



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

FINAL REPORT

Policy for Management of State Land, Forest Resources and the Environment in Tobago

by

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1. Background

The Tobago House of Assembly (THA) has been vested with all state land in Tobago, which accounts for over 34% of all lands in the island of Tobago. With some exceptions, the natural resource management policies implemented over the years have placed Tobago in a relatively good position with respect to the state of its natural resources and the environment. Declaration of the forest reserve and enforcement of conservation measures have left the island with 3,958 hectares under forest reserves, much in pristine form. The biodiversity, aesthetic value, hydrologic balance, microclimate stabilization and wild life associated with over one-third of the state lands have thus been preserved. (1). However, serious problems have arisen in the effective management of these lands due to:

- ❑ Lack of comprehensiveness and coherence of policy for the management of state lands
- ❑ Absence of an effective institutional structure by which state land resources can be located, evaluated, conserved, distributed and managed so that they may be utilized on a sustainable basis and to the greatest national advantage.
- ❑ Lack of a clear legal instrument to administer or manage state lands
- ❑ Absence of adequate guidelines and proper planning
- ❑ Absence of a comprehensive and effective system of land zoning
- ❑ Environmental degradation-investments are being made in housing, hospitality services etc. in environmentally sensitive areas and without provision for infrastructure investments
- ❑ Under-utilization of parcels- State owned agricultural parcels which have at some point been farmed today are entirely abandoned;
- ❑ Undocumented and insecure tenures;
- ❑ Failure to collect land rents, resulting in annual loss of revenue
- ❑ Weak coordination and enforcement mechanisms

Several factors have led to this ineffectiveness of management of State owned lands:

- ❑ The weak institutional structure for state land management;
- ❑ The inadequacy of resources allocated;

- ❑ The unwillingness to follow planning and zoning requirements and to take rigorous enforcement action to protect the resource base as and when required;
- ❑ Pricing policies for state land – some based on market value and in others on subsidies;
- ❑ Shortcomings of the legislative framework.

The critical issues to be addressed to reform state land management are:

- ❑ Institutional and administrative reform;
- ❑ Legislative reform;
- ❑ Policy reform
- ❑ Appropriate allocation of resources

This paper attempts to address the policy issues for management of state lands, forestry and environment

1.1. Extent of Land Resources

The total land area in Tobago is 30,106 hectares. State lands including constituted forests cover 10,772 hectares in Tobago. 3,958 hectares of these lands are under forest reserves. State lands outside forest reserves that are under forest cover is estimated at 2,100 hectares. 4,700 hectares of acquired estates are available for future agricultural/housing and other development. This broadly represents the extent of land available to the State for promotion of development, conservation and generation of income and employment.

1.2. Loss of Agricultural Lands to other Uses

“The last agricultural census (1982) indicated that there were 1,996 agricultural holdings in Tobago, having a total land area of 5,872 hectares. More than one-half of these holdings and the land area were owned, with the balance being accounted for by rentals, leases, squatting and contracts. Small holders (<2 ha.) accounted for 71% of the total holdings, but they occupied only about 15% of the area. The average size to the holding was 0.6 ha. while the large holdings (>50ha.) averaged 160.8 ha. each, being primarily state lands and private estates.”

Recent information suggests that a large proportion of the land area is still in large holdings, controlled mainly by the state and by private estate owners. Moreover, small farmers occupy a smaller proportion of the total land area and their average farm size has reduced due to: (i) diversion of more land to built development and other non-agricultural uses; and (ii) the state land distribution program.” (2)

State has acquired 18 private estates with a total extent of 4703 hectares. Much land on these estates is under-utilized, and constitutes a major source of land available for expanding agricultural development. A large proportion of the good agricultural land in the southwest sub-region has been diverted to built development.

The policy paper of 1992 prepared by the Ministry of Planning lamented over the agricultural utilization levels, loss of agricultural lands to other uses and the abandonment of agricultural lands and attempted to bring about a change by the new policy environment.

No agricultural census has been conducted since 1982 but the trend appears to continue in Tobago as in Trinidad, in spite of policy changes. Market forces appear to dictate the terms under which investments are made. These trends have to be taken cognizance in developing a new policy for State lands in Tobago.

1.3. Past Reviews of Policy

The Government of Trinidad and Tobago undertook a review of land policies in 1992 with the aim of promoting agricultural development, achieving greater equity in land distribution and facilitating improved environmental management. A New Administration and Distribution Policy for Land was issued in November 1992 and this policy document is currently in vogue. In July 1994, an Agriculture Sector Study of Tobago was conducted by the Center for Programs and Investment Projects (CEPPI). In May 1995 the Ministry of Agriculture, Land and Marine Resources developed a White Paper on Food and Agriculture Policy covering the period 1995-1997.

The Tobago House of Assembly (THA) has defined five broad objectives for the economic development of the island. These are:

- (a) to transform the island's economy from a dependent one to one that is more productive and self-reliant
- (b) to promote economic diversification;
- (c) to attain greater self-sufficiency in food production;
- (d) to develop an efficient system of social and economic infrastructure; and
- (e) to create productive employment opportunities

The sectors targeted as most important for development and revitalization are agriculture, tourism, fishing, agro-industry and light manufacturing.

1.4. The New Vision

Legislative, administrative, managerial and institutional changes have taken place during the last few years in Tobago, and more particularly with the legal framework based on the Tobago House of Assembly Act No. 40 of 1996. This Act confers powers for the formulation and implementation of policy in respect of state lands and for many other subjects. Policy reform relating to land, forestry and environment is considered as of high priority. It should:

- (a) Reflect the current societal goals and objectives, economic progress and socio-political change
- (b) Satisfy basic concerns of economic efficiency, social and ecological sustainability.
- (c) The new policy should be comprehensive and closely integrated but sufficiently flexible to permit and promote the operation of state, corporate and private sectors.
- (d) It must reflect the recognition of the private sector as the engine of growth.

- (e) Policy measures should lead to the protection, conservation and sustainable use of the land resources of Tobago but should also generate a pattern of land uses that will meet the needs of the people while safeguarding resources for the future.

It envisages the transformation of the land sector to become dynamic, diversified, efficient, equitable, productive and sustainable and become a key contributor in economic growth by establishing the policy and institutional conditions necessary for such transformation.

2. General Policy Goals

- 2.1. To utilize state land resources on a sustainable basis giving economic viability, social and ecological sustainability equal emphasis in the allocation of state land.
- 2.2. To promote orderly and planned development of state land resources
- 2.3. To ensure that property rights are well defined, exclusive, secure, transferable and enforceable and to take effective action to contain squatting and encroachment of state land.

3. General Policy Strategies

- 3.1. To locate state land resources, evaluate their capability and allocate such land among competing demands from various sectors, based on objective criteria, supported by a reliable and systematized database;
- 3.2. To conserve state lands with particular regard to biodiversity, soil and watershed conservation;
- 3.3. To base land use decisions on land capability classification and resource evaluation data for land use planning;
- 3.4. To assess land use demands from different sectors of the economy and base allocation decisions on economic efficiency, equity and social and ecological sustainability;
- 3.5. To conduct periodic surveys to detect encroachments and squatting on state lands and take prompt action to eject such squatters and encroachers;
- 3.6. To pursue a vigorous policy of state land distribution, particularly to satisfy the demand emanating from the landless poor;
- 3.7. To set aside and develop land settlement areas within which landless squatters may be relocated;
- 3.8. To conduct public education programs to discourage squatting and encroachment as a means of land acquisition.

4. Strategies for Policy Implementation - Policy on Land Information

- 4.1. Under the existing arrangements, individual agencies collect and store information on the state lands that they manage for their specialized requirements. While the establishment of an integrated graphic and non-graphic national land information system is a priority, it would be difficult to attain that goal in the short-term. However individual systems that each agency maintains should:
- (a) be based on a unique parcel reference number (UPRN)
 - (b) rely on common referencing system
 - (c) ensure regular updating of data and timely access
 - (d) provide for sharing of data among agencies managing state lands
- 4.2. The Director of Surveys will maintain and regularly update data on state lands at the national level, providing a clear depiction of leased and allocated state lands as well as unallocated state land. Similarly agencies charged with the responsibility of managing state land in Tobago will maintain regularly updated data on the position of state lands under their charge.
- 4.3. Each agency managing state land in Tobago should maintain a computerized lease management system to enable timely collection of lease rents and to record all changes of ownership.
- 4.4. The National Planning Commission and the Town and Country Planning Department will share data available with them as to current zoning and planning, with agencies managing state lands in Tobago. Each agency will also develop the analytical capability and institutional capacity to determine the competing demands emanating from various sectors. Such agencies will maintain land use information, particularly land capability assessments and land evaluation data in regard to lands they manage, to determine suitability for a given purpose.
- 4.5. The ultimate objective of these actions would be the ability to locate parcels of state land alienated and the status of those available for future development purposes, including their capability and suitability.

5. Strategies for Policy Implementation - Policy on Land Use

- 5.1. Land use decisions in Tobago will be determined based on land capability classification (overall potential for use), and resource evaluation data for land use planning (taking into account physical, social and economic information). A Resource Data Bank will be established in the Policy Research and Development Institute (PRDI) by collating all data available with Government agencies and the private sector. The information will be shared among agencies handling land management.
- 5.2. Competing demands from different sectors of the economy for land will be assessed and determined on economic efficiency, equity and social and ecological sustainability.
- 5.3. At the present time, land use decisions are reviewed under the National Physical Development Plan, which was adopted in 1984. The Interim National Planning Commission is updating this plan. In 1999, a National Conceptual Development Plan, 10 Local Area

Conceptual Plans and One Local Land Use Plan were completed. In 2000, four (4) additional Local Land Use Plans are expected to be completed. Any development of state lands by any agency in Tobago will be undertaken in conformity with these land use plans.

5.4. The Tobago House of Assembly will focus on decentralizing development away from Scarborough, which has resulted in substantial uncontrolled growth and overcrowding, with attendant problems in urban service delivery. In making land use decisions, the Tobago House of Assembly will take into account future developmental requirements of growth centers with a view to attaining balanced and dispersed development in Tobago.

5.5. Under the Planning and Development of Land Bill, national physical planning reforms are to be undertaken by the National Planning Commission, whose responsibilities include:

- (a) updating the National Physical Development Plan
- (b) providing approvals for “complex” development plan applications
- (c) devolving certain responsibilities to local governments for preparation of Local Area Development and Land Use Plans and development control
- (d) assuring consistency with national plans and priorities

All these developments have to be taken cognizance in dealing with state land development and agencies dealing with state land in Tobago will continue to obtain planning permission from the relevant agencies to ensure conformity and consistency.

5.6. Prime agricultural land for each major crop in Tobago will be identified. However, land that is suitable for farming is usually suitable for many other competing uses. Land use decisions, therefore will be made not only on the basis of land capability but also according to the demand for products in a particular location and the extent to which the use is critical for a particular purpose in an identified area (physical, economic and social information).

5.7. The diversification of agricultural land use on a rational basis will be encouraged as a way of increasing the efficiency of resource use.

5.8. Conversion of agricultural land into non-agricultural uses will only be permitted on the basis of a land suitability evaluation.

5.9. Industrial activities will be permitted only in zones demarcated for industrial use.

5.10. Tourism development will be restricted to designated areas.

5.11. Development activities within the coastal zone in Tobago will be guided by Coastal Zone Development Plans and land uses that aggravate erosion will not be permitted.

5.12. Acquisition of private land for public purposes will only be considered if there are no state lands in close proximity for use. Agencies requiring such private lands will be required to justify their request in the first instance.

6. Strategies for Policy Implementation - Policy on Land Conservation

- 6.1.State land is held in trust by the Tobago House of Assembly for the whole community inhabiting Tobago including generations yet unborn. The Assembly will conserve and manage such land on behalf of the community.
- 6.2.Action will be taken to maintain Tobago's unique indigenous biological wealth and to preserve its biological diversity, namely genetic variation within species, the diversity of species and diversity of ecosystems. Areas under severe pressure will be identified, demarcated and conserved including those endangered endemic species of flora and fauna, critical habitats and protected areas.
- 6.3.Action will be taken to prevent land degradation particularly, soil erosion, water logging, salinization and alkalization.
- 6.4.The existing protected area network including forests and wildlife reserves in Tobago will be defined clearly and protected. Similarly, environmentally sensitive areas will be identified and conserved.
- 6.5.All wetlands in Tobago will be defined and protected. Each wetland will be inventoried describing its functions, products and attributes and management plans will be prepared to secure environmentally sound management. Among the functions will be groundwater recharge, ground water discharge, flood control, shoreline stabilization/erosion control, sediment/toxicant retention, nutrient retention, biomass production, storm protection/windbreak, micro-climate stabilization, water transport and recreation. Any activity that will affect the natural drainage and bio-diversity conservation will not be permitted. All activities within a wetland area will be subjected to the provisions of the Environmental Management Act and its regulations and will require an environmental impact assessment.
- 6.6.Coastal habitats and natural features of exceptional value in the coastal zone in Tobago will be preserved. The Tobago House of Assembly will ensure that land development activities in the coastal zone does not contribute to or aggravate erosion and that development does not occur in hazardous areas.
- 6.7.All unutilized state lands exceeding 25-degree slope will be brought under permanent forest cover.
- 6.8.Land subject to natural hazards such as floods, earth-slips, and erosion will be identified and no settlements will be permitted in such areas.
- 6.9.All mangroves will be identified, demarcated and preserved as an important habitat for wildlife, a nursery for fish, a nutrient trap, and to enable extraction at a sustainable level. All land development activities in areas where mangroves are found will ensure that impacts of freshwater runoff, excessive siltation, oil pollution and conversion of mangrove habitats are minimized.

6.10. Waste emissions from land related projects or investments should be within the assimilative capacity of the local environment to absorb without unacceptable degradation of its future waste absorptive capacity or other important services.

7. Strategies for Policy Implementation – Policy on Forestry

Since 1980, the Tobago House of Assembly has followed a policy to conserve the existing forest resources by discontinuing timber exploitation from the state forest reserves. The main ridge contains five watersheds and they provide the major catchment areas for most of the island's water. Excluding the southwest, much of the natural ecology of the island has been preserved due to limited development. (3)

7.1. Tobago will continue to strictly follow the policy of conserving state forest reserves for posterity, with particular regard to biodiversity, soils, water, and historical, cultural and aesthetic values.

7.2. Reforestation programs will be focused mainly on the steep slopes and degraded state lands.

7.3. Tree growing on homesteads and other agro-forestry practices will be promoted as a main strategy to supply wood and other forest products for meeting household and market needs.

7.4. The existing protected area will be rationalized and consolidated into an integrated Protected Area System (PAS) covering biodiversity related to both fauna and flora, critical watersheds, and forest with special cultural, historic and aesthetic values.

7.5. State lands that are not required for other development purposes such as housing, tourism and recreation, agriculture and industry will be allocated to the private sector under long term leases to develop industrial plantations to be managed in accordance with management plans or approved management principles. Such plantations will be encouraged to grow multiple use tree crops. The Tobago House of Assembly through the Director of Forestry and Environment will monitor the implementation of the agreements and management plans.

7.6. The Tobago House of Assembly will support the establishment of private nurseries by supplying them with quality seeds, providing technical advice and extension services.

7.7. Reforestation of private lands for the protection of soil and water resources will be supported by measures similar to 7.6 and other incentives.

7.8. Urban forestry such as parks, roadside planting, avenue planting and establishment of green belts in urban areas will be promoted.

8. Strategies for Policy Implementation - Policy on Allocation of State Land to Competing Sectors

8.1. The allocation of state land will be determined primarily on the basis of the overall potential and suitability of the land for the identified purpose. For this purpose, the zoning and planning requirements will be strictly followed. The regular updating of data pertaining to

state land is a pre-requisite for orderly planning of resource use and development and all agencies with responsibilities of state land management will be required to maintain such data.

8.2. The prioritization of requests for state land will be determined in four ways.

- (a) Based on current performance and needs of each sector in the economy and its capability to contribute directly or indirectly to the socio-economic improvement of the people
- (b) Provides for the enhancement of the productivity of land resources to optimum levels.
- (c) Contributes to national food security and employment.
- (d) Based on the quantum of investment, an investor, corporation or company is willing to undertake, provided that such investment is determined as beneficial to the long-term interests of the nation. Such allocation will be made on the basis of an approved feasibility study and a guarantee that development of the land will be monitored and evaluated and appropriate soil conservation measures will be adopted.

8.3. Allocation of land will be primarily through market mechanisms. However, as market mechanisms are biased against those who have no access to the market, such as the poorer segments in society, provision will be made for strictly targeted programs catering to the needs of the poor.

8.4. Where land is required for a development project with heavy private sector investments, allocation of state land will be made on a selective and preferential basis. In such cases, the Tobago House of Assembly would determine the terms and conditions on an individual basis.

8.5. State lands, which are presently vested with public authorities and are underutilized, would be taken back for distribution or any other public purpose. Vesting of lands in public authorities would no longer be an automatic process. A Land Policy Committee of the Tobago House of Assembly will examine the need for such vesting, the minimum extent that may be required and, any other criteria, which may be relevant and applicable.

8.6. Leased state lands which remain idle and unused will be taken back after due warning to the lessees. Action will be taken to terminate such leases and repossess properties.

9. Strategies for Policy Implementation - Policy on Land Tenure

9.1. The Tobago House of Assembly recognizes that the existence of efficient land markets, which facilitate land sales, is an essential prerequisite for productivity growth. It will promote the improved functioning of the land market through unimpeded transactions, to move land from inefficient users to efficient ones, facilitate optimal use of land, promote

investments in land conservation and development. To this end, it will discourage as far as possible, interventions by the House of Assembly that will distort the market.

9.2. Tenurial patterns which have impacted negatively on:

- (a) the ability to carry out effective sales
- (b) development of economically efficient land management
- (c) environmental management and
- (d) investment in housing, agriculture, industry, commerce, tourism and recreation

will be identified and removed.

9.3. Tenurial conditions imposed by various agencies of the Tobago House of Assembly managing state land differ. Action will therefore be taken to harmonize tenurial conditions among agencies to ensure consistency, uniformity and equity. Any inconsistencies reflected in any of statutes will be corrected through amendments to such legislation.

9.4. Action will be taken to minimize bureaucratic interventions to the barest minimum and agencies managing state land will be required to make positive changes to the processes that are presently adopted for managing state lands to reduce transaction costs and time.

10. Strategies for Policy Implementation - Policy on State Land Distribution

10.1. Priority action will be taken to transfer ownership to the people based on demand and needs of each sector. Access to State lands resources will be wide and equitable but will be demand driven

10.2. State land will be distributed for housing, agriculture, commerce, industry, tourism and recreation and any other purposes at prevailing market value.

10.3. The unit of alienation for each category will be determined on sound scientific principles and individual needs. The extent of land to be allocated for agriculture will vary with land capability, the crops to be grown and the family income target. The size of the holding provided should be workable within the amount of labor available and produce adequate income, but without imposing a strain on its capacity for sustained production.

10.4. The unit of sub-division will be subject to control by physical planning authorities.

10.5. Private sector investment is recognized as the engine of growth for the land sector and policies that would create a positive environment for private sector investment in state land development will be pursued to attract both domestic and international investment. Such measures will include among others:

- (a) long term leases for state lands
- (b) tax holidays and tax incentives

(c) incentives by way of lower tariffs for machinery and spare parts used for the development of such land

10.6. State lands within urban fringes will be earmarked and reserved for future urban expansion.

10.7. Land distribution will be carried out with a view to ensure orderly economic growth and balanced regional development.

10.8. State lands earmarked for distribution to the poorer segments will be given adequate publicity through the newspapers and the selection of applicants will be made through a public inquiry. Criteria for selection will be made public. A preliminary list of selectees will be published in order to facilitate lodging of any appeal or objection to the selection.

10.9. The eligibility criteria, general terms and conditions of leases, special terms and conditions of leases for each category of land use, minimum parcel size, period of validity of leases are listed in Annex A. These terms and conditions are as applicable at July 2000 and are a result of Cabinet decisions made at various stages. Policy reform requires that there be some uniformity of these terms and conditions and it is proposed that this aspect be further studied to achieve that end.

11. Strategies for Policy Implementation - Policy on Squatting and Encroachment

Squatting and encroachment on state land in Tobago, even though not as extensive as in Trinidad may be taken as a symptom of land hunger on the one-hand and the availability of state land to encroach upon on the other. The causes of squatting and encroachment can be summarized as follows:

- (a) Non-enforcement of existing rules and regulations and political patronage
- (b) Encouragement given by periodic regularization
- (c) Lack of employment opportunities and alternative economic activities
- (d) State-ownership of a disproportionate share of the land in relation to the actual demand by the people

Squatting and encroachment of land cannot be controlled by legislative measures alone. A vigorous policy of transferring more state land to the people appears to be a viable option available to the policy makers and managers of state land. However, it should be also recognized that all squatters and encroachers do not fall into the category of landless. A substantial proportion of squatters and encroachers appear to be not entirely landless. There are speculators who would like to grab unoccupied land for future profit. Therefore, in developing policy initiatives, the two categories have to be dealt with separately. Similarly, the existing provisions of the legislation i.e. The State Lands Act and the State Lands (Regularization of Tenure) Act have to be adhered to, and future policy determined to avoid policy conflicts.

11.1. Based on the above observations, the following policy guidelines are enumerated for adoption by agencies charged with the management of state land in Tobago.

- (a) A vigorous policy of state land distribution will be pursued, particularly to cater to the demand emanating from the landless.
- (b) All squatters and encroachers in road, stream, channel, climatic and forest reservations will be evicted and a rigid policy will be adopted in evicting them.
- (c) Those who have been in occupation of forest reserves over a long period of time with no attempt made by the agency in charge to eject them, will be considered for regularization, provided such regularization can be undertaken as a contiguous block of land that can be de-reserved from such reserve, without causing irreparable damage. However, isolated squatting or encroachments in the middle of a forest reservation will be subjected to eviction.
- (d) Each agency will conduct an annual survey of squatting and encroachment in lands under their charge to enable them to mount programs to counter such action.
- (e) Based on demographic pressures in each locality, incidence of landlessness, and the availability of state land, each agency in charge of state land will determine and prioritize areas for state land distribution.
- (f) All attempts should be made in the case of the landless, to relocate them prior to any action to evict them.
- (g) Where relocation is done, the agency in charge will provide the mechanisms to prevent re-encroachments on the same land.
- (h) All squatters and encroachers, who have over the years developed the lands they occupy through individual initiatives, may be given such lands on a long-term lease. However, such regularization will be resorted to only if occupation of such lands is not in conflict with planning requirements and long-term interests of the region and the country.
- (i) Eviction of new encroachers should be quick and prompt and all agencies should ensure early detection of squatting and encroachment through their field staff.
- (j) Squatters and encroachers of state land will be considered ineligible to receive state land in the future and such disqualification will be publicized through a program of public education and publicity through the national press. Each agency charged with management of state land will periodically conduct such programs.
- (k) The Tobago House of Assembly and the agencies managing state land will launch a public education program that squatting is not considered as an acceptable means of acquiring land and that those who resort to such acts would be treated as any other engaging in unlawful activity. Such individuals should bear the consequences of their actions and the Tobago House of Assembly will not hesitate to take adequate

measures to prevent such incidence, and to punish those involved, in terms of the provisions of the law.

- (l) All agencies managing state lands should complete the regularization program with the least possible delay, so that regularization of squatters and encroachers will not become a permanent feature in the administration and management system. Any protracted delay will be detrimental to attempts at rationalization of land use.
- (m) Squatters and encroachers of state land who do not fall into the category of landless will be evicted. However, if the investments made by this category of squatters are substantial and are in conformity with planning and zoning requirements such lands will be regularized on payment of current market value of land and a penalty for illegal occupation.
- (n) All agencies that have been established by statute for the management of State lands, will bring amendments to their respective pieces of legislation to empower them with the responsibility to proceed with eviction of encroachers and squatters with relative ease and without undue delay.
- (o) The Tobago House of Assembly will promote the elimination of existing policy conflicts, discourage squatting on state lands, make known that the Tobago House of Assembly does not subscribe to squatting as a means of land acquisition.

11.2. All agencies of the Tobago House of Assembly with responsibilities for the management of state lands will be strengthened to perform the above tasks effectively and to discover violations, apprehend violators, and impose penalties.

11.3. The State Lands (Regularization of Tenure) Act of 1998 provides for regularization of pre-1998 State land residential squatters and the development of new settlements for the landless. The perception on the part of the public appears to be that this is an attempt to legitimize encroachment on state lands. This erratic perception needs to be changed without delay. Tobago House of Assembly will therefore, make clear the policy pertaining to encroachment, so that there is no ambiguity and publicize such policy. The Tobago House of Assembly will not encourage either openly or indirectly, encroachment of lands. Uncontrolled settlements can lead to inappropriate land use and resource degradation.

12. Strategies for Policy Implementation - Policy on Management of State Lands

12.1. Each agency of the Tobago House of Assembly charged with the responsibility of managing state lands will prepare management plans for the state lands that are under their

charge. These management plans will indicate management priorities and operational principles for managing land resources including protected areas entrusted to them.

- 12.2. A regulatory system will be established by each agency to ensure that actual land use of state-owned land is in accordance with the approved zoning system, environmental guidelines and terms and conditions of lease. Each agency will develop an effective enforcement program to discover violations, apprehend violators, and impose penalties.
- 12.3. Transaction costs by way of time and money will be reduced by improving the institutional arrangements to secure information, processing and enforcement.
- 12.4. Agencies responsible for state land management will concentrate on the role of the Tobago House of Assembly as that of a facilitator and provider of basic services to support individuals/farmers/investors in self-development and management of lands allocated to them.
- 12.5. All agencies managing state lands will treat the subject of revenue collection as one of the important functions of the institutions and utilize the data generated by the Lease Management System to set targets and achieve recovery of rents and royalties due from all lessees and license holders. Penalties will be imposed on lessees and license holders who violate terms and conditions as a general rule.

13. Strategies for Policy Implementation - Policy on Institutional Support for State Land Management

- 13.1. State Land Policy will be reviewed and updated periodically as required and implemented in a participatory and transparent manner.
- 13.2. The agencies that are presently engaged in state land management will be reoriented and strengthened to enable them to accomplish their role.
- 13.3. The Director of Land Management Services managing state land will develop a computerized Lease Management System to ensure timely delivery of services to lessees and for the collection of rents and royalties. In addition, the agency will develop a Workflow Management System to monitor progress of applications for state lands and to eliminate delays. Prototypes for both systems have been developed and are available with the Commissioner of State Lands to enable the Director of Land Management Services in Tobago to establish such systems with relative ease.
- 13.4. The Director of Land Management Services of Tobago as custodian of all state lands in Tobago will conduct regular meetings to achieve inter-agency coordination among all agencies of the Tobago House of Assembly with responsibilities for state land management.
- 13.5. The Tobago House of Assembly recognizes that the major weaknesses in the land sector are managerial and organizational and therefore will rationalize and simplify the institutional framework, as well as re-vitalize the agencies to enable them to carry out their roles.

13.6. The training and educational programs will be considered extremely important component in the transformation process of these agencies. The Tobago House of Assembly will initiate programs to ensure that officers have the necessary skills, attitude and motivation. The technical aspects will include land use planning and land capability assessments, social and environmental impact assessments and estate management. The organizational skills will include management, leadership and communication skills as well as training in such areas as benefit-cost analysis, accounting, monitoring and evaluation.

14. Strategies for Policy Implementation - Policy on Intersectoral Linkages

14.1. One of the weakest areas in the planning process has been the lack of inter-sectoral linkages among the different sectors of the economy. Activities in one sector may adversely affect productivity in another sector. For example, fisheries sector has suffered from reclamation of mangrove swamps, mining of coral reefs and industrial pollution. To ensure effective institutional linkages, the Land Policy of the Tobago House of Assembly and other sectoral policies on housing, industry, agriculture, marine resources, tourism and recreation will be kept consistent with each other through the Land Policy Committee of the Tobago House of Assembly.

14.2. Many of the constraints to appropriate land use are traceable to an absence of cross-linkages and coordination between various agencies of the Tobago House of Assembly. The inter-agency coordinating committee presided over by the Director of Land Management Services proposed under 11.4. will enable inter-agency co-ordination. All agencies utilizing land will be required to strictly adhere to planning and zoning determinations of the National Planning Commission and will obtain planning approvals before embarking on any development activity.

15. Strategies for Policy Implementation - Policy on Legislation

15.1. For the long-term development of the land sector, and the development, efficient use and conservation of the country's land resources, an appropriate and comprehensive legal framework is essential. Conservation hinges on the utilization of the most important natural resource, namely land. Many of the laws relating to conservation and utilization of land are scattered in a large number of legislative enactments administered by a multitude of agencies. For instance, there is no legal provision for protection of stream and river reservations and demarcation or for the protection of river catchments and watersheds. Action will be taken to review and propose revision of legislation relating to state land and to support the implementation of the policies enumerated to ensure the following:

- (a) adequacy to meet the needs of land resource management
- (b) applicability of laws in all areas where needed;
- (c) enhancement of the responsibility and authority for environmental management;
- (d) enforcement of environmental quality standards and environmental impact assessments; and
- (e) adequate penalties

The infrastructure for enforcement will be provided for all agencies handling land management.

16. Strategies for Policy Implementation - Policy on International Land-related Conventions

16.1. Trinidad and Tobago has signed and ratified the Convention on Biological Diversity. The Convention places obligations on sovereign states inter alia to develop their own national strategies for biodiversity conservation. Articles 3, 6-20 and 26 of the Convention identifies the national obligations. Besides the Convention, Trinidad and Tobago have ratified other international conventions such as Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR), also for which there are national obligations. All agencies responsible for state land management in Tobago will observe these international conventions and principles that have been agreed to by the Government of Trinidad and Tobago and ensure that the obligations are fulfilled.

References

1. Agriculture Sector Study of Tobago, Center for Programs and Investment Projects, July 1994 p. xvi
2. Ibid. p. xvii
3. Ibid. p.18

Note:

It is proposed that this draft be made available to key agencies of the Tobago House of Assembly, policy research institutes, NGO representatives and the general public for them to express their views and concerns, so that the final document will reflect comprehensive consultation with all stakeholders.

Appendix A

1. Eligibility for Lease of State Land

Eligibility to receive state lands is as follows:

- (a) Except in satisfaction of a legal obligation or in accordance with some general direction, or with the express approval of Cabinet, only citizens of Trinidad and Tobago will be granted leases of State land;
- (b) Land for non-residential use may be leased to incorporated enterprises that are wholly or majority owned by citizens of Trinidad and Tobago or that are not deemed to be under the control of foreign investors within the meaning of the Foreign Investment Act, 1990.
- (c) Registered co-operatives will be eligible for leases of State lands provided that the purposes for which the lands are to be used conform to national priorities and the applicants demonstrate that they possess the financial resources and managerial capabilities to execute any relevant investment project effectively;
- (d) Recognized youth and community groups, voluntary service organizations and similar non-governmental organizations will be eligible for State lands for undertaking service-oriented, non-profitable activities or commercial and productive agriculture on the condition that, in keeping with the existing practice, they are incorporated and also that they are functioning, and that the proposals are viable;
- (e) Lands identified for possible distribution for agricultural purposes will be publicly advertised and the criteria for selection of tenants will be as reflected in Appendix VI of the Land Administration Operations Manual of May 1996. Application Forms (Form A and Form B) are available at County Offices.

2. Minimum Parcel Size

- (a) Minimum parcel sizes for residential, commercial or industrial use will be such as are approved by the Town and Country Planning Division in relation to specific layouts;
- (b) The following minimum sizes of holdings are applicable for agricultural leases:
 - Field and vegetable production – 2 hectares
 - Tree and fruit crops - 5 hectares
 - Dairy farming/livestock rearing- 8 hectares
- (c) No individual will be granted multiple agricultural leases in excess of an aggregate of 40 hectares without the express approval of Cabinet.
- (d) In the case of agricultural projects, all such requests should be referred to the Land Administration Division of the Ministry of Agriculture for necessary action. Only requests for isolated the Commissioner of State Lands will handle parcels of State land that can be used for residential cum home gardening purposes. In such cases too, the unit size should be an economic unit for the particular form of agriculture that is to be practiced.

3. General Terms and Conditions of Leases

The following rentals and terms and conditions will, where appropriate, apply (as at June 2000) to the leasing of all State land:

- (a) Residential lands - 3.5% per annum of the capital value of the freehold interest
Agricultural lands - 2% per annum of the capital value of the freehold interest or 20% of the economic rent, whichever is less
Commercial/industrial lands - 5% per annum of the capital value of the freehold interest
- (b) Charges for the disposal of the interest of the State in any land will be based on open-market value.
- (c) In all cases where a full premium is not paid, lease will include provisions for rent reviews at ten-year intervals. However, where the rental under a lease is subject to any subsidy that is related to income and not to purpose, rent reviews will be at five-year intervals.
- (d) Leases will prescribe the use to which the land may be put. They will also indicate that any change of use or sub-division will require the consent of the Commissioner of State Lands and that such consent, if granted, would be subject to a charge based on any enhancement in the value of the interest held by the tenant in the land.
- (e) Since the State cannot satisfy all requests for lands for religious purposes, the Planning Authorities will designate lands for such purposes in new sub-divisions to meet the demands for such services. It is recognized that there will be applications for lands not located in housing estates or planned developments. Such applications will be considered on their merits and the terms and conditions set out under (f) below will apply to any lease granted.
- (f) Religious organizations will be granted land on the following conditions (as per Cabinet Minute No.1863 of August 4, 1999):
 - (i) The Lease will be for a term of 30 years, with an option to renew for a further term of 30 years. Non-operation for any period in excess of six (6) months will be regarded as a breach of the lease.
 - (ii) The payment of annual rent of \$1.
 - (iii) The site must be used solely for purposes consistent with the character of the organization at the date of the Lease.
 - (iv) Physical structures should be erected within two (2) years of the date of the execution of the Lease, and such physical structures should not remain unused for the purpose specified in the lease for a period longer than six (6) months

(v) The premises should not be assigned without the consent of the Lessor, such consent to be at his absolute discretion

(v) All legal and survey expenses must be borne by the Lessee.

(vi) The Lessee should outline proposals for the development of the site in keeping with, but not limited to:

- the overall development of the area as defined by conditions of the regulatory agencies
- other environmental and aesthetic concerns

(viii) All other terms and conditions customary in Lease of this kind

(g) Community service organizations involved in non-profit charitable work will be granted a lease on a pepper corn rental of \$1 per annum and the conditions laid down for religious organizations will apply to them as well; This exemption however, will not apply where the organization embarks on commercial or industrial activity or uses the land for non-institutional residential purposes.

(h) Co-operative groups, social clubs and private recreational groups will pay full open market value rental except where otherwise expressly approved by Cabinet.

3. Special Terms and Conditions of Lease for Residential Purposes

(a) A private dwelling must be erected within two years of the execution of the lease.

(b) The lessee will not assign or part with possession of the premises, without consent of the lessor first having obtained in writing (such consent will not be unreasonably withheld);

(c) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;

(d) All legal and survey expenses must be borne by the lessee.

4. Special Terms and Conditions of Lease for Agricultural Purposes

(a) The parcel must be cultivated in an efficient manner making optimum use of the potential of the land and to the satisfaction of the lessor in accordance with a program of agricultural development previously approved by the Ministry of Agriculture, Land and Marine Resources. Such program will be subject to variation by the Ministry;

(b) Where a house or other non-agricultural building exists on the holding, a rent equivalent to that payable in accordance with existing State policy for the letting of a comparable building site will be paid in respect of the portion of the holding dedicated to such non-agricultural building;

- (c) Prior approval must be obtained in writing from the relevant authorities for the erection of any building on the parcel or for the making of any additions, alterations and repairs;
- (d) The parcel must not be left unoccupied, or unused for a period of more than six months in any twelve month period without written consent of the lessor, first had and obtained;
- (e) The lessee will not assign, transfer or part with the possession of the parcel without the consent of the appropriate authorities. The lessee can bequeath his interest in the parcel;
- (f) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (g) All legal and survey expenses must be borne by the lessee;
- (h) Other terms and conditions customary in lease of this kind.

5. Special Terms and Conditions of Lease for Commercial and Industrial Purposes

- (a) The land must be used for the purpose specified in the lease;
- (b) The prior approval of all appropriate statutory authorities must be obtained in writing for any development on the land;
- (c) The premises must be used solely for the purpose for which it was leased within two years of the execution of the lease;
- (d) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (e) All legal and survey expenses must be borne by the lessee;
- (f) Other terms and conditions customary in lease of this kind

6. Special Terms and Conditions of Lease for Community Organizations and Religious Bodies

- (a) The site must be used solely for purposes consistent with the character of the organization at the date of the lease;
- (b) A building must be erected within two years of the date of execution of the lease; the Commissioner of State Lands in his discretion, may, however, extend the time within which the building must be erected;
- (c) Such building must not remain unused for the purpose specified in the lease for a period longer than six months in any twelve month period;
- (d) The tenant must not assign or part with possession of the premises without the written consent of the lessor. Such consent will be in the absolute discretion of the lessor;

- (g) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (h) All legal and survey expenses must be borne by the lessee;
- (i) Other terms and conditions customary in lease of this kind

7. Period of Validity of Leases

The periods used for the different types of leases have been established by decisions in the form of Cabinet Minutes.

(a) Standard Agricultural Leases

30 years with an option to renew for a further 30 years

(b) Industrial/ Commercial Leases

A choice between

- (i) 30 years with an option to renew for a further 30 years with 10 year rent reviews
- (ii) A 99 year period

(c) Housing/Residential Leases

A choice between

- (i) 30 years with an option to renew for a further 30 years with 10 year rent reviews
- (ii) A 199 year lease with full premium and peppercorn rentals
- (iii) 999 years for St. Augustine area (Cabinet Minute No.1770 of October 12,1961) and NHA Settlement Trust (Cabinet Minutes Nos.1813 of October 1, 1987 and 1675 dated August 4, 1988).
- (iv) Deed of Lease for 199 years in respect of squatters who are granted Statutory Lease under the State Lands (Regularization of Tenure) Act of 1998. In order to qualify, the squatters should first obtain Certificates of Comfort from the Land Settlement Agency.

Presently, leases are given for 999 years to the National Housing Authority which sub-lease for 199 years.