1. Background

1.1. Extent of Land Resources in T&T

Trinidad and Tobago possesses a total land area of 5,126-sq. km. (512,600 hectares). Overall, 52 percent of this land area is owned by the State. However, in Tobago only 34 percent of the land or 10,772 hectares are owned by the State.

In the island of Trinidad, 126,490 hectares or 47 percent of State Lands are under forest cover and protected by law. The corresponding area of constituted forests in Tobago amounts to 3,958 hectares. State lands outside these forest reserves that are under forest cover are estimated at 2100 hectares in Tobago.

State lands other than constituted forests cover 129,288 hectares in Trinidad and 4,700 hectares (comprising of acquired estates) in Tobago. This broadly represents the extent of land available to the State. However, these statistics tend to give the public and the policy makers the notion that large extents are readily available for distribution. This needs further clarification.

The 52% of the land area which is under the charge of the State, includes all forest reserves, rivers, streams, rock out crops, mountainous and sloping land, environmentally sensitive areas, swamps, wetlands, mangroves and other conservation areas that cannot be used or should not be used for development purposes. It also includes state lands that have been distributed by way of leases, grants and licenses and those areas that are subjected to squatting and encroachment. It has been revealed that over 25,000 cases of squatting and encroachment are prevalent in Trinidad and Tobago even though the actual extents of land under encroachment are not yet known. The Land Administration Division of the Ministry of Food Production and Marine Resources indicates that over 8,600 families are squatting on approximately 26,000 hectares of state-owned agricultural land. The extents of land distributed by the State to date, is not known on a definitive basis until such time the computerized Lease Management System is made operational.

In addition, large extents of State lands have been under the purview of Caroni (1975) Limited (31,567 hectares), Petrotrin (Palo Seco Agricultural Enterprises) (10,118 hectares) and the National Housing Authority (14,600 hectares). Therefore, while the State has a large extent of land under its command, such land is managed by various state authorities, under forest and conservation areas, and covers land allocated to private use through leases and those under encroachment.

1.2. Loss of Agricultural Lands to other Uses

The policy paper of 1992 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

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1 Based on the LUPAP studies, particularly those done by A.A. Wijetunga in 2004.
change by the new policy environment. However, the trend appears to continue, in spite of policy changes as can be seen from the data furnished below.

The Central Statistics Office reported that in 1982 the total area under agricultural holdings was 132,157 ha. Cultivated land was the major land use accounting for approximately 80,199 ha. or 60% while fallow lands, abandoned and semi-abandoned cropland accounted for 29,462 ha. Or 22%. Permanent crops (cocoa, coffee, coconuts, citrus, and banana) occupied 44,239 ha. and temporary crops (pulses, grains, root crops, and vegetables) occupied 35,960 ha.

The quarterly agricultural report issued by the Central Statistical Office in 1998 showed that the extent of food crops excluding rice has reduced from 10127.9 hectares in 1997 to 5937 hectares in 1998 (Trinidad only). Total food crops too have reduced from 14,152.9 hectares in 1997 to 9129.6 in 1998 (Trinidad only).

No agricultural census has been conducted since 1982 but the trend is apparent to any careful observer. 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.

1.3 Major State Land Management Weaknesses

The State is the major landlord in Trinidad and Tobago. However, serious problems have arisen in the effective management of these lands due to:

- Absence of a comprehensive and coherent policy for the management of state lands
- Lack 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.
- Extensive and uncontrolled squatting—over 25,000 households are squatting on state land primarily for housing. The total extent occupied is yet unknown, and over 8,600 families are squatting on approximately 26,000 hectares of state-owned agricultural land; A virtual collapse of enforcement against illegal holders of State lands and tenants in breach of lease conditions is seen.
- Environmental degradation—people build houses in environmentally sensitive areas and without provision for infrastructure investments; quarrying and mining leases are not adequately supervised, and agricultural land is exploited for short term gain in unsustainable ways;
- Under-utilization of parcels—about one third of State owned agricultural parcels which have at some point been farmed by farm families today are entirely abandoned;
- Undocumented and insecure tenures—only 11% of all state owned agricultural parcels are actually being farmed under a valid Standard Agricultural Lease; over 50% of the parcels of agricultural land are undocumented;
- Widespread failure to collect land rents, resulting in total arrears of about TT$15 million as at September 30, 1998 and an annual loss of over TT$ 8 Million;
Weak coordination and enforcement mechanisms;

Conflicts, overlap and duplication in existing legislation;

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

- The diffuse nature of the various institutional responsibilities for state land management;
- The inability/unwillingness of the State to take rigorous enforcement action against squatters and tenants in breach as and when required;
- Pricing policies for state land – some based on market value in some agencies and in others on subsidies;
- Shortcomings of the policy and legislative framework;
- The inappropriate allocation of resources.

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

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

2. New State Company

The Government of the Republic of Trinidad and Tobago (G.O.R.T.T.) established the Estate Management and Business Development Company Limited (EMBD) as a wholly-owned State Enterprise, which was incorporated on August 8, 2002 and commenced business on August 28, 2002. (Company No. E1351 (95).

EMBD’s core responsibilities are embodied in the following three (3) major outcomes required by the Government:

1. Institute transparent and efficient management of lands formerly owned by Caroni (1975) Limited, which will be vested in the State.

2. Optimize the use of the land assets in a manner that generates economic activity through the establishment of new business activity in the following four (4) areas:
   - Industrial Light Manufacturing
   - Commercial Complexes
   - Residential Estates
   - Agricultural Estates

3. Facilitate the development of new industries, which provide meaningful and sustainable employment.

Since the establishment of the EMBD, the initial mandate given in 2002 by the Government of the Republic of Trinidad and Tobago (G.O.R.T.T.) has been expanded extensively in the year 2007 with several new sites added. At this time the new mandate due to the enormity of
growth pattern from 7,200 lots to some 22,200 lots of 5,000 Sq Ft each, which is the crux of the current issue due

The objective of the group from the Estate Management and Business Development (EMBD) Company of Trinidad and Tobago who are coming for an intensive course in land management is to learn about various aspects of modern land management, with stress on what the group could learn from experiences here in Wisconsin. Of course there are many differences in the practice of land management between T&T and Wisconsin, but many of the fundamentals are similar.

3. Definition of State Land

“State land” is not defined in the State Lands Act or the Tobago House of Assembly Act. An examination however, of the various pieces of legislation reveals that there are varying definitions of the term as it appears in these statutes of Trinidad and Tobago. The term “State land” is defined in these Acts to suit the ends and objects of each piece of legislation. Generally however, the term is intended to mean lands in Trinidad and Tobago which are not privately owned or held, and over which the State through a government agency, a specially chartered authority, or a wholly State owned corporation exercises ownership.

4. Definition of Land Management

The term “Land Management” is used 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. In a functional way, land management, including the management of State land, should be a very inclusive activity, spanning 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 also the supervision of those leases by a State agency. State land management functions also include the acquisition of private land for public purposes.

5. Definition of State Land Management

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 land. It encompasses the procedures and institutional means whereby State land resources may be located, evaluated, conserved, distributed and managed so that they may be utilized on a sustainable basis and to the greatest national advantage. The acquisition of private lands for public purposes is also part of the responsibilities cast on State land managers. State land management agencies carry out some or all of the following functions. Details of important activities under each are given below:

(a) Locate the land under management
   - identify state land clearly
   - parcel surveys and maps
   - identify reserves and other areas that cannot be alienated
   - identify alienated land and other encumbrances on state land

(b) Evaluate its capability/value
- assess capabilities of land for specified uses
- determine rent prices with and without subsidies

(c) Conserve the land for designated purposes

- identify environmentally sensitive areas as described in the Environmental Management Act
- identify forest, wildlife and other reserves
- identify road, river and stream reservations
- identify areas topographically unsuitable or subject to erosion, landslides etc.

(d) Distribute and allocate the land to identified and contracted users

- select recipients
- choose tenure forms
- formalize rights and responsibilities
- transfer of land to other agencies as and when required

(e) Manage state land under charge

- monitor adherence of users to term and conditions
- manage squatting and informal uses
- foreclose on those in violation of lease/agreements/license conditions
- collect rents and royalties at the appropriate time and impose penalties on defaulters

(f) Acquire private land for public purposes

- acquire land identified by Governmental agencies required for public purposes
- ensure no public land is available in close proximity as an alternative site/s
- pay compensation to the owners with the least possible delay

6. Definition of Land Administration

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