

Challenges to Effective Land Governance in Trinidad and Tobago

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SUMMARY

Various technological and legislative solutions present themselves to alleviate land governance issues. This paper examines the land governance issues plaguing Trinidad and Tobago and identifies some possible solutions such as flexible land tenure information systems, group governance and structured alternative resolution processes.

The large scale informal occupation of primarily state but also private lands in Trinidad and Tobago requires recording systems that would both support accruing rights and control continued incursion onto unprotected land. The pockets of communal ‘family land’ require the legislative and policy support that would underpin self determined group governance. The many instances of land conflict requiring expensive and time consuming court intervention and determination would also benefit from alternative procedures and policies, and enhanced information systems.

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1. INTRODUCTION

Land governance in a jurisdiction may be evaluated using a subset of a myriad of indicators that relate to the characteristics of the land person interface (Burns et al. 2003). Some of these characteristics include the nature of the access to land, the structure of the land tenure system, the supportive legislation, institutions, and policies. This evaluation can suggest possible avenues for improvement of the constituent parts so that the whole of the governance is improved. Indicators can be qualitative and quantitative. The pool of potential solutions however, needs to be expanded to include more of the flexible and innovative solutions possible.

2. BACKGROUND

Trinidad and Tobago is a country comprised of two islands in the southern Caribbean. With a population of 1.3 million citizens on a relatively small area of 5,126 sq. km. the need for proper governance is intensified.

Trinidad and Tobago faces many challenges to the efficient and effective governance of its lands. Primary amongst these challenges is the lack of comprehensive registration of the land parcels in the country. It has been claimed that as much as 40% of parcels have inadequate documentation to support the occupants' rights. Parcels that are registered are primarily under a rudimentary deed system with a minority of parcels under a title registration system. More than half of the land area is also State lands which are generally not registered under either system. Another significant issue is the large number of parcels held under informal occupation after land invasion and those held by undocumented inheritance. To further aggravate the situation, responsibilities for the management of large tracts of land held under State and quasi State jurisdiction have been shifted of late from inadequately resourced but experienced institutions to fledgling institutions with little management history in an attempt to conjure efficiency and effectiveness out of location instead of process. All of this makes for a situation where access to land is mired under bureaucratic processes and murky information, and unsanctioned development on land is pursued with impunity. Solutions require a willingness to adopt flexibility and stepwise approaches as these would be more likely to be effected. Some of these situations and suggestions for approaches are covered here.

3. METHODOLOGY

Land governance indicators include access to land, and this can be differentiated by gender, income, ethnicity, or other social vulnerability indicators. Public accountability is also required for good land governance. The existence and effectiveness of land tenure systems

also provide for land governance. An assessment of the tenure system includes the institutions and legislation required for the maintenance of the system. These indicators are therefore addressed in this paper to evaluate the governance before solutions and recommendations are suggested.

4. TECHNOLOGICAL ISSUES AND SOLUTIONS

Technological solutions have been laudably attempted on several occasions in fits and starts. This is usually followed by a lack of maintenance of hardware and software, and insufficient capacity building in the relevant institutions. Examples of this approach are:

- New aerial photography flown in 1994 to support land registration followed by topographic maps produced in 2000 from the photography followed by, to date, absolutely no revision of the data.
- Digitization of cadastral index in 2003 followed by no updates to the data.

Indicators included in this area relate to the percentage of parcels that have been registered, and the percentage of parcels that have current registration information.

5. LEGISLATIVE ISSUES AND SOLUTIONS

Solutions would also require support from revisions to the legislation. In 2000 legislation was passed to provide for systematic registration of all lands. After 10 years this has not yet been implemented as cautious State officials are reluctant to relinquish State lands to informal occupants of many years standing. State ownership and lease to occupants is used as a mechanism for controlling development in the country since the planning authorities have little power or resources to monitor and eliminate unauthorized development. A standard prescription for upgrading security of interests in land is land titling and registration, however, the desired consequences are not always attained and other negative outcomes may occur (Barnes and Griffith-Charles 2007; Deininger et al. 2003; Gould et al 2006).

Legislation related to controlling and regulating the professionals involved in land and its governance has also been fashioned and revised to provide for more effective land administration. Here again, delays to the implementation retard any potential benefits that could be achieved. Amendments to land surveying legislation that would provide for more effective and just management of interests in land have been drafted since 2000 but have not been successfully taken through the required steps to implementation.

6. SOCIAL ISSUES AND SOLUTIONS

Social solutions to governance issues have scarcely been attempted or supported. Social issues in land administration include the prevalence of land disputes, in some instances leading to open violence. Conflict can occur anywhere there is a desired use of the land by one party and a restriction on that use by another party whether it be the State, an institution, an individual, the immediate community or the society at large. Given the density of population in this small country, the land conflict is required to be carefully managed. Land

conflict between the society and the State is manifested in the flouting of planning laws and the rampant occupation of State lands. Land conflict between individuals in the society is manifested in the litigation and instances of assault.

Equitable access to land for vulnerable groups in the society is an indicator of good governance. In Trinidad and Tobago, the low income groups respond to lack of access with occupation of State and private land. Gender imbalances can be discerned. As much as 73% of the female headed households sampled in one study in communities were found to possess informal tenure (Griffith-Charles 2007)

7. CONCLUSIONS

Assessing the status of the land governance indicators will allow give an indication of where the system is inefficient or ineffective. The mechanisms to improve on land governance that have been chosen for implementation in Trinidad and Tobago have been standard, safe models. More flexible and innovative solutions may perhaps be attempted in a search to find more creative and effective solutions. These can include; community registration of lands, alternative dispute resolution methods for determination of land disputes and formal recording of occupation.

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BIOGRAPHICAL NOTES

Dr. Griffith-Charles received her BSc. and MPhil. in Land Surveying from The University of the West Indies and her PhD. from the University of Florida, Gainesville. She is a registered and licensed land surveyor in Trinidad and Tobago and worked for the Lands and Surveys Division prior to joining the UWI as lecturer in 1998. Dr. Griffith-Charles has served as consultant on, *inter alia*, projects to revise land survey legislation in Trinidad and Tobago, assess the impact and sustainability of land titling in St. Lucia, address tenure issues in regularizing informal occupants of land, and to assess the socio-economic impact of land adjudication and registration in Trinidad and Tobago. Her publications focus on land registration systems, and land tenure and these have been published in *Surveying and Land Information Science*, *Journal of Land Use Policy* and *Survey Review*. She has also published on informal settlements in Trinidad and Tobago in the book *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*. She is the Vice President of the Institute of Surveyors of Trinidad and Tobago (ISTT) and President of the Fulbright Alumni Association of Trinidad and Tobago (FAATT).

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