy formulation and development in regard to state land. Such a role can only be fulfilled if he possesses the required data, conducts data analyses and is able to provide policy options for consideration by the policy makers.

In the short term, one possible organization structure would have the Commissioner of State Lands assisted by two operational Deputy Commissioners in charge of the Northern and Southern Counties. This is in conformity with the decentralization efforts undertaken by the Government in recent years. A Position Description of the Post of Commissioner of State Lands is attached as Annex B. Directly under the charge of the Commissioner are two units, one covering Personnel/Accounts/Revenue and the other Management Information. The Management Information Unit includes a Monitoring and Evaluation facility. The Monitoring and Evaluation Unit will not only undertake evaluation of progress, but also monitor the adherence to terms and conditions of leases, through the field staff. The Personnel/Accounts and Revenue unit will be under an Administrative Officer (AO II) and supported by an Accounts Assistant. The two Deputies have ten Land Officers. The increase has been determined based on the volume of work in the counties.

Eight of the Land Officers will be in charge of Counties, one in charge of Acquisitions. The Land Officer in charge of Mines, Quarries and Land Reclamation will revert to county land work after the new Minerals Act comes into force and the subjects are entrusted fully to the Ministry of Energy and other relevant authorities. The allocation of work for the nine Land Officers will be as follows:

County	Number of Officers
Victoria	1
St.Patrick	1
Caroni	1
St.Andrew/St.David	1
Nariva/Mayaro/Tobago	1
St.George	3
Mines/Quarries/Land Reclamation	1
Acquisitions	1
Total	10

The ten Land Officers will be supported by 9 Inspectors of State Lands. Each Inspector will have an Assistant. The present Patrolmen are re-designated Field Assistants and divided up among each Assistant Inspector of Lands, dependant on the volume of work prevailing in each county. It envisages re-deployment of Field Assistants from counties that have lesser volume of work to high volume areas. No cadre increase is proposed for Field Assistants. However, it is recommended that the transport allowance of these Field Assistants is increased, as their travelling allowance is totally inadequate to carry out the functions entrusted to them.

It is proposed that the present cadre of Surveyors who perform the functions of Land Officers be permitted to revert back to their substantive positions and replaced with Administrative Assistants to take up duties as Land Officers. The new officers should go through a formal training program prior to taking up duties. This change is expected to facilitate a better fit for the work encountered and would relieve the Surveyors to undertake their substantive work in surveying. The section on Training provides details of the training requirements.

The Management Information Unit will be equipped with two desktop computers and will be headed by a Management Information Officer, three data entry clerks and a clerk in charge of Monitoring and Evaluation. The Management Information Officer will be responsible to the Commissioner of State Lands for the overall control of the Management Information System, including deciding/modification of the information content of the data base, its storage structure and access strategy, as well as monitoring its performance and responding to changing user requirements. S/he will also be required to maintain the Monitoring System to enable evaluation of progress of work pertaining to the issue of leases and licenses. In addition, the Monitoring and Evaluation Unit should monitor the adherence to terms and conditions of leases issued to lessees as well as to Governmental agencies.

The officer will be assisted initially on the design of the system by experts in Information Technology. Section 6.2.6. and 6.2.7. provide some details of the information content of the data base, both for leases as well as Monitoring and Evaluation. This database is designed to ensure that the Commissioner of State Lands has all the data that he needs, for the management of leases and to monitor workflow. The Management Information Officer will also be responsible for training of officers in information technology.

The New Organizational Chart also provides for officers loaned from each of the following agencies. Two surveyors from the Surveys Division to cover actual surveying needs of the Commissioner of State Lands and coordinate/monitor the survey work within the North and South counties, two Attorneys from the Office of the Chief State Solicitor and a Valuations Assistant from the Department of Valuation. Out of the two attorneys, one should be a Senior Attorney with experience in Land Law and Conveyancing. The consultant is aware that the vacancies of Valuation Assistants have not been filled and that the Department is experiencing grave difficulties in catering to the demands of numerous agencies. The Government should resolve this issue without further delay. These officers will work under their respective Departments but will be located in the Office of the Commissioner of Lands. This is expected to facilitate expeditious handling of cases referred to the respective institutions.

5.2.4. Use of Officers from a Surveying Background as Senior Staff

Five surveyors have been assigned the tasks of Land Officers. Four of them are Graduate Surveyors and one a licensed Surveyor. The Graduate Surveyors do not wish to continue in the Lands Section as the experience does not help them in securing the license. They have to work with a Licensed Surveyor for two years to qualify. The Licensed Surveyors, it is understood have permission to private practice. All these officers consider the work assigned to them as outside their training and background and rightly so.

Therefore, it is recommended that the Surveyors who function as Land Officers be permitted to revert back to the surveying profession and replaced with Administrative Assistants in the Public Service and be trained for the assignment. Selection for this assignment has to be made after careful screening of past record of performance and an assurance that those selected would remain for a minimum of five years in the Division after training is imparted.

5.2.5. Inadequate Staff and Skills

The present strength of staff assigned to the Lands Section is totally inadequate to carry out the numerous functions assigned to the Section. It should be pointed out that these functions, particularly on the regulatory side are time bound. Any delay causes transaction costs in time and money, both to the Government as well as to the members of the public. The study discloses the average period of time taken for some of the activities. It also shows the large amount lost by way of revenue. The moderate increase in staff proposed, together with other improvements in management is expected to enable the agency to function efficiently and effectively.

However, it should be pointed out that the Cabinet Minute No. 1462 of June 10,1999 has placed an immediate freeze on all new recruitment, including recruitment on contract, except in the cases where Ministries/Departments have completed their Strategic Review exercises and have had their new organizational structures approved by Cabinet. Therefore, the proposed changes if accepted will require Cabinet approval for implementation.

The greatest drawback as far as staff and skills is in management information. The institution does not have staff with skills in identifying the content of management information required to run the establishment efficiently and effectively. This needs the services of a Management Information Officer with adequate computer skills and experience in the development and maintenance of a system that caters to the needs of workflow management, management of leases and in monitoring and evaluation of performance.

The staff requirements are given below:

Position	Number Proposed	Cadre Provision	Increase/New	Additional Provision Required
Commissioner of State Lands	1	Nil	1	105,588
Deputy Commissioners	2	Nil	2	76,572x2=153,144
Land Officers	10	Nil	10	56,772x10=567,720
Inspectors of Land	9	4	5	49,344x5=246,720
Asst. Inspectors	9	8	1	37,800
Patrolmen/Field Officers	48	48	-	
Clerk IV	1	1	-	
Clerk II /III	2	1	1	37,800
Title/Memo Clerks	12	6	6	32,103x6=192,618
Management Information Officer	1	-	1	
Data Entry Clerks	3	-	3	33,744x3=101,232
Clerk/Typists	3	2	1	33,744
Messenger	1	1	-	
Accounting Assistant	1	-	1	42,135
Admin. Officer II	1	-	1	62,496
Driver	1	-	1	30,908
Total	104	71	34	1,611,905

5.2.6. A New Lease Management System

The information content of the proposed database for the New Lease Management System has to be very carefully determined. There are two ways to determining actual information requirements.

- (a) identify the types of information that must be had by the Commissioner of State Lands to fulfill his mandate, as defined by law, enabling legislation or by Government decision
- (b) determine user needs both of participating agencies (land administration and land management agencies) and the members of the public who seek the services of the Commissioner of State Lands

The most appropriate would be a combination of both. After identifying the range of information as above, it is necessary to determine which types of information are absolutely required, rather than desired. This can be the guiding principle in determining the content of the database.

An attempt is being made to manually collect data on new lease issued. However, the Commissioner of State Lands does not possess an automated system of leases issued to-date, their dates of renewal, whether rent reviews have to be obtained at regular intervals, name of original lessee, transfers or mortgages made etc. In order to find this data he has to search among the 30,000 files manually. As mentioned earlier, he reacts to requests from lessees or members of the public. From a reactive response, this Division has to get into a pro-active role.

In 1993, a Project to Computerize Cadastral Records was initiated by the Director of Lands and Surveys, and it appears that this project is still in its embryonic stage. Only about 980 parcels of state land in Morvant have been digitized with very detailed data. Sufficient financial resources have not been provided for this project to proceed as originally envisaged. It is highly unlikely even if all the resources are made available that this project would be able to cover all State land in Trinidad and Tobago in the next ten years. While the data identified for computerization is useful and desirable, it would not help the Commissioner of State Lands to resolve his immediate problem of not having data pertaining to leases issued up to-date.

Only available option is to gather this information from the Lease Books maintained at the Red House. Subsequent transfers/assignments etc., which would not be reflected in the Lease Books can be incorporated after the primary data is collected, by referring to individual files. In order to develop a Lease Management System, only a limited amount of data is required as mentioned below. It is proposed that the private sector be engaged on contract to extract this information and to enter such data into a simple data base system. This exercise can be completed within a short period of time, if the private sector is engaged. The leases pertaining to Tobago should be separately listed to enable the future management to be undertaken by the Director, Land Management Services in

THA. The Commissioner of State Lands will then possess data of all leases, their dates of renewal and the quantum of rental due for each year.

The types of information the Commissioner of State Lands require for lease management can be summarized as follows:

- (a) Name of Current Lessee
- (b) Address
- (c) File No.(to determine category/county)
- (d) UPRN No. (if available)/ Leave room for future insertion
- (e) Deed Registration No.
- (f) Commencement Date
- (g) Period of the Lease
- (h) Expiry Date
- (i) Period of Rent Review(if any)
- (j) Rent due with date (if annual)

The data on Deeds of Assignment will be as follows:

- (a) Name of Assignee
- (b) Address
- (c) File No. (to determine category/county)
- (d) UPRN No. (if available)/If not leave room for future insertion
- (e) Parent Deed Registration No.
- (f) Assignment Commencement Date
- (g) Assignment Expiry Date
- (h) Period of Assignment

The data on Mortgage of Deeds will be as follows:

- (a) Name of Mortgagor
- (b) Address
- (c) File No. (to determine category/county)
- (d) UPRN No. (if available)/If not, leave room for future insertion
- (e) Parent Deed Registration No.
- (f) Mortgage Commencement Date
- (g) Mortgage Expiry Date

However, in order that this data can be useful to all agencies handling Land work in the future, a Unique Parcel Reference Number can be given to each lease at the time survey plans are completed. Indicators can be placed six months before the event, to highlight dates on which the lease term expires or lease value has to be reviewed. The Commissioner of State Lands can use this data as the base for development of the Annual Plan of Work. All new leases can similarly be added on to the data. The data can also be utilized for collection of revenue. The three data entry clerks proposed for the Division can be trained in the use of this data. The system has to be designed in such manner to secure data, so that no alterations can be made, without specific authority of the Management Information Officer or the Commissioner of State Lands.

5.2.7. A New Work Flow Management System

It is proposed that a computer supported work flow management system be introduced to provide the Commissioner of State Lands the basic information he needs to track progress. The activities that involve state leases/grants and acquisitions generate correspondence and liaison with multitude of agencies. The applications can fall into one of the following categories.

- (e) issue of new lease
- (f) renewal of lease
- (g) transfer/assign /mortgage of lease
- (h) surrender of lease
- (i) termination of lease
- (j) breach of tenancy agreement
- (k) application to reclaim land from sea
- (l) application for licenses for mines and quarries
- (m) application for change of use
- (n) application for acquisition of private property for public purposes
- (o) issue of Grants for parcels in NHA projects

The objective of the work flow management system is to develop the ability to track down the progress made at any given time, in any of the applications made by the public or initiated by the Commissioner of State Lands himself. At present there is no procedure for tracking or registering the progress of an application without an exhaustive search of the files. The information content of this data base can be as follows:

(1) New Lease

- (a) Date of Application/Date on which CSL initiated action
- (b) File No.
- (c) UPRN Number(if available)/If not, leave room for insertion later
- (d) Date referred to IOSL
- (e) Date Status Report received
- (f) Date referred to T&CP for approval
- (g) Date of approval from T&CP
- (h) Date referred to Valuation
- (i) Date valuation received
- (j) Date of Letter of Offer
- (k) Date of Acceptance
- (l) Date request made to nominate a private surveyor
- (m) Date of issue of Survey Order
- (n) Date Plan received
- (o) Date plan approved by DOS
- (p) Date referred to State Solicitor for preparation of lease
- (q) Date applicant asked to deposit fees
- (r) Date of issue of lease
- (s) Date of registration with Registrar General

Signals have to be placed to highlight every event that takes more than 4 weeks, so that they can be followed up with individual officers or with the respective agencies.

(2) Renewal of Lease

- (a) Name of Applicant
- (b) Date of Application by Lessee/Date COSL initiates action to renew
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date referred to IOSL for Report
- (f) Date Status Report received
- (g) Date referred to Valuation
- (h) Date valuation received
- (i) Date of Letter of Offer
- (j) Date of Acceptance
- (k) Date referred to State Solicitor for preparation of lease
- (l) Date applicant asked to deposit fees
- (m) Date of issue of lease
- (n) Date of registration with Registrar General

(3) Transfer/Assignment/Assent/Mortgage of Lease

- (a) Name of Applicant
- (b) Date of Application by Lessee
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date referred to IOSL for Report for any breach of conditions
- (f) Date Status Report received
- (g) Date Consent Issued
- (h) Date Deed of Transfer/Assignment/Assent/Mortgage registered by Applicant/Transferee's private attorney
- (i) Details of Assignment/Assent/Mortgage (i.e. date of commencement/date of expiry)

(4) Surrender of Lease

- (a) Name of Lessee
- (b) Date of Application by Lessee
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date Cabinet approves surrender
- (f) Date referred to the Chief State Solicitor
- (g) Date of Issue of New Lease

(5) Termination of Lease

- (a) Name of Lessee
- (b) Date decision made to Terminate Lease
- (c) Date of Notice of Termination
- (d) Date of Repossession

(6) Breach of Tenancy Agreement

- (a) Name of Lessee
- (b) File No.
- (c) UPRN Number(if available)/If not, leave room for insertion later
- (d) Date IOSL reports breach of tenancy agreement
- (e) Date of Issue of Notice
- (f) Date referred to IOSL to ascertain whether now in conformity

(7) Application to Reclaim Land from Sea

- (a) Name of Applicant
- (b) Date of Application by Lessee
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date referred to IOSL for Report
- (f) Date Status Report received
- (g) Date referred to West Coast Master Plan Committee
- (h) Date of approval
- (i) Date referred to P/S
- (j) Date approved by Cabinet
- (o) Date referred to Valuation
- (p) Date valuation received
- (q) Date of Letter of Offer
- (r) Date of Acceptance
- (s) Date referred to State Solicitor for preparation of lease
- (t) Date applicant asked to deposit fees
- (u) Date of issue of lease
- (v) Date of registration with Registrar General

(8) Application for Licenses for Mines and Quarries

- (a) Name of Applicant
- (b) Date of Application by Lessee
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date referred to IOSL for Report
- (f) Date Status Report received
- (g) Date referred to Quarries Advisory Committee
- (h) Date of approval
- (i) Date referred to P/S

- (j) Date approved by Cabinet
- (k) Date referred to Valuation
- (l) Date valuation received
- (m) Date of Letter of Offer
- (n) Date of Acceptance
- (o) Date of issue of license

(9) Application for Change of Use

- (a) Name of Applicant
- (b) Date of Application by Lessee
- (c) File No.
- (d) UPRN Number(if available)/If not, leave room for insertion later
- (e) Date referred to IOSL for Report
- (f) Date Status Report received
- (g) Date referred to T&CPD
- (h) Date Report received from T &CPD
- (i) Date Consent given

(10) Application for Acquisition of Private Property for Public Purposes

- (a) Date of Application and Name of Government Agency
- (b) File No.
- (c) UPRN Number(if available)/If not, leave room for insertion later
- (d) Date of Cabinet Approval
- (e) Date Section 3 Notice published
- (f) Date Survey Order issued
- (g) Date of request for Valuation
- (h) Date Valuation received
- (i) Date Section 4 published
- (j) Date land owner submits claim for payment of advance for compensation
- (k) Date Chief Solicitor is written to determine whom to pay compensation
- (l) Date Chief Solicitor replies determining parties for compensation
- (m) Date advance payment is made
- (n) Date Section 5 published vesting land in the State
- (o) Date final payment is made

(11) Issue of Grants for land parcels in NHA projects

- (a) Date of Application
- (b) File No.
- (c) UPRN Number(if available)/If not, leave room for insertion later
- (d) Date referred to Drawing Office to draw parcel on State Grant Forms
- (e) Date State Grant Forms received back from Drawing Office
- (f) Date referred to Check Staff
- (g) Date referred to Supervisor, Surveys
- (h) Date of Approval by DOS
- (i) Date forwarded to P/S for transmission to President's office

- (j) Date received back from President's Office via P/S
- (k) Date of letter sent to Applicant regarding indebtedness
- (l) Date applicant provides evidence of non-indebtedness
- (m) Date of letter to applicant requesting to deposit stamps for registration
- (n) Date forwarded to DOS for signature
- (o) Date forwarded to Registrar General
- (p) Date Registrar General provides number of registration
- (q) Date applicant is informed to collect State Grant from Registrar's Office

5.2.8. Data on Land Use, Land Capability and Encroachments

The Commissioner of State Lands should maintain data on the following to enable him to perform the functions entrusted to him effectively.

- (a) the location of State land parcels
- (b) their present status, whether encroached or utilized for specific purposes or not
- (c) land use information, particularly land capability assessments to determine suitability for a given purpose.

The Director of Surveys has identified State Lands on 1:10,000 sheets covering the country. An attempt is being made to update this data by incorporating lands that have been acquired. However, data pertaining to leases that have been issued are not been entered into these sheets. Nor is information available on encroachments.

The maintenance of a digital mapping and spatially related land information system that would show the geographic location, shape, and attribute data of land that will relate survey plans to topographic maps, is a responsibility entrusted to the Director of Surveys. By Cabinet decision, his Division has to take the lead role in developing a GIS/LIS. Considerable investments have already been made and the Director of Surveys and the Director, Town and Country Planning has valuable data pertaining to this aspect. However, such land use and land capability data covering state lands should be shared with the Commissioner of State lands.

The Commissioner of State lands can also furnish data on encroachments through an encroachment survey conducted through his field staff, so that such data too can be incorporated. This is considered important, as a cut off point (date) for encroachment regularization has been determined under the provisions of the State Land (Regularization of Tenure) Act of 1998. A data collection form that can be used for an encroachment survey is attached. (Annex F)

5.2.9. Simplification of the Processes

One of the ways to gain efficiency and effectiveness is to simplify the processes discussed in Chapter II and streamlining methods used by the institution. In this section, an attempt is made to simply the processes by first identifying the delays encountered in the process and to propose specific procedural changes to improve the speed.

5.2.10. Improvements to the Acquisition Process

The delays in the acquisitions process have been identified as follows:

- (i) delay on account of the procedure adopted
- (ii) the delay in surveying property
- (iii) delay in obtaining valuation from the Commissioner of Valuation
- (iv) delay on the part of the Solicitor General in determining the parties to whom the compensation should be paid
- (v) delay in making payments
- (vi) need for better monitoring of progress

5.2.11. Procedural Delays

At present, all agencies of Government, who require private land for development purposes have to furnish details of location of land, approximate extent earmarked for acquisition, and the source of funds to support such acquisition to the Director of Lands and Surveys. The Director has to obtain an interim valuation of the property from the Commissioner of Valuation and submit a Note to Cabinet through the Ministry of Housing and Settlements to approve the acquisition. At this stage, it is not necessary to channel these papers through the Director of Lands and Surveys. Any Ministry that require private land should be permitted to go to the Cabinet direct with copies of the Note to the Cabinet sent to Director of Surveys and Commissioner of State Lands for information. Individual ministries should obtain on their own, the relevant particulars that the Cabinet requires. Once the Cabinet approves the acquisition, the Cabinet Office can inform the relevant Ministry as well as the Commissioner of State Lands to enable him to take follow up action, in terms of the provisions of the Land Acquisition Act. This change will eliminate the delays encountered at present by the respective agencies in having to channel them through the Director of Lands and Surveys.

5.2.12. Delay in Surveying the Property

The rapid appraisal of files in the acquisitions division shows very clearly that the biggest delay is in the survey of property. These surveys need not be channeled through Government Surveyors. On receipt of a copy of a Note to the Cabinet, the Director of Surveys should select a private surveyor or a group of surveyors to handle the project and determine the time period allocated to the work. In the alternative, the owner of the property should be allowed to select a surveyor and pay for it. The state can reimburse the amount paid. Once approval is received from the Cabinet, he should entrust the assignment to the surveyor/s pre-selected. A clear contracting document should be designed and used as in private sector contracts, with penal clauses included, for non-adherence to target dates or for poor quality work. The Supervisor of Surveys should ensure that there is regular monitoring of progress on survey orders issued and for contract management. There is also a need for the preparation of guidelines for Acquisition Surveys. The Land Officer in charge of acquisitions should ensure prompt payment to surveyors, based on recommendations made by the Supervising Officer, Surveys.

5.2.13. Delay in Valuation of Property

The delay in Valuation of Property affects the payment of compensation and is a cause for frequent criticism by the members of the public. The Commissioner of Valuation is expected to furnish an interim valuation and later the final valuation. He is faced with a problem of lack of skilled staff. The lack of qualified staff of this Department has to be addressed in the first instance, if a satisfactory resolution is to be arrived at. The filling of vacancies in the cadre of the Valuation Department is considered to be of high priority. The Valuation Division at present has the following vacancies that need to be filled.

- (a) All fifty posts at the technical recruitment level of Valuation Assistants I
- (b) Twenty of the forty three posts at the next level of Valuation Assistant II
- (c) All nine posts at the professional level of Valuer
- (d) One of the posts of Assistant Commissioner of Valuations

The work undertaken by the Commissioner of State Land requires constant reference to Valuation for all work pertaining to acquisitions, new leases, renewal of leases etc. Therefore, it is recommended that a Valuation Assistant II of the Valuation Division be housed in the office of the Commissioner of Lands. Such officer will continue to be under the directions of the Commissioner of Valuations for all purposes. If this proposal is accepted, it will expedite the process immeasurably.

5.2.14. Delays with the Chief State Solicitor

The Chief State Solicitor has to determine by looking at the claims, the parties to whom compensation should be paid. This is another point in the chain, where there is delay. The Commissioner of State Lands has to refer to the Chief State Solicitor not only the cases of acquisitions but also all other aspects of work that he is entrusted by legislation. As in the case of Valuation, it will be extremely useful to house two Attorneys, one a Senior Attorney with experience in Land Laws and conveyancing, in the office of the Commissioner of State Lands. Such officers will continue to be under the direction of the Attorney-General.

5.2.15. Delay in making Payments for Compensation

The publication of Section 4 of the Acquisitions Act early will enable the owner of the property to submit a claim for compensation and obtain 80% of the valuation of the property. Section 3 of the Act permits entry and survey of the property and for the respective agency requiring the acquisition to determine whether the acquisition should be proceeded with. Any delay on the part of surveying or in the determination by the agency will cause delays in the publication of Section 4. Unless there is close monitoring of events by the Commissioner of State Lands, unwarranted delays are bound to happen. The rapid appraisal of files in the acquisition section shows that such close monitoring of progress is not being undertaken. This has to be corrected in the first instance. The payment of 80% of the compensation should be completed within six months of publication of Section 4.

Delays are also caused by faulty title and this can only be resolved by the speedy implementation of Title Registration.

Another cause for the delay is non-identification of the source of funding or the inadequate source of funding. There appears to be a wide discrepancy between the budgetary allocation and the actual amount released for acquisitions. The Cabinet must ensure that no acquisitions are proceeded with, unless adequate funding is identified and released within the Financial Year. The Ministry of Finance in the determination of the Budget should make special care to provide funds for this purpose. A monitoring System has been proposed for the Acquisition Section to enable them to monitor progress right up to payment of compensation and completion of the acquisitions process.

5.2.16. A New Monitoring System for Acquisitions

A simple monitoring system (which is computerized version of the work steps followed in acquisition) is proposed. This system can be used by any of the Title Clerks of the Section with a short training to immediately know the stage at which the acquisition stands. The indicators provided will also enable them to identify delays at every point. The security of the data in the system has to be assured so that no data can be inserted, erased or changed without the express authority of the Information Management Officer. The information content of the database is given below:

- (a) Name of Agency requiring Acquisition
- (b) Date of request
- (c) Category of Acquisition
- (d) Date Cabinet approval Obtained
- (e) Date Section 3 published
- (f) Date Survey Order sent
- (g) Date survey completed
- (h) Date Valuation written to for Final Valuation
- (i) Date Section 4 Published
- (j) Date 80% compensation paid
- (k) Date Section 5 published
- (l) Date final payment is effected

5.2.17. Simplification of the Process of Issue of Leases

The procedural delays encountered in the process of issue of leases are the same as reflected under Section 6.2.12, 6.2.13, and 6.2.14 for acquisitions and the remedial actions suggested apply to leases as well.

The non-availability of data pertaining to leases affects the lease renewal program as well as collection of revenue. This can be overcome by installing the proposed Lease Management System as described under Section 6.2.7.

The Workflow Management System proposed under Section 6.2.8. would enable tracking or registering progress of all applications without an exhaustive search of the lease files.

5.2.18. Cabinet Approval for Leases

The procedure followed at present is to obtain Cabinet approval for the following:

- (a) New Leases
- (b) Change of Use
- (c) Sub-division
- (d) Transfer(sale) of agricultural land, other than by will/consent

There is no reason why Cabinet approval needs to be sought for new leases or any of the matters concerning leases referred to above. The Cabinet can lay down the overall policy for State land alienation and the selection procedure. The issue of leases to individuals should remain a legitimate function of the Commissioner of State Lands within the Cabinet approved framework and subject to approval by the Minister in charge of the subject of State lands. This would save the time of the Cabinet as well as expedite handling of leases. If the Cabinet so desires, they can lay down a particular ceiling on the value of land over which prior Cabinet approval should be obtained. Similarly, if required, investments of a large nature, where the land component plays a major role can also be referred to the Cabinet. The Commissioner of State Lands should prepare this policy framework and selection criteria and seek the approval of the Cabinet. Submission of lists of persons who are to be provided with leases for prior Cabinet approval, should be done away with.

5.2.19. Planning

A recent attempt to introduce basic elements of planning into the activities of the Lands Section can be noticed. The Data Summary of the Annual Report of work carried out during the Financial Year 1999 indicates the volume of work that the Section carried out during the year.

No targets are fixed for the year. The Commissioner of State Lands does not have an Annual Plan of Operations. There is no way to assess the performance of the institution without an annual plan. The Commissioner of State Lands together with his two deputies should prepare this plan at the very beginning of each year based on the data provided by the Management Information System and from the experience gained over the years on the number of new leases processed. The proposed Lease Management System would provide the Commissioner with accurate data on the number of leases due for renewal etc. and such data would provide valuable information for planning purposes. Similarly, the Work Flow Management System would provide data on the number of applications that are being processed. Data provided by these two systems would be more than adequate to determine targets for the Annual Plan.

5.2.20. Monitoring and Evaluation

There is no comprehensive program for monitoring and evaluation of the work carried out. This is a major problem affecting the output of work and has to be corrected forthwith, to gain efficiency of the operation. It is recommended that a Monitoring and Evaluation Unit be established under the Management Information Officer for this

purpose. Sections 6.2.7. and 6.2.8. furnish details of management information that can be used to monitor progress.

Monitoring can be defined as a process of measuring, collecting, processing, recording and communicating information to assist management in decision making. Evaluation in the context of the Commissioner of State Lands is concerned with the assessment of effects (benefits) and impact on the beneficiaries. While monitoring is basically implementation oriented, evaluation may be stated to be beneficiary oriented.

The creation through a well-designed monitoring system, of regular feedback to manage the activities of the Lands Section has been overlooked. No attempt to date has been made to employ such a system. Monitoring in the case of the Commissioner of State Lands, encompasses operational and administrative activities that track resource acquisition and allocation, the speed of delivery of services, including costs in time and money of such delivery and revenue generation on account of the activities performed.

The establishment of an effective Monitoring and Evaluation System involves the following tasks:

- (a) Identification of the annual targets for each component of the program
- (b) Identification of indicators to measure progress
- (c) Identification of benefits

There is a need to develop acceptable measures as key indicators of success. Such indicators will be useful for the following purposes:

- (a) to quickly provide policy makers and program managers with comparative data on the progress and performance
- (b) to provide a more objective way to evaluate the strength and performance of the Commissioner of State Lands
- (c) to provide a means to analyze relationships among aspects of performance

A set of indicators that have been developed may serve the purposes.

5.2.21. Identification of Targets

The following may be used as Annual Targets of the Program:

- (i) Number of New Leases to be issued for the year
- (ii) Number of Renewals and other tenancy agreements
- (iii) Target for Assignments, Transfers, Assignments, Mortgages(Approx.)
- (iv) Target for regularization of breached tenancies
- (v) Target for preparation and registration of State Grants
- (vi) Target for approval of Building Plans
- (vii) Target for Acquisition of private lands for public purposes
- (viii) Number of Licenses issued (later releases of state land)for Mines, Quarries and for Land Reclamation
- (ix) Quantum of revenue expected to be collected within the year
- (x) Number of land disputes resolved

5.2.22. Development of Indicators

The indicators have to be developed to ascertain efficiency of the Organization. A few of the indicators can be as follows:

- Clarity of the Organization chart
- Definition of functions and availability of job descriptions for each category of staff
- Forms of coordination and effectiveness with other participant agencies
- Numbers and qualifications of staff at different levels
- Staff turnover at different levels
- Quality and comprehensiveness of information collected on program implementation and financial performance
- Speed with which new leases and renewals of leases are effected, approval for assignments, transfers, mortgages are given and financial information obtained and reports prepared
- Achievement of financial goals (recovery of rents, processing fees etc. at one point)
- Quality of reports
- Regularity and effectiveness of meetings to review progress and follow up action

5.2.23. Identification of Benefits

In addition, it would be beneficial to assess the efficiency of the whole operation. Four measures are proposed as follows:

- Speed of implementation
- Cost of Implementation
- Quality of the Services provided
- Accessibility of services to intended beneficiaries

5.2.24. Performance Appraisal

The Lands and Surveys Division does not adopt a realistic performance appraisal system for the staff that relates to the quantum of work performed during a given period. It only uses the performance appraisal format that is issued as a general rule for the public service, which is a qualitative assessment of the work done by each officer. This format does not help in assessing the performance of individual officers in a specialized area of work. It is therefore proposed that a quantifiable performance appraisal system be adopted to evaluate work of officers with established norms determined in consultation with staff. This performance appraisal system can be designed apportioning a monthly target of work under each of the programs to every officer. Such targets should cover Land Officers, Inspectors of Lands, Clerical staff assisting Land Officers and other supporting staff

5.2.25. Communication and Linkages

There is no established system of communication other than the Official Memos that are sent from the Commissioner of Lands to the Commissioner of Valuation, the Director, Town and Country Planning, the State Solicitor and such other agencies and the replies that they furnish in response. The Commissioner should provide a monthly statement of outstanding reports and deeds to the respective Heads of Institutions so that they can better monitor their own progress. In recent times, due to the intervention of the Attorney-General, the issue of lease documents is moving at a much faster pace than before. A simple monitoring device as mentioned above will facilitate further improvement to the prevailing situation.

Similarly, the use of electronic mail between heads of Divisions and Departments should be made a standard communication measure. The Commissioner of State Lands as well as other heads of Departments will benefit immensely if such communications are made a day to day occurrence.

The Commissioner of State Lands should establish a relationship to share the data that is generated by the Town and Country Planning Department in regard to zoning for various purposes in so far as it relates to State land. This data would be an invaluable source for him to immediately know whether the application is within the zone identified for that particular development purpose or not.

A quarterly meeting between the Commissioner of State Lands, the Director of Surveys, the Chief State Solicitor, the Commissioner of Valuation, Director of Land Administration in the Ministry of Agriculture, the Commissioner of Town and Country Planning and the Director, Property Management of the Ministry of Public Administration is proposed to provide a forum for eradicating delays and bottlenecks.

The Director of Surveys and the Commissioner of Valuations have established a very healthy form of sharing data produced by each party to their mutual benefit. The Commissioner of Valuation has developed a Unique Parcel Reference Number (UPRN) by classifying them according to Region, Settlements, Enclosure, and Parcel. The

Director of Surveys has been given access to these data sheets. When he finds that development has taken place within a region, settlement or an enclosure, Director of Surveys notes the additional numbers for those new parcels and provides a copy to Commissioner of Valuation to update his records. The Commissioner of State Lands should adopt this UPRN number in all leases.

5.2.26. System of Delegation

The system of delegation adopted at present by the Commissioner of State Lands is as follows:

- All offers for Leases and agreements are personally signed by the D/ L & S
- All Advisory Notices/ Termination/ Quit Notices are signed by the D/L & S due to their legal implications
- All recommendations that are submitted to Permanent Secretary in the Ministry are signed by the D/L&S
- All other functions such as requests for reports from Town and Country Planning, Forestry Division, status reports from the field etc. are handled by each Land Officer

All offers of Leases and Agreements and recommendations to the Permanent Secretary can continue to be signed by the Commissioner of State Lands. All other functions can be delegated to the two deputies without any legal implications, as the Deputies by statute are empowered to exercise all powers and duties of the Commissioner of State Lands.

It has been pointed out in the body of the report that other state agencies have taken over bulk of the functions of the Commissioner of State Lands. That is a reality. However, where there is no legal enactment, such as in the case of the Delegation of Powers to the Minister of Agriculture and Lands by Order 141/1953, the Director, Land Administration Division of the Ministry of Agriculture is expected to deal with all alienation and regularization of agriculture lands. The Director of Land Administration undertakes the definition of land available for distribution/regularization, agree on critical activities necessary to effect distribution, prepares development plans, advertises lands for distribution formulates and monitors environmental protection practices to be enforced. The actual lease work continues to remain as a function with the Commissioner of State Lands. Such arrangements do not appear to work well unless supported by specific legislation.

To ensure that such authorities can effectively carry out their development functions, it is recommended that the following be appointed as Deputy Land Commissioners under Section 4 (2) of the State Lands Act so that such officers will possess the full authority to act in terms of the State Lands Act.

- (a) Director, Land Administration Division of the Ministry of Agriculture
- (b) Director, Land Management Services in Tobago
- (c) Conservator of Forests (for the limited purpose of prosecuting and ejecting encroachers within forest reserves)

- (d) Director of the Minerals Division of the Ministry of Energy (as envisaged in the new legislation)
- (e) Chairman, Land Settlement Agency
- (f) Such other officers that may require to be appointed from time to time

The appointment of these officers as Deputies of the Land Commissioner will permit the Land Commissioner to ascertain the activities performed by these institutions. There should be a central repository of actions taken in respect of state lands. Therefore, these officers should keep the Commissioner of State Lands informed of actions taken at important stages, particularly in the issue of licenses, identification, release and finally at the issue of leases. A copy of any license or lease document issued should be forwarded to the Commissioner of State Lands.

5.2.27. Policy Formulation and Development

There does not appear to be any formal or informal process to bring the land policy issues that surface in the course of implementation of the program of work to the attention of policymakers.

Under the Interim National Physical Planning Commission, four Committees have been established. They are:

- (a) National Physical Development Plan
- (b) Codes and Standards
- (c) Development Control and
- (d) National Land Policy

It is understood that the Terms of Reference of the National Land Policy Committee that was established in 1999, are being developed. The composition of this committee is not known as yet. However, it should be pointed out that National Land Policy cuts across number of Ministries and therefore this committee should have representatives of all concerned Ministries. In addition, it would be preferable to have representation from the private sector, Universities and Policy Research Institutes as well as non-governmental organizations representing environmental field. This committee should be supported by a small, multi-disciplinary, yet effective team of experts to study the issues that surface and make recommendations for changes or reform of policies in land use. The identified agencies that are under number of Ministries presently handling land work can submit policy issues that surface in the course of their work together with their recommendations, to the Committee. The team of experts should also consult them before any paper is prepared for presentation to the National Land Policy Committee. The decisions made by the National Land Policy Committee should receive Cabinet approval and be conveyed to all relevant Governmental Authorities including Local Government and Regional Bodies, to be incorporated into their policy agenda.

5.2.28. Training

Training programs for the staff are essential to upgrade their skills, as a means to gain efficiency and effectiveness of the organization and as an incentive. The proposed

changes mentioned in the foregoing paragraphs require skills to handle land management, computers and use of management techniques to monitor workflow. The course content can be as follows:

- Initial Training Course for Land Officers in the processing of new leases, lease renewal, assignments, transfers, mortgages, issue of licenses for mines, quarries and land reclamation; revenue collection and use of data from the automated systems of lease management and workflow management. The proposed Land Manual and the work steps in relation to each of the identified activities should form part of this course.
- A short course in Land Laws, their applicability and court procedures, leading evidence, record keeping for court work, guidelines to deal with breach of Terms and Conditions of leases, serving of notices etc.
- A comprehensive training course in all aspects of State Land Management. The course may cover the following:
 - (a) Definition of ‘State Land Management’
 - (b) Methods employed for identification of State land resources
 - (c) Evaluation of land capability through land use planning
 - (d) Methods for rationalization of land use (allocation of available land among competing demands on the basis of objective criteria) and data requirements for such rationalization
 - (e) Strategies for conservation and development of land and related natural resources including conservation and maintenance of stream reservations; preservation of crest forest systems along ridge tops or bringing such areas under recommended land use; preservation of state lands in higher elevations; identification of environmentally sensitive areas including coastal wet lands and critical habitats; lagoons and estuaries; preservation of mangroves;
 - (f) Economic, ecological and social sustainability of such strategies
 - (g) Proclaimed standards and norms of physical planning and importance of zoning
 - (h) Methods available for distribution of state land; well-functioning markets as efficient mechanism for allocating resources; advantages of having well-defined, secure, transferable and enforceable property rights; actions that can be pursued to provide a safety net to those who cannot enter the land market
 - (i) Issues pertaining to post-alienation management; management information requirements; monitoring techniques to ensure conformity with terms and conditions
 - (j) Underlying causes and response options available for encroachment of state lands
 - (k) Policy reform and implementation

Senior staff can be trained outside the country in a recognized institution having the expertise in this field and such trained officers can become trainers later on. This training course is not confined to officers attached to the Commissioner of State Lands. The

opportunity should be given to a selected few from each of the agencies presently handling land work to participate.

- A course on project planning and management specifically designed to the needs of the Land Commissioner's staff. This should be offered to middle and senior level managers. The components may include monitoring and evaluation and project cycle, techniques of data collection, report preparation, planning, implementation monitoring, use of Gantt Charts, Cost Summary Charts etc., reporting, uses of evaluation and application of evaluation, information requirements at the national, district and local levels.
- Training in the use of the Information Management System, maintenance of data and regular updating, information content of the data base, its storage structure and access strategy and monitoring its performance and responding to changing user requirements. The course should include established norms on data security as well.
- A course of training in state land management specifically designed for the field staff, by suitably modifying the content of the training program for senior staff mentioned above.
- Training in public relations, and a course in computer literacy including use of mail merge, Word Processing, Excel and Access, Lotus etc. This course should improve working capabilities in a computerized environment. The course is designed for the supporting staff but made open to all those who wish to acquire competence.

5.2.29. A New Land Manual

Some years back, possibly in 1986, a manual named "Procedures and Policies Regarding the Granting and Administration of State Leases" has been used for the work of the Lands Section. Copies of this manual are not available at the present time. Since then, there have been numerous changes in legislation, policies, and administrative decisions pertaining to State land. A new Land Manual is now required as a guiding document for all land officers.

The Land Manual will contain the main pieces of legislation that the Commissioner of State Lands have to act on, their regulations and "Land Orders" that will provide the procedural steps that each Land Officer has to follow. Such Land Orders will include the following:

- (a) administrative actions that will be taken in dealing with requests for land
- (b) eligibility criteria
- (c) planning requirements
- (d) determination of environmentally sensitive areas and state reservations,
- (e) encroachments on state land
- (f) change of use
- (g) sub-division of land, fragmentation
- (h) overdue rental payments, rental rates

- (i) enforcement of lease conditions
- (j) transfer of leasehold rights
- (k) penalties for non-adherence
- (l) acquisition procedure for private lands and
- (m) such other matters that need the attention of Land Officers

5.2.30. Review of Legislative Provisions

The Commissioner of State Lands should as an ongoing exercise discuss the problems encountered in the implementation of the provisions of various pieces of legislation, and land regulations with his deputies and the Land Officers at their monthly meeting of senior staff. There should be a regular review process of legislation that is being implemented by the Commissioner of State Lands. For example, the Land Regulations published under the State Lands Act may need revision to fit into the present day needs. The Conservator of Forests needs to be given the authority to prosecute and eject encroachers within forest reserves. Such a review will enable the Government to overcome the problems of implementation of legislation.

The Ministry of Energy has formulated proposals for legislative reform and institutional strengthening of the quarrying industry. A draft Minerals Act is now with the Chief Parliamentary Counsel for his consideration. These reforms envisage the following:

- (a) A new minerals policy for the minerals industry
- (b) A new Minerals Act
- (c) Establishment of a Minerals Division within the Ministry of Energy and Energy Industries
- (d) Interim procedural guidelines for the allocation of new quarries and the renewal/regularization of existing operations

The new Draft Act envisages the issue of licenses to be made by the Ministry of Energy, i.e. by the Director of the Minerals Division.

The Tobago House of Assembly Act has vested all state land in the Assembly. In addition policy formulation and implementation of all land related activities have become a subject under the purview of the Assembly. However, as the validity of the State Lands Act in respect of Tobago has not been repealed, the Director of Land Management Services has to follow action the Commissioner of State Lands. This too is not a viable method of implementation and causes delay. These are a few of the examples that require the attention of the Commissioner. It is therefore recommended that a regular review be undertaken of laws and regulations.

5.2.31. Financial Resources for Restructuring – Capital Expenditure

The following additional resource needs have to be provided to implement the suggested recommendations

Resource Needs	Number	Approx. Cost
Desk Top Computers and software	3	54,000
Printer	1	5000
Filing Cabinets	30	34,950
Steel Cabinets	4	4140
Index Card Cabinets	25	7500
Direct Telephones	3	2000
Extension Phones	15	3000
Photocopier	1	28,000
Tables for New Staff	31	124,000
Chairs for New Staff	31	43,400
Vehicle	1	177,000
Partitioning		20,000
Consulting & Contracting Services *		400,000
Total		902,990

* Includes contracting out Design, Data Collection and Entry of the New Lease Management System and the New Work Flow Management System

5.2.32. Financial Resources for Restructuring – Annual Recurrent Expenditure

The total financial requirements for the proposed restructuring of the Lands Section of the Lands and Surveys as a separate Division under the Commissioner of State Lands are reflected below.

Salaries and Cola	2,653,945+ 1,611905= 2,865,850
Wages & Cola	411,755
Overtime	30,000
Govt. Contribution to NIB	80,000
Travelling	450,000
Uniforms	10,000
Electricity	275,000
Telephones	96,000
Water & Sewerage Rates	2500
House Rates	2500
Rent Accommodation (11,300 sq. ft. @ 3.63+ 6200 as Value Added Tax	566,628
Office Stationery & Supplies	60,000

Books & Periodicals	3,000
Materials & Supplies	135,000
Upkeep of Vehicles	40,000
Repairs to Vehicles	30,000
Repairs & Maintenance to Building & Equipment	50,000
Training	50,000
Promotions: Publicity & Promotions	20,000
Minor Equipment Purchases	100,000
Current Transfers and Subsidies (Severance Benefits)	50,000
Total	5,335,738

Out of this total of TT\$ 5,335,738 required for the new division, a sum of TT\$ 3,594,701 is already provided at present for the Lands Section within the budget of Lands and Surveys. Therefore, the increase in the recurrent budget amounts to only TT\$1,741,037 annually. The Capital Budget requirement is TT\$ 902,990.

5.2.33. Improvements in Revenue Collection

It appears from the arrears of revenue and the variances reflected in actual revenue collected and the estimated revenue, that adequate attention to revenue collection has not been paid. The proposed Lease Management System will generate the required data pertaining to all leases and the rents due on them with specific dates on which they are due. Such data can be extracted and maintained by the officer in charge of revenue. The officer should ensure that this data is made use of to send out notices to lessees in time and to pursue collection of rents methodically. The field officers too can be utilized in cases of default. Lessees should be penalized for non-payment of rents by charging interest for the period of delay at normal bank interest rates. The subject of revenue collection should be one of the important functions assigned to one of the Deputies, so that he is held responsible for monitoring progress. Such follow up action will result in a marked increase in revenue.

Annex A

Results of the Rapid Appraisal of a Random Sample of Files with Commissioner of State Lands

A rapid assessment of files (leases and acquisitions) was made to first understand the nature of the problems pertaining to leases. Whether this sample is representative of the total number of files is certainly debatable. However, it provides some indication of the situation and confirms the findings of previous studies on the subject. This rapid assessment revealed the following:

- The delays in taking action lie more within the office of the Director of Lands and Surveys than outside agencies such as the Chief State Solicitor, Department of Valuation or Department of Town and Country Planning. The average time appears to be in the order of two to three months for the Town and Country Planning and the Department of Valuation to report on a parcel of land whereas the Chief State Solicitor takes a longer period. However, the delay within the office of Director of Land and Surveys spreads to over a number of years.

File No.2/1/22/sub83 Start Date March 10, 1961
Original Lessee – Clifford Henry Pain
Transfers to > Renault Ltd.> Motilal Moonan Industries Ltd.
> MMM Holdings Ltd.
Lease expired on October 26, 1991
Request for renewal submitted by MMM holdings on
March 3, 1994 after a lapse of 2 years
April 28, 1997 Renewal still not done-P/S inquires
Referred to Commissioner of Valuations –November 28, 1998
Referred to State Solicitor in February 1999
Deed dated September 3, 1999 issued

Time taken State Solicitor- 6 months
Commissioner of Valuations- 2 months (approx.)
Commissioner of L&S – 7 years (approx.)

File No.1/1/7/sub327BStart Date – August 19,1972
Original Lessee-James William
Transfers>Krisendath Harripersad
Renewal Request on August 7, 1996
Expiry Date-June 25, 1997
Referred to Valuation on February 20, 1997
March 18, 1997 –Valuer determines value
Referred to Chief Solicitor- October 28, 1997
Deed issued on July 9, 1999

Time Taken	Commissioner of Valuations –2 months Chief State Solicitor- 22 months Commissioner of L&S- 12 months
File No1/1/1535	Start Date June 13, 1991 Original Lessee – Carter John Lease on Monthly basis Carter dies on 27 December 1982 Letters of Administration issued to widow Rose John May 22, 1988 Request for transfer made on June 13, 1991 Notice of Re-entry issued on November 15, 1999
Time Taken	Commissioner of L&S – 8 years to repossess land
File No.7/1/99	Cabinet decides to acquire land on December 11, 1986 April 8, 1987 P/S inquires progress of Acquisition May 2, 1998 P/S request submission of Sec 5, Notice March 15, 1990 D/L&S that only an exchange of lands was intended Referred to State Solicitor –August 30, 1994 Lease agreement issued on August 6, 1999
Time Taken	Commissioner of L & S - Over 71/2years (Approx.) with protracted correspondence with officials State Solicitor – 41/2 years (Approx.)
File No. 2/1/3/sub4/13	Start Date February 12 ,1973 Original Lessee –James Mitchell Request for transfer made Consent given on June12, 1973 Further request for assignment on May, 31, 1989 Consent given August 2, 1989 Lease expires on July 31, 1992 Lessee applies for renewal on October 18, 1993 D/L & S informs lessee that instructions have been given to the Chief State Solicitor to prepare lease(31/5/94) 11/5/94 Lessee Rudolph Waldron dies Application made for the Grant of Probate 25/1/95 Copy of Grant of Probate sent to Chief state Solicitor D/ L&S informs Patrick Pelage, the new lessee that Instructions have been issued to Chief State Solicitor(8/3/96) Deed registered on 15/1/97 Deed collected on 9/6/97
Time Taken	5 years for renewal of lease which expired on 31/7/92 Death and the grant of probate delayed the procedure

File no. 2/1/22 sub648 Start date January 19, 1989
Original lessee – Daisy Francis with transfers to Francine Mohammed>Allan Ramlal and others
Request for assignment by purchase made on 2/12/96
Consent given on 28/2/1997
Deed of assignment registered on 19/3/1997

Time taken 3 months. This is an assignment. Deeds are prepared by private attorneys-at law.

File No.1/3/3/Sub65 Original Lessee – Bethelmy Constantine
Transfers to Florencia Constantine>Charles Rumsey
And Celoy Rumsey
24/4/74 Lessee receives copy of lease
15/12/80 Lessee declares her will
20/2/89 Lessee dies
Application for transfer made on 27/3/1992
Consent given on 7/10/92
Request transfer(27/11/96)to Celoy Rumsey &Charles Rumsey
Consent given on 22/1/97
Deed of assignment 1/11/1997

Time Taken 9 months, Similar to the one above

File no.5/2/3 Start date 23/6/1959 Lease to Federation Chemicals Ltd.
Request for renewal made on 22/12/1987 by lessee for a further term of 30 years.
10/9/89 the Company agrees to relinquishing the portion of the leasehold property containing the school
10/31/89 D/L&S writes to Valuation
5/10/90 Valuation is given
7/13/90 D/L&S informs Company rather than allow them to sub-lease, the State would transfer direct to the school the balance portion of the land.
9/13/90 Company informs willingness to accept the terms
8/9/93 Town & Country Planning gives planning permission to Hydro Agri, who has acquired leasehold interests
7/25/94 Commissioner of Valuation reviews estimate and determines new valuation
12/894 D/L&S informs the Company that the new lease is ready
Lease dated 1/2/95 is registered

Time Taken D/L&S 51/2 years. However, it should be noted that there were so many negotiations that delayed the process.
Valuation takes 7 months

Acquisition files
File No.0/15/19 sub13A

February 06, 1995 Levi H. Guy submits claim for payment land
Acquired in 1981 for road development.

Section 5 Notice issued on as 6/9/94

February 16, 1995 D/L&S writes to Commissioner of Valuation
requesting him negotiate a settlement. The valuation had been
given on 7th December 1993.

Mr. Samuel Cowie makes a claim for the same parcel on May 22,
1995

June 8, 1995 D/L&S writes again to Commissioner of Valuation to
settle this matter August 28, 1995, Commissioner of Valuation
furnishes valuation stating that an agreement has been reached
with the claimant.

December 7, 1995 D/L&S writes to Chief State Solicitor seeking
his advice to whom compensation should be paid. Notes of title,
Gazette Notification and copy of the acquisition plan are provided

February 2 , 1996, Reminder to State Solicitor sent

December 10, 1997 Chief State Solicitor advises that the said
parcel was vested with Barclays Bank at the time of acquisition
and that compensation should be paid to the mortgagee and the
remainder if any to Mr. Samuel Cowie.

January 8, 1998 D/L&S writes to Ronald Leslie seeking a response
whether the mortgage is still in effect.

May 12, 1998 the Bank confirms the mortgage has been fully paid
for.

May 21, 1998Sends two vouchers to Ministry of Agriculture for
payment to Samuel Cowie and Ronald Leslie.D/L&S informs both
parties to collect the checks on June 30, 1998

Time Taken Compensation received 5 years after Section 5. 17 years after
initial acquisition

File No.0/8/1 Diamond Estate, Tobago
Section 3 published on August 15,1974
Section 4 on September 9, 1974
Date of entry, December 6, 1976
Section 5 published on April 3, 1991
Advance payment made on 8th January 1991
Payment of compensation made on17/7/1995

Time Taken 20 years and 10 months

File No 7/1/19	<p>Recreation Ground Acquisition Section 3 published on April 6, 1989 Section 4 on May 5, 1989 Date of entry 19/7/1989 Section 5 published on 22/9 1994 Compensation paid on 19/12/1996</p>
Time Taken	6 years and 8 months
File No.LA4/2/4	<p>Santa Rosa Heights Government Primary School July 20,1989 Cabinet agrees to purchase by private treaty an extent of 1.4 hectares for the primary school. D/L&S informs P/S on December 12/1990 that due shortage of surveyors the survey of the parcel was not executed and that would be handled shortly. January 22,1991 plan submitted As a negotiated agreement could not be reached, Cabinet agrees to compulsory acquisition on August 18,1997 March 16,1998 P/S requests D/L&S to submit Draft Notice under Section # of the Acquisition Act D/L&S informs P/S that P/S Education is rectifying an error regarding the acreage September 24, 1998 D/L&S sends Notice of Acquisition under Section 3. Notice published in Gazette on 8th December 1998 Section 4 Notice sent to P/S Housing & Settlement on February 18, 1999 April 12, 1999 P/S informs D/L&S that Cabinet has agreed June 8,1998 D/L&S authorizes P/S Education to proceed with the necessary works.</p>
Time Taken	Approximately 9 years- Compensation not paid as yet
File No.L/A8/16/1	<p>Land for Car Park June 17, 1959 the Director of Works writes to Sub Intendant Lands to acquire land for car park August 31,1959 D/L&S informs that the survey has not been carried out and is scheduled for September, 1959 D/L&S submits Notice under Section 3 to P/S 20th September, 1960 Section 5 submitted to P/S Section 5, published on November 3, 1960 D/L&S finds additional lands encroached upon by the County Council September 27, 1995 D/L&S informs P/S that Commissioner of Valuations has been requested to provide a Section 5 Valuation report for formal acquisition November 14,1995 Commissioner of Valuations provides Valuation</p>

November 23, 1995 D/L&S submits Draft Section 5 Notice to P/S
Section 5 published on June 4, 1998
October 4, 1999 House approves acquisition
Time Taken 40 years

File No.LA7/1/50 Land for a Recreation Ground
November 12, 1996, Cabinet asked to consider acquisition
Cabinet approves on December 19, 1996
Section 3 submitted to P/S on May 21, 1997
May 4, 1999 Survey plans submitted to P/S Education
August 3, 1999 Section 4 Notice sent to Government Printer
Published on August 17, 1999
October 1, 1999 D/L&S requests Section 5 Valuation
Still pending

Commissioner of State Lands

Position Description

Position Purpose: Commissioner of State Lands responsible for:

- (a) the formulation and implementation of policies, plans, programs and projects for the identification, evaluation, conservation, distribution and management of all State lands under his charge
- (b) discharge of duties, functions and responsibilities cast on the Commissioner of State Lands by legislation

Relationships:

Reports to the Permanent Secretary of the Ministry in charge of the subject of State Lands. Liases with other professional, administrative, and clerical staff engaged in the work of the Division, and with Heads of Agencies of Government that deal with State lands or agencies that provide a supportive role in the implementation of the work program of the Division.

Content:

- (a) Identifies with the assistance of the Director of Surveys, the state lands in the country and maintains/updates such records on a regular basis.
- (b) Evaluates land capability of identified land through land use planning and land capability assessments and determines with assistance of related agencies, optimal uses of such land among competing demands
- (c) Conserves such state land that should form permanent reservations particularly those in environmentally sensitive areas.
- (d) Implements a program of distribution of state land by developing appropriate selection criteria and in keeping with the planning requirements of Government agencies.
- (e) Acquires private lands when required for public purposes
- (f) Grants state land to private holders following legal procedures.
- (g) Manages state land under his charge by

Identifying state land under his responsibility;

Coordinating with the Division of Surveys for the appropriate descriptions of parcel boundaries under his authority;

Organizing information concerning leases, licenses, concessions to be able to enforce and renew where applicable all agreements relating to the use of state land;

preventing encroachment, and otherwise dealing with de facto encroachment:

monitoring adherence to terms and conditions of legal instruments issued

collecting all due revenue from such agreements at the appropriate time

Issuance of advisory notices for lessees/licensees who are in breach of conditions and follow up further action in this regard

Coordinating with planning and environmental agency concerning the appropriate uses of state land under his authority.

Organizing the staff under his direction to maximize their effectiveness and efficiency in meeting the demands of the public and of other government agencies.

Qualifications:

Graduate Degree in Land Use Planning/Economics/Public Administration or Management and a minimum of 15 years of managerial experience in the public service, and significant experience with state land management issues.

Knowledge and Experience:

(a) Sound knowledge of all legislation and regulations pertaining to state land

(b) Knowledge of the concepts and principles of land use planning and land management strategy

(c) Ability to formulate and develop policies in the land sector for consideration by policy makers.

(d) Management skills required to run the Division

(e) Basic knowledge of management Information Systems and their use

(f) Public relations skills

Annex C

Studies and Documents Reviewed

Date	Name of Study/Document	By Whom
July, 1993	Land Tenure and the Management of Land Resources in Trinidad and Tobago(Research Paper Nos.115 & 116)	Land Tenure Center, University of Wisconsin
November, 1999	Draft Final Report of the Multi-Disciplinary Committee to Examine the Regularization of Tenure for Farmers on State Agricultural Land	
September 30, 1999	Lands and Surveys Division Strategic Plan 1999-2003	Ordnance Survey
November 19, 1992	A New Administration and Distribution Policy for Land	Ministry of Planning and Development
April 25, 1996	Land Records Management Project, User Requirements Analysis	R.A. Baldwin and F. Reyes
February 29, 1996	Land Records Management Project, Technical Support Group Development Plan	R.A. Baldwin and F. Reyes
August 21, 1997	Strategic Review-1997 Land Administration Division, Ministry of Agriculture, land and Marine Resources	Director, Land Administration Division
August 1992	Final Report, Land Rationalization and Development Program	Land Tenure Center, University of Wisconsin
February 1999	Draft Final Report, Land Component Agricultural Sector Investment Program	Terra Institute Ltd. Mt. Horeb, Wisconsin
May 1997	A Policy Agenda for the Public Service of Trinidad and Tobago	Ministry of Public Administration and Information

Date	Name of Study/Document	By Whom
October 1998	Strategic Review of the Ministry of Public Administration	Ministry of Public Administration and Information
1992	Strategic Plan for the Lands and Surveys Division and the Hydrographic Surveying Unit 1992-1997	Lands and Surveys Division
1989	Procedures and Policies regarding the Granting and Administration of State Leases	Lands and Surveys Division

Annex D

Persons Met

Date	Name	Designation
November 15,1999	Dr. Thackwray Driver	Senior Project Implementation Officer LUPAP
November 15,1999	Ms. Jacqueline Ganteaume-Farrell	Director, Land Administration, Ministry of Agriculture
November 15,1999	Mr. Robin Rajack	Director, Land Settlement Agency
November 16, 1999	Mr. Tyrone Leong	Director, Lands & Surveys
November 17, 1999	Mr. Roop Singh	Supervisor, Surveys and Counterpart Officer
November 17, 1999	Dr. Allen Williams	Coordinator, LUPAP
November 17, 1999	Mr. Fred Brazier	Caribbean Projects Manager, Ordnance Survey
November 18, 1999	Mr. Clyde Dick	Secretary, Lands & Agriculture, THA
November 18, 1999	Mr. Ethelbert Harris	Ag. Technical Officer, Dept. of Agriculture, THA
November 18, 1999	Mr. M.J. Keens-Dumas	Administrative Officer, THA
November 18, 1999	Mr. Horace Achille	Director, Land Management Services, THA
November 18, 1999	Mr. Raye Sandy	Director, Forestry & Natural Resources, THA
November 18, 1999	Mr. Robert Smith	Planning Officer, Planning Institute, THA
November 19, 1999	Mr. James Orusco	Inspector of Lands, L& S
November 19, 1999	Mr. Ralchan Joseph	Asst. Inspector of Lands, L&S
November 19, 1999	Mr. Seecharan Dhanai	Ag. Inspector of Lands L&S
November 19, 1999	Mr. Kenneth Tilemaque	Asst. Inspector, L & S
November 22, 1999	Ms. Gillian Macintyre	Public Policy Planning & Research Div. Ministry of Public Admin.
November 22, 1999	Ms. Donna Ferraz	Public Policy Planning & Research Div. Ministry of Public Admin
November 22, 1999	Mr. Kelvin Ramkissoon	Attorney-at- Law
November 22, 1999	Ms. Lynette Atwell	Former Director of Town & Country Planning
	Ms. Charisse Griffith-Charles	Senior Lecturer, UWI

Date	Name	Designation
November 23,1999	Ms. Jill Abdul	Clerk in Charge of Registry L & S Div.
November 23,1999	Ms. Mohammed	Land Officer, L & S
November 23, 1999	Hon. John Humphey	Minister of Housing & Settlements
	Dr. Asad Mohammed	Director Planning Commission
	Mr. Majid Ibrahim	Adviser to the Hon. Minister
	Mr. Satnarine Balkaransingh	Director, Economic Research and Planning
November 26, 1999	Ms. Liang Sienarain	Officer in Charge of Leases
November 26, 1999	Mr. Aguilera	Inspector, Lands, St. George
November 29, 1999	Ms. De Mille	Admin. Officer II
	Ms. Chamati Ali	Clerk IV
December 1, 1999	Mr. Darren Hamid	Land Officer
December 3, 1999	Mr. Cecil Phillips & others	Inspectors of Land
December 7,1999	Mr. Andy Bissessar	Head of Acquisition Section
	Mr. Kishore Seepaul	Actg. Title Clerk
December 8, 1999	Mr. Talaspersad Ramkumar	Salary Clerk- Monthly
	Ms. Asha Gangadeen	Salary Clerk-Daily Paid
	Ms. Melisa Lawrence	Salary Clerk-Daily Paid
	Mr. Fareed Hussain	Acct. Assistant
December 9, 1999	Ms. Amina Mohammed	Revenue Clerk
December 13, 1999	Mr. Fred Brazier	Ordnance Survey
December 14, 1999	Mr. Roop Singh	Supervisor, Lands
December 14, 1999	Mr. Andrew Bowles	Supervisor, Surveys
	Ms. Donna De Coteau	Clerk in charge of Grants
	Ms. Stephanie Alexander	Cadastral Survey Project
	Mr. Roland Wiseman	Cadastral Survey Project
December 15,1999	Mr. Andrew Bowles	Supervisor, Surveys
	Dr. Aldwyn Phillip	Registrar, Board of Surveys
	Dr. Allan Williams	Coordinator, LUPAP
December 20, 1999	Dr. Allan Williams	Coordinator, LUPAP
	Ms. Jacqueline Ganteaume- Farrell	Director, Land Administration
	Ms. Eva Chain	UWI
	Mr. Jacob Opadeyi	UWI
	Mr. Kelvin Ramkissoon	Attorney at law
January 4, 2000	Ms. Fanan	Officer in charge of Survey Orders
January 5, 2000	Mr. Rajkumar	Data Collection Section

Date	Name	Designation
January 5, 2000	Dr. Allan Williams	Coordinator, LUPAP
	Dr. Malcolm Childress	Land Management Institutions Specialist
	Ms. Jacqueline Ganteaume-Farrell	Director, Land Administration
	Ms. Eva Chain	UWI
	Mr. Jacob Opadeyi	UWI
	Mr. Kelvin Ramkissoo	Attorney at law
	Mr. Robin Rajack	Director, Land Settlement Agency
	Mr. Gerard Frontin	Senior Planner
January 10, 2000	Mr. David Warner	Officer in Charge, Identification of State Lands
January 11, 2000	Dr. Stephen Ventura	Land Information Systems Expert
January 17, 2000	Mr. Andrew Bowles	Supervisor, Surveys
	Mr. Roop Singh	Supervisor, Lands
January 20, 2000	Mr. Horace Achille	Director, Land Management Services, THA
January 21, 2000	Ms. Pamela Leach	Memo Clerk
	Ms. Elizabeth Edwards	Memo Clerk
	Mr. Fareed Hussain	Accounts Assistant
	Ms. Chamati Ali	Clerk IV
January 24, 2000	Mr. Carlyle Dick	Secretary, Agriculture, Land & Marketing, THA
	Mr. Keens-Dumas	Administrator, THA
	Mr. Ethelbert Harris	Technical Officer
	Mr. Horace Achille	Director, Land Management Services, THA
	Mr. Carl Murray	Officer in charge, SALIS, Tobago
	Mr. Shelby Coter	Surveyor
	Mr. Jefferson Laptiste	Surveyor
January 25, 2000	Mr. Raye Sandy	Director, Natural Resources & Environment, THA
January 26, 2000	Ms. Sharon Weekes	Officer in charge of Town & Country Planning Dep. In Tobago
February 7, 2000	Mr. Tyrone Leong	Director, Land & Surveys
February 8, 2000	Dr. Asad Mohammed	Director, Interim National Physical Planning Commission
February 8, 2000	Mr. Majid Ibrahim	Advisor to Hon. Minister of Housing and Settlements

Date	Name	Designation
February 11, 2000	Mr. Majid Ibrahim	Advisor to Hon. Minister of Housing and Settlements
February 14, 2000	Dr. David Stanfield	University of Wisconsin
	Dr. Malcolm Childress	University of Wisconsin
	Ms. Jacqueline Ganteaume-Farrell	Director, Land Administration
February 15, 2000	LUPAP Consultants	
February 16, 2000	Dr. David Stanfield	University of Wisconsin
	Dr. Malcolm Childress	University of Wisconsin
February 17, 2000	Dr. David Stanfield	University of Wisconsin
	Dr. Malcolm Childress	University of Wisconsin
	Dr. Allan Williams	LUPAP Coordinator
	Mr. Satnarine Balkaransingh	Director, Economic Research and Planning Ministry of Housing and Settlements
	Mr. Tyrone Leong	Director, Lands and Surveys
	Mr. Ken Subran	Commissioner of Valuations
February 18, 2000	Steering Committee, LUPAP	
	Mr. Francis Charles	Former Director, Lands and Surveys
February 20, 2000	Dr. David Stanfield	University of Wisconsin
	Dr. Malcolm Childress	University of Wisconsin
February 21, 2000	Mr. Kelvin Ramkissoon	Attorney at Law
	Mr. Andrew Bowles	Supervisor, Lands
February 23, 2000	Mr. Francis Charles	Former Director, Lands and Surveys
February 24, 2000	Mr. Tyrone Leong	Director of Lands and Surveys
	LUPAP Team Meeting	
February 29, 2000	Mr. Alan Lodwick	Consultant, Town and Country Planning
	Mr. Ken Kopstein	Consultant
March 9, 2000	Hon. John Humphrey	Minister of Housing and Settlements
	Mr. Joseph Allard	Permanent Secretary
	Dr. Asad Mohammed	Chairman of the Steering Committee, LUPAP
	Mr. Satnarine Balkaransingh	Director, Economic Research and Planning
	Mr. Majid Ibrahim	Advisor to the Minister
	Mr. Beresford Riley	Manager, Human Resources

Model Application Form for State Lands

Name of Applicant:

Address:

County:

Divisional Revenue Office:

Location of Land (describe in detail as known to the applicant the location of land sought for alienation, preferably with a sketch or with reference to a plan):

-
1. Age of Applicant:
 2. Employment:
 3. Income:
 4. Educational Qualifications:
 5. Single/Married/Divorced:
 6. No. of Dependents, their age, sex
 7. Is the applicant or spouse in possession of private or leased land:

If so, the extent they own or have leased:

8. Purpose (Housing, Commercial, Industrial or Agricultural):
9. If agricultural, knowledge in farming:
10. Have you had any formal training in agriculture:
11. What practical knowledge do you possess in agriculture:
If so, how did you acquire such knowledge:
12. Are you or your spouse a member of any non-governmental organization at the village level:
13. What other skills do you possess (carpentry, masonry, mechanical work etc.)
14. Have you taken any loans from any Banking institution:
If so, details
15. Have you held office in any grass root level organization:
16. Basis on which you wish to be considered for the lease:
Select one of the following:
 - (a) Lease for 199 years by paying up front the market value of the property
 - (b) Lease for a 30 year period with renewal for further 30 years at 2% for agriculture, 3.5% for residential, 5% industrial or 5% for commercial

as the case may be or any percentage determined by Government at the time of alienation

17. Other information that the applicant wishes to convey:

Date:

Signature of Applicant

Report of the Inspector of Lands

Verification of Status as described in the Application (indicate discrepancies):

Recommendation:

Date:

Signature of Inspector of Lands

Report on Encroachment of State Lands

Part I

1. County:
2. District Revenue Office:
3. Plan No.(If known): Lot No.(If known):
4. Is the encroachment on a reservation or not? Yes/ No
5. If so, what sort of reservation?
 - (i) Stream:
 - (ii) Channel:
 - (iii) Road:
 - (iv) Other:
6. Is it earmarked/required for any State purpose: Yes/No
7. Extent of land encroached:
8. When did the encroachment commence:

Year: Period:
9. Nature of encroachment:
 - (i) Highland
 - (ii) Lowland:
 - (iii) Forest:
 - (iv) Scrub land:
 - (v) Open grassland:
 - (vi) Abandoned leased land:

Part II

Development

10. Has the land been developed: Yes/No
11. Nature of development:
 - (i) Cultivated
 - (ii) Used for buildings
 - (iii) Other
12. If cultivated, nature of the crop:
 - (i) Fruit trees
 - (ii) Seasonal food crops;
 - (iii) Vegetables
 - (iv) Paddy
 - (v) Other commercial crops:
 - (vi) Other:

13. If built upon, nature of the buildings:

- (i) Permanent residence/building:
- (ii) Temporary residence
- (iii) Boutique:
- (iv) Garage:
- (v) Other buildings:
- (vi) Farm animals:
- (vii) Others:

Part III

Encroacher

14. Name of encroacher:

15. Address:

16. Age:

17. Occupation:

18. Income:

19. Whether married: Yes/No

20. Whether a Citizen: Yes/No

21. Are there children under 21 years of age: Yes/No

22. Is the spouse living with the encroacher: Yes/No

23. Total No. in the family:

24. Total extent of land owned by the encroacher:

25. Is the encroacher resident on the land:

26. Where was the residence of the encroacher before coming to this land?

27. If the encroacher is not resident, is there any one else resident thereon: Yes/No

28. If the person resident is not the encroacher his:-

Name:

Occupation:

Age:

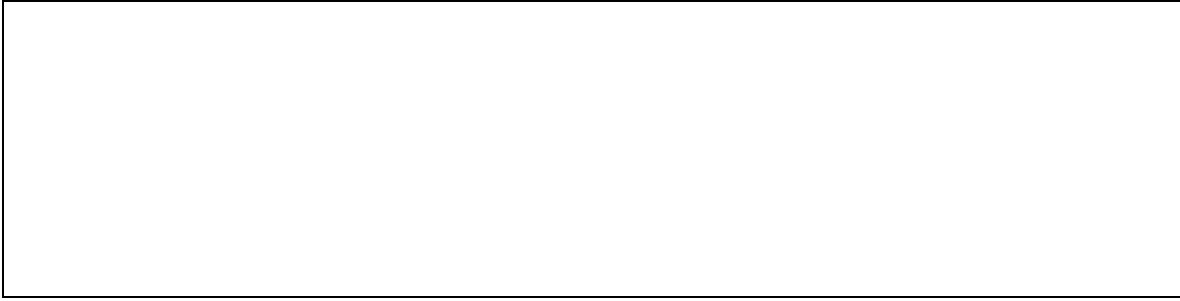
Citizenship:

Address:

29. Other useful information:

30. Access to the land from the main motorable road (please indicate in the sketch)

Sketch showing access to encroachment from the main motorable road



Date..

Signature

Designation