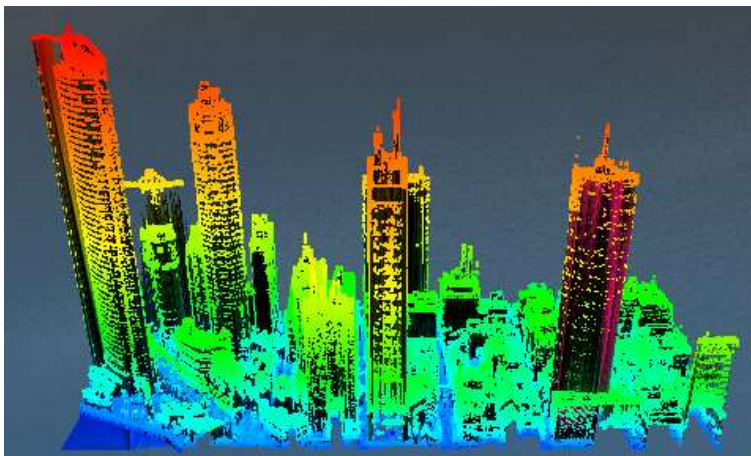


Trinidad and Tobago Land Governance Assessment

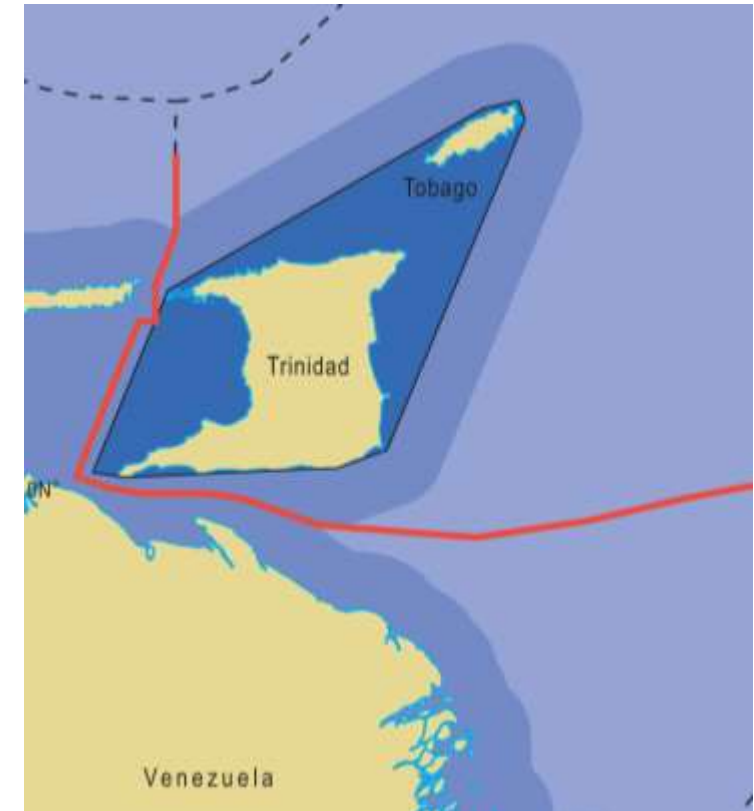
Charisse Griffith-Charles



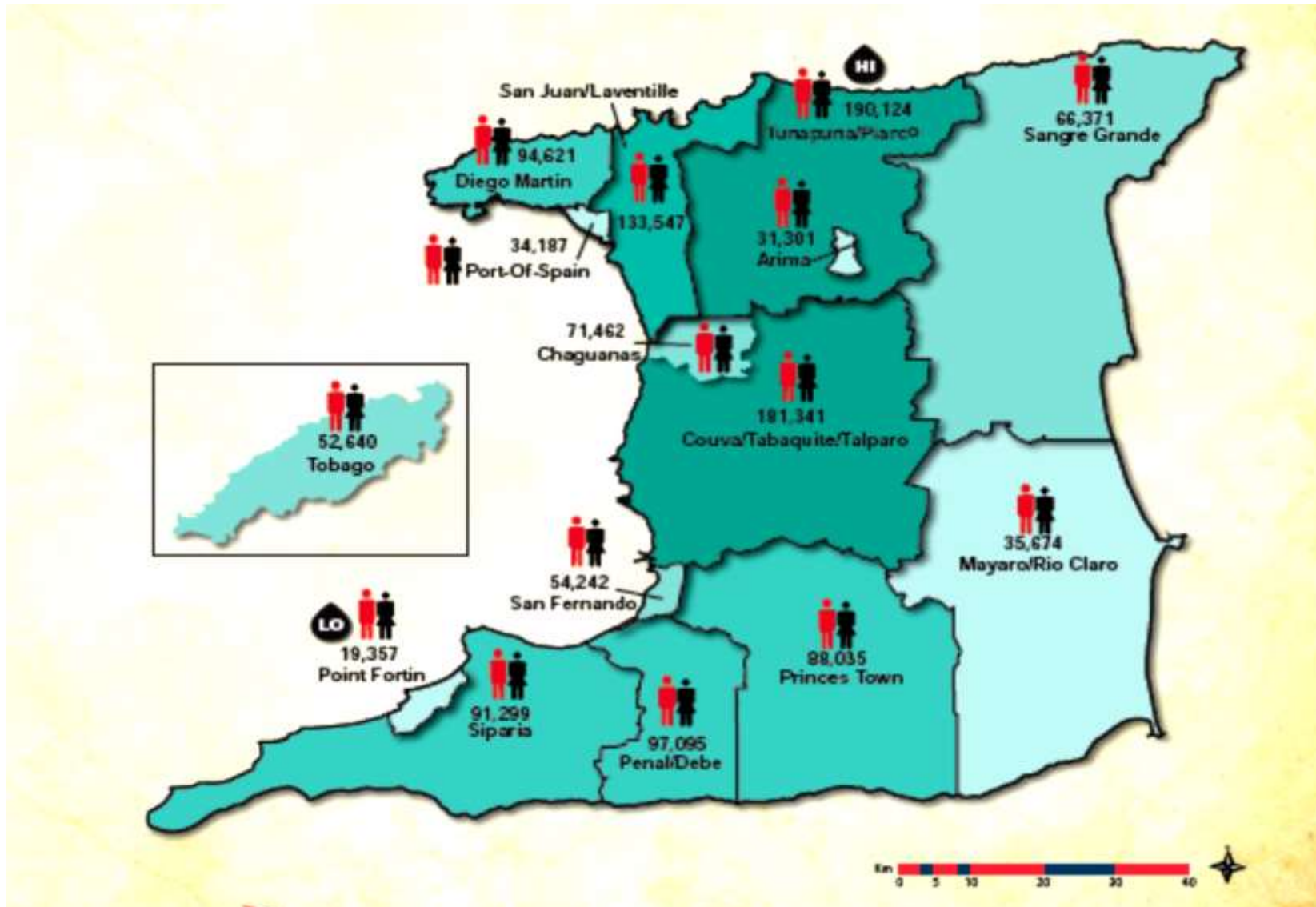


Land Characteristics of Trinidad and Tobago

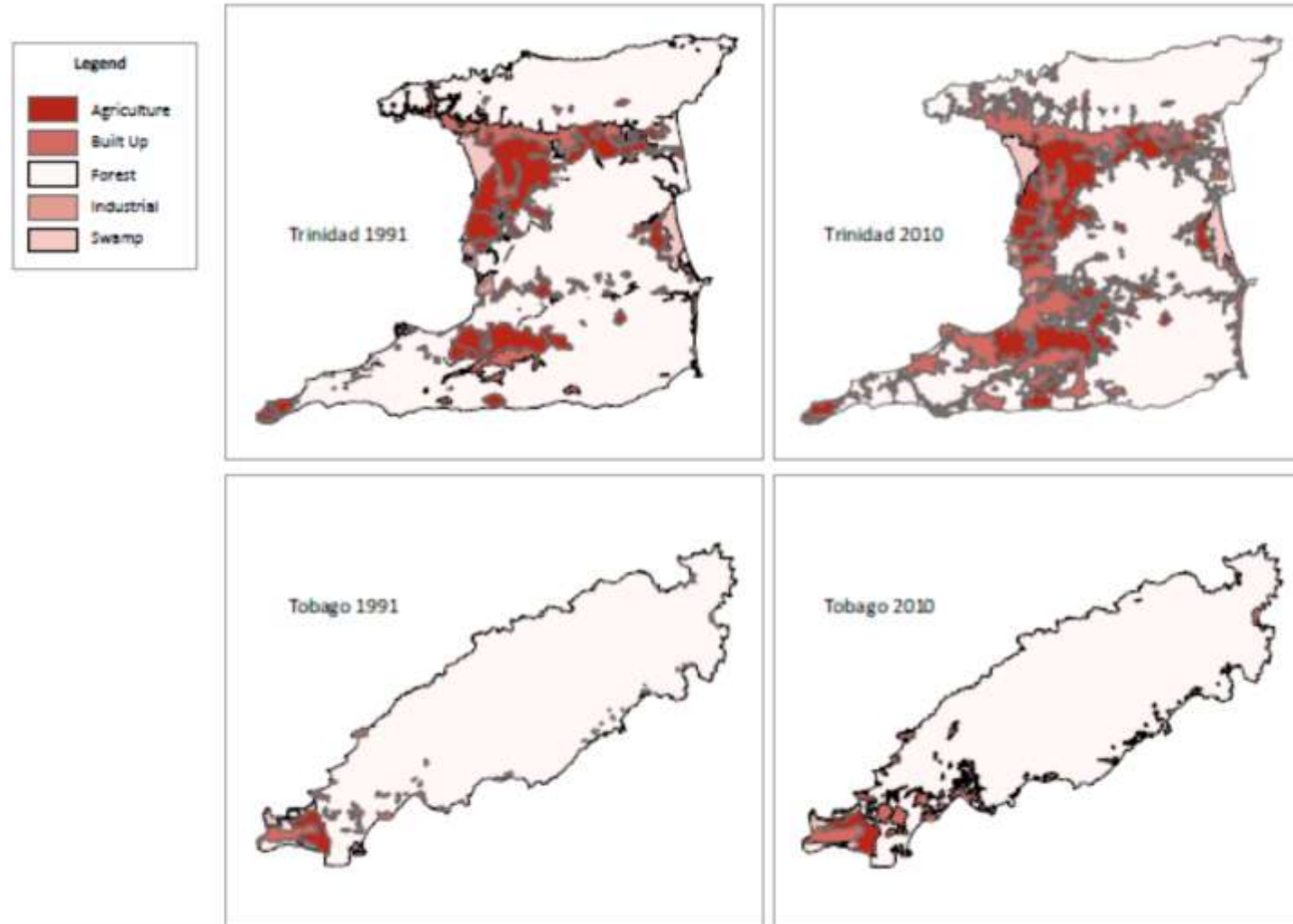
- Land Area – 5,528 sq km.
- Internal waters – 7,134 sq. km.
- Territorial sea – 9,337 sq. km.
- Population – 1,300,000
- Population density – 264 persons per sq.km



Population Distribution



Change in Built Development 1991-2010



Country Context

Land governance necessary for:

- Diversification and development of economy
- Social support and equitable allocation of land
- Environmental protection and risk management

To improve land governance focus on:

- Transparency and accessibility of LIS
- Develop land policies in cohesive participatory fashion

Characteristics of Land Policy

- English based land tenure system
- Unrecognised informal tenure
- Innovative CoC legislation
- Deed and title registration with 2000 proposal for a third system
- Complex, time-consuming, expensive systems
- No clear documented comprehensive policy
- Perceptions of security
- Perceptions of corruption and inequity

Tenure Types

Squatter on Private Land

Squatter on State Land without CoC

Squatter on State Land with CoC

Family land member

Undocumented Land Owner

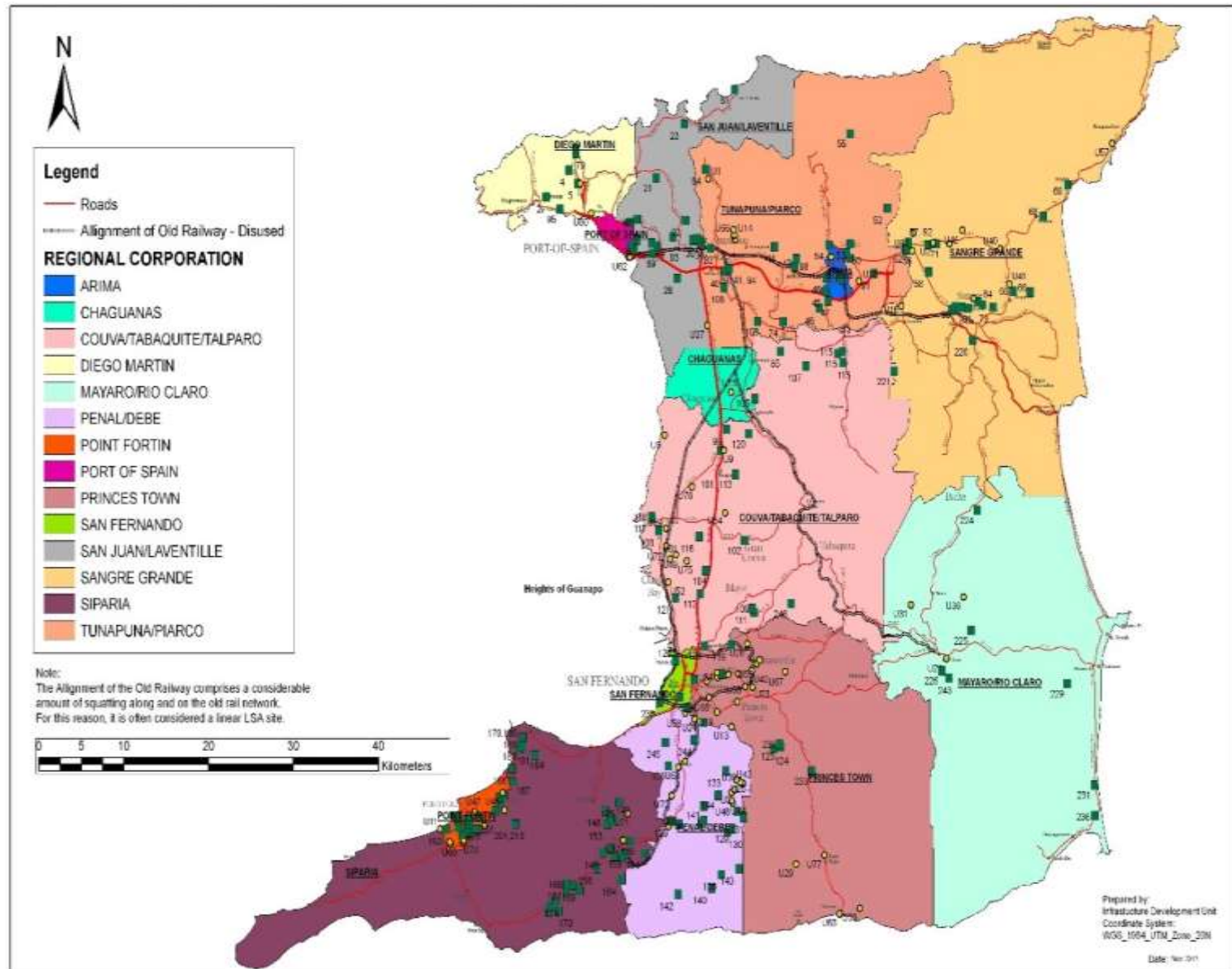
Leasehold on private land

Leasehold on state land

Freehold deed registration

Freehold title registration

Informal Tenure



Land Governance Institutions of the State

Ministry of Legal Affairs

Ministry of Public Administration

Ministry of Energy and Energy Industries

Tobago House of Assembly - Division of Planning and Development

Tobago House of Assembly - Division of Planning and Development

Ministry of Finance and the Economy

Ministry of Local Government

Ministry of Agriculture, Land and Fisheries

Ministry of Planning and Sustainable Development

Min. of Housing, and Urban Development

Projects

Description

- Informal Settlement Upgrading; Housing Subsidies; and Institutional Strengthening
- Cadastral Management Information System (CMIS) establishment, upgrading and updating;
- Registry modernisation
- Construction of a state land information system

Dimensions of Land Governance

- Law and Public Policy
- Quality of Rights to Land and Real Property
- Registry and Cadastral information Systems and Services
- Land Use Planning and Management
- Taxation and Valuation
- Access to Land in Urban Development and Land Markets
- Public Land Management
- Land Tenure Regularisation
- Monitoring Progress

Indicators

9.1 LGAF Quantitative Monitoring Indicators

9.1a Area mapped, rights identified	50-60% parcels 204, 160 parcels in the cadastre 85,000 surveyed since 1990. 100 to 115 deeds registered at RGD per day
9.1b Land registered in women's name	33% female headed households out of 401,382 households in 398,571 dwellings
9.1c Number, prices of registered land transactions	1300 deeds registered /month (2016)
9.1d value of land tax assessed, collected	In 2009 TT\$72.4Mn.
9.1e Area expropriated, compensation paid	895.8771 hectares or 311 parcels. TT\$10 million (2015)
9.1f No. pending land-related conflicts of different types in court	For 2015 court judgements : Adverse possession – 34 Land – 67 Boundary – 1

Indicators

9.2 Indicators from Blueprint for Strengthening Real Property Rights

9.2a	Real property-based credit as % of total credit of system	15% (2012) 20% (2015)
9.2c	Average value per sq m. of low income housing land	no TCPD approval, value is (\$100,000 per 5000 sq ft) State Developments (NHA) (Between \$45-\$65 psf) = \$225,000 to \$325,000 per 5,000 sq ft.

Indicators

9.3 Third Party Comparative Indicators

9.3a Ease of Registering a Property Transaction **151 out of 189**

9.3b Rule of Law

For 2015:

4.6

68 or 129 globally

6 of 22 regionally

9.3c Overall Quality of Property Rights

Overall score for 2015:

59 of 129 globally

7 of 22 in region

Current score 55/129

9.3d Gender Bias

46 out of 145 countries

9.3e Control of Corruption

Percentile rank 0 to 100:

2004 – 53.7

2009 – 52.2

2014 – 33.7

Law and Public Policy

1.1 Is there comprehensive land policy? Was it developed in a participatory manner and available for public reference?	C
1.2 If there is a land policy, is its implementation costed and adequately resourced?	D
1.3 Does the law recognize and protect the continuum of tenure rights referred to in the tenure typology?	A C
1.4 Does the law provide for equal rights to land for women and men?	A
1.5 Can formal rights be acquired through adverse possession?	B

Law and Public Policy

1.6 Is there a policy regarding securing tenure and providing services to informal settlements and for addressing illegal settlement?	C
1.7 Is a policy in place and is adequate progress being made to ensure the delivery of low-cost housing and associated services to those in need?	D
1.8 Is slum clearance and redevelopment an established policy of the national or local housing agency?	C

Law and Public Policy

1.9 Does the law provide opportunities for individuals who hold land under group rights to individualize their land rights? Are the procedures for an individual to separate from the group holding appropriate

A

1.10 Is there a condominium regime in place that provides for appropriate management of common property?

B

1.11 Is it possible to register group rights in urban areas?

B

1.12 What is the rationale for public land ownership?

protect reserves, control lands, retain mineral rights, provide equitable access to land.

Quality of Rights to Land and Real Property

2.1 Do people perceive that their tenure is secure? What evidence is there?	A
2.2 Is eviction without proper process rare?	A
2.3 Is there gender equality in practice between the rights of women and men to access, use or control land?	A
2.4 Is there a low incidence of disputes over land rights?	D

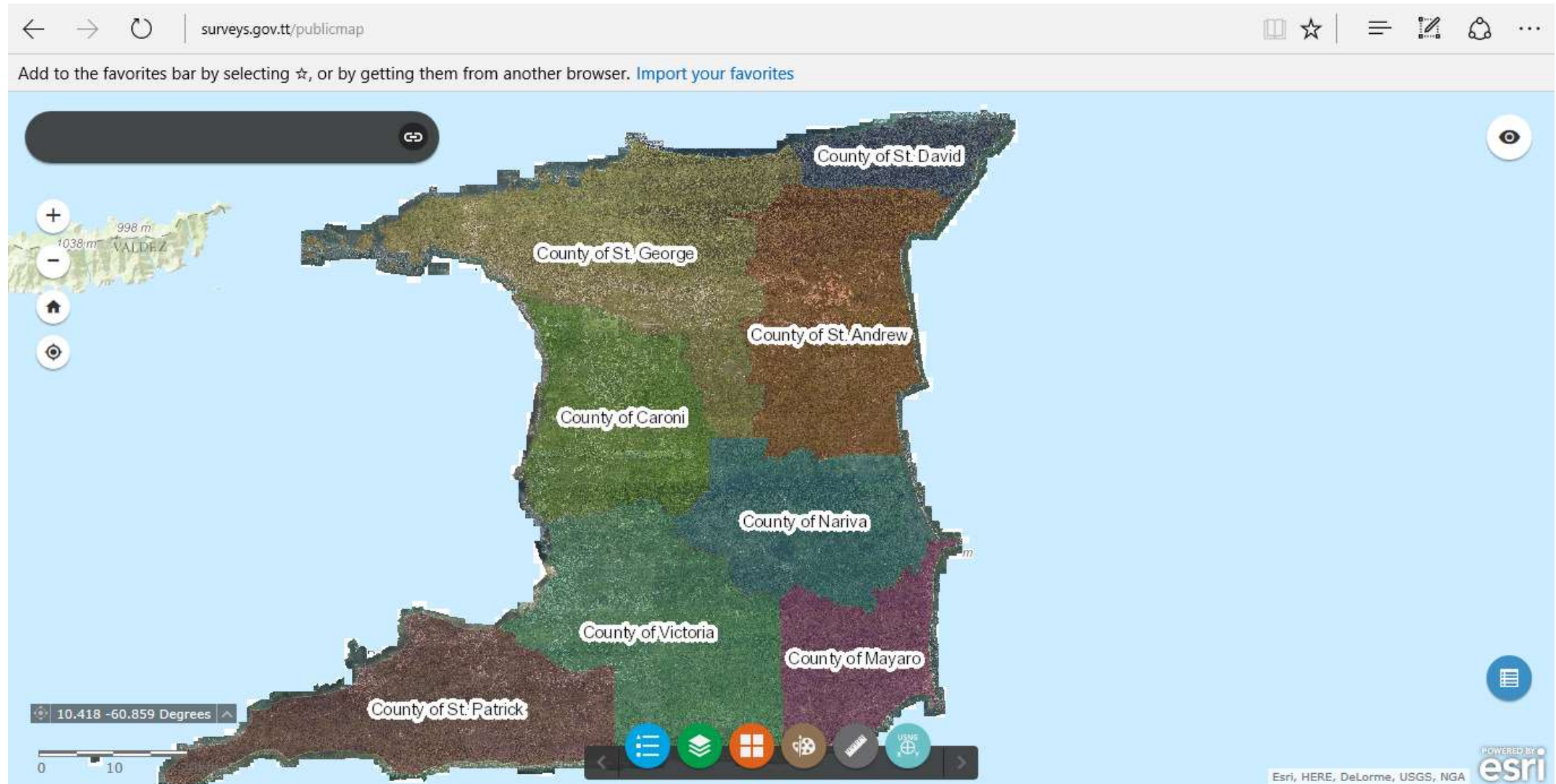
Quality of Rights to Land and Real Property

2.5 What are the typical types of disputes?	Boundary, shares in land; family disputes.
2.6 Are overlaps of rights minimal and non-disruptive?	B
Comprehensiveness	B
Equity	A
Enforceability	C

Cadastral and Land Management

3.1 What percent of individually held land in urban areas is formally registered (estimate)? Is the percentage high?	C
3.2 What percent of individually held land in rural areas is formally registered (estimate)? Is the percentage high?	C
3.3 What are the main factors that lead to informality?	D

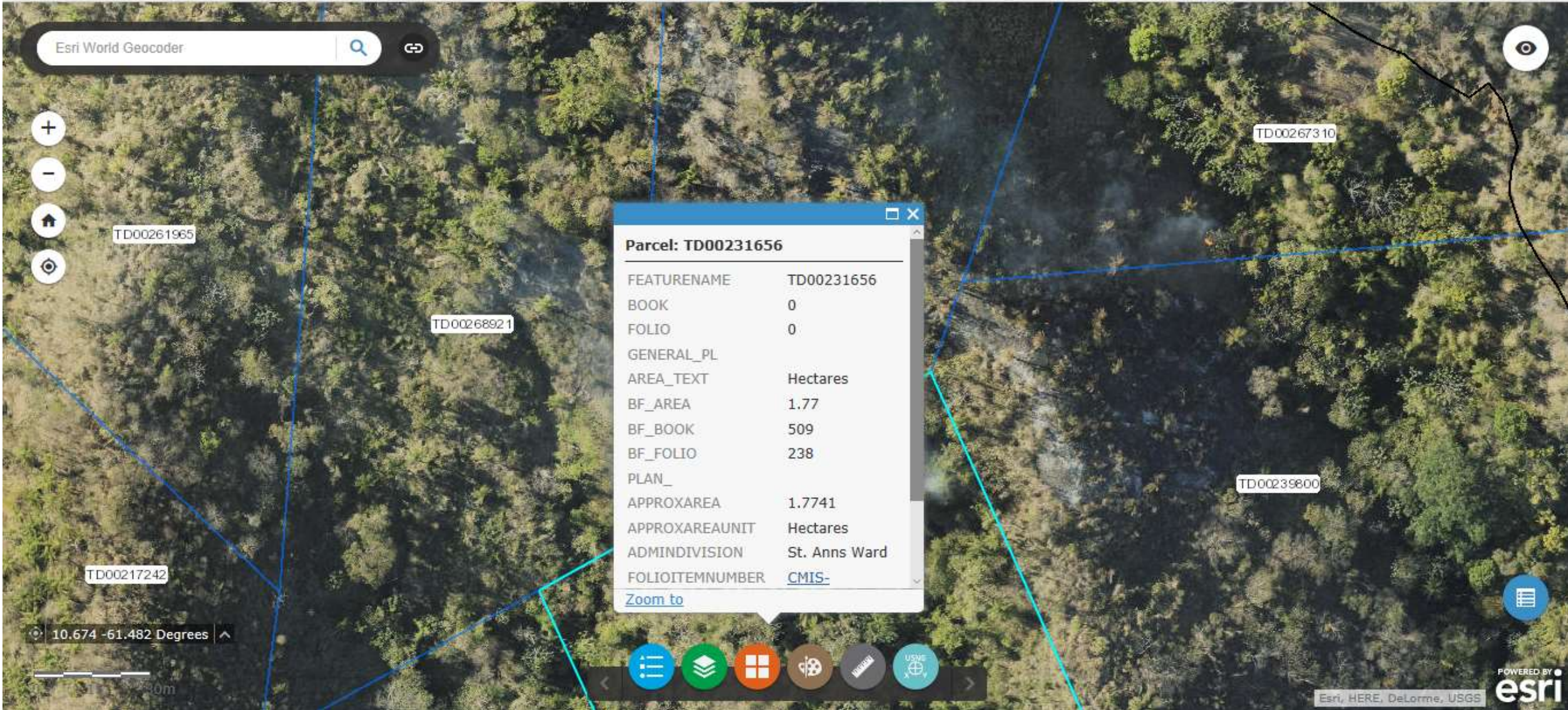
New Cadastral Webpage



Add to the favorites bar by selecting ☆, or by getting them from another browser. [Import your favorites](#)



Add to the favorites bar by selecting ☆, or by getting them from another browser. [Import your favorites](#)



Cadastre and Land Management

3.4 What are the main obstacles to successfully obtaining formal land rights?

lack of knowledge; Lack of clarity; resistance by stakeholders; complexity and delay; cost.

3.5 For the items identified in the last question, is it easy to resolve these for individual applicants?

problem wide-spread and complex.

3.6 Are women's land rights registered and recognized in practice in urban areas? Rural Areas?

B

3.7 What percent of land registered to people (not businesses) is registered in the name of women either individually or jointly?

B

Cadastre and Land Management

3.8 Is private sector allowed (by law and in practice) to provide land administration services (e.g. surveying, document preparation, legal and para-legal services)?

A

3.9 Are the formal cost requirements of the principal services (i.e., obtaining a land rights document e.g. titling, registering a land transaction and obtaining a parcel survey) affordable and reasonable relative to value of parcel? Are informal fees low?

C

3.10 How many processes are involved in the principle services (obtaining a documented land right, registering a land transfer, obtaining a parcel survey)? How long does it take from start to finish?

C

3.11 Are the requirements for formalizing land and housing in urban areas implemented in a consistent and transparent manner?

D

Cadastral and Land Management

3.12 Is there an approach to recognize informal settlements by recording the rights at the community level?	D
3.13 Are registered properties mapped (covered by cadastral maps or parcel surveys held in the registry)?	B
3.14 Is the registry digitalized and searchable? Are its business processes automated? Are records up-to-date?	C
3.15 Is the cadastre digitalized and its business processes automated? Are records up-to-date?	C+

Cadastral and Land Management

3.16 Are the registry and cadastral databases inter-operable? Is data shared?	D
3.17 Is information housed in different registries routinely synchronized (for efficiency and integrity)?	D
3.18 How are the registry and the cadastre funded? Is sustainability a concern?	Funded by the government. Sustainability is a concern
3.19 Do parcels have a unique cadastral and registry identification number?	C for cadastral D for registry
3.20 Is there a web-based platform for public access to land administration information? Can transactions be conducted on-line?	D
Capacity	No GIS positions.

Land Use Planning and Management

5.1 Restrictions regarding urban land ownership and transferability are justified.	B
5.2 Restrictions regarding urban land use are justified and enforced (including risk prone and protected areas).	B
6.1 There is a clear decision making process for expansion of urban land and associated land use change that respects existing rights and information on change is publicly available.	D
6.2 In urban areas, land use plans and changes in these plans are based on public input.	B
6.3 Urban land use changes to the assigned land use in a timely manner.	B

Land Use Planning and Management

7.1 A policy is in place and progress is being made to ensure delivery of low-cost housing and associated services to those in need.	D
7.2 Land use planning effectively controls urban spatial expansion in the largest city in the country.	C
7.3 LAND USE PLANNING EFFECTIVELY CONTROLS URBAN DEVELOPMENT IN THE FOUR LARGEST CITIES IN THE COUNTRY, EXCLUDING THE LARGEST CITY.	D
7.4 PLANNING PROCESSES ARE ABLE TO COPE WITH URBAN GROWTH.	C

Land Use Planning and Management

8.1 APPLICATIONS FOR BUILDING PERMITS FOR RESIDENTIAL DWELLINGS ARE AFFORDABLE AND EFFECTIVELY PROCESSED.

B

8.2 The time required to obtain a building permit for a residential dwelling is short.

C

9.1 formalization of urban residential housing is feasible and affordable.

D

9.2 In cities with high levels of informal tenure, a clear, well-documented process to address tenure security, Infrastructure and housing, exists.

B

9.3 A condominium regime provides for appropriate management of common property (rules for common property for management of driveways, parking, gardens, stairways, etc.)

B

Taxation and Valuation

22.1 – Clear process for valuation of land property?	C
22.2 – Valuation rolls are publicly available?	A
23.1 – Exemptions from property tax.	C
23.2 Property holders liable to pay property tax are listed on the tax roll.	D
23.3 Assessed property taxes are collected.	C
23.4 Receipts from property taxes exceed the cost of collection.	D

Access to Land in Urban Development

6.1 What are the main modes of acquiring rights to land for housing	In the urban areas, purchasing. In the rural, inheriting. Squatting is a mode of access.
6.2 Are both formal and informal land markets (for sales, for rentals) active?	More formal sales than informal particularly in urban areas
6.3 What per cent of parcels or dwellings are transferred every year?	a large percentage of transactions may be fuelled by money laundering and the drug trade.
6.4 Is it common for residents to hold land through long term leases from the state (national or local)?	Yes. (In which long term leases are 30 years and above)

Access to Land in Urban Development

6.5 Are leases of public lands transferable? If so, what is role of the state?	Yes, to give consent, administer the transactions and monitor for breaches to the leases.
6.6 How are transactions typically financed? How does this vary by segments of the market?	Mortgages generally.
6.7 Is secured lending common with the land title or lease serving as collateral?	Yes for middle income persons.
6.8 Does housing microfinance exist and do they have real or psychological collateral requirements based on tenure documentation?	Yes (in institutions such as Habitat for Humanity)
6.9 What real estate services are provided by the private sector (formal or informal)?	Brokerage, valuation, property management.
6.10 Are there many illegal land sales or land leases and is there a mechanism in use to identify these?	Yes anecdotal data

Access to Land in Urban Development

6.11 Are public land allocation and adjudication processes clear and sufficient to meet demands by the poor? By investors?	Agricultural land is supposed to be advertised by the state for leases. Housing land is also supposed to follow this process but does not as land is difficult to identify and unavailable. People occupy and then ask for leases in both instances.
6.12 What variables seem to affect land sales prices	Location; neighbourhood, crime, violence.
6.13 What variables seem to affect land rental prices?	Location; neighbourhood, crime, violence
6.14 What information about land transactions is available publically in official records?	All information on the deed: vendor, purchaser, area of land, location, sale price – but these are difficult to access and must be paid for.
6.15 What other sources of reliable land market information exists and are kept up-to-date?	Individual real estate agents or valuers but these datasets are not accessible to the public.

Public Land Management

7.1.1 Public land ownership is justified and managed at the appropriate level of government.

B

7.1.2 There is a complete recording of publicly held land.

B

7.2.1 There is minimal transfer of expropriated land to private interests.

A

7.2. 2 Expropriated land is transferred to destined use in a timely manner.

B

Public Land Management

7.1.3 The inventory of public land is accessible to the public.	D
7.1.4 The management responsibility for public land is unambiguously assigned.	D
7.1.5 Sufficient resources are available to fulfil land management responsibilities.	A D
7.1.6 The key information on public land allocations to private interests is accessible to the public.	C

Public Land Management

7.3.1 Compensation is paid for the expropriation of all rights regardless of the registration status.

D

7.3.2 There is compensation for loss of rights due to land use changes.

A

7.3.3 Expropriated owners are compensated promptly.

D

7.3.4 There are independent and accessible avenues for appeal against expropriation.

B

7.3.5 Timely decisions are made regarding complaints about expropriation.

D

Public Land Management

7.4.1 Public land transactions are conducted in an open transparent manner.	D
7.4.2 Payments for public leases are collected.	D
7.4.3 Public land is leased and/or sold at market prices.	C
7.4.4 The public captures benefits arising from changes in permitted land use.	C

Land Tenure Regularisation

1. Any restrictions on the trading in regularized property are accepted and complied with by those who receive certificates as a result of regularization.

C

2. For regularisation on private land, there is an effective mechanism to harmonize the rights of occupants and those holding private property rights.

D

3. Regularization is not undertaken in risk prone and protected areas.

C

Land Tenure Regularisation

4. In cities with major regularization challenges, there is a comprehensive plan for regularization

D

5. There are clear incentives for the participation by occupants in the regularization process.

90% of participants not interested in accessing credit -risk averse or unfamiliar with process.

6. There is a clear, well-documented process and responsibilities for regularization.

B

Land Tenure Regularisation

7. There is active involvement by occupants in the regularization process.

C

8. Land parcels are defined and recorded in a manner that is understood by the community.

A

9. Land parcels are defined and recorded in a manner that can be efficiently and cost-effectively maintained.

B

Land Tenure Regularisation

10. There is timely transfer of regularization data to the system to formally record rights in land.	D
11. There is an efficient process to record and track disputes that arise during regularization.	A
12. There is an efficient process to resolve disputes.	B
13. Regularisation policy does not have loopholes which allow abuse of the good will of government	A

Land Tenure Regularisation

14. Proofs of eligibility for regularisation are accessible and the granting of rights to occupants is pragmatic and incremental	C.
15. There is an efficient system to monitor and evaluate regularization activity.	C
16. Regularization is carried out in a cost-effective manner.	D
17. Regularization is completed in a timely manner	D
18. Women's rights have been fully regularized.	no data

Conclusions

- Strengths - High grades for legislation, procedures
- Weaknesses - Low grades for policies, resources, information systems, coordination, accessibility
- Opportunities – Funding can be directed to most effective aspects of land governance
- Threats – Corruption, politics, economy

Potential Reforms

- Development of comprehensive Land Policy
- Adoption of Lands and Surveys' parcel ID
- Updating Valuation Rolls, implementation of property tax
- Access to existing LIS
- Adequately staffing institutions to monitor, detect, deter, act
- Reestablishment of NSDI Council
- Training of public officers in new technology and protocols