1ST Report of the

JOINT SELECT COMMITTEE ON

LAND AND PHYSICAL INFRASTRUCTURE

FIRST SESSION (2015/2016) OF THE 11TH PARLIAMENT

on

An inquiry into Land Tenure Issues in Trinidad and Tobago

August 2016
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The Joint Select Committee on State Enterprises

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Joint Select Committee on Land and Physical Infrastructure  
(including Land, Agriculture, Marine Resources, Public Utilities, Transport and Works)

An inquiry into Land Tenure Issues in Trinidad and Tobago

First Report of First Session 2015/2016, Eleventh Parliament

Report, together with Minutes

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The Joint Select Committee on Land and Physical Infrastructure

Establishment

1. The Joint Select Committee on Land and Physical Infrastructure was appointed pursuant to the directive encapsulated at section 66A of the Constitution of the Republic of Trinidad and Tobago. The House of Representatives and the Senate on Friday November 13, 2015 and Tuesday November 17, 2015, respectively agreed to a motion, which among other things, established this Committee to inquire into and report to Parliament on entities falling under its purview with regard to:
   - their administration;
   - the manner of exercise of their powers;
   - their methods of functioning; and
   - any criteria adopted by them in the exercise of their powers and functions.

Current Membership

2. The following Members were appointed to serve on the Committee:
   - Mr. Stephen Creese – Chairman
   - Mr. Rushton Paray – Vice Chairman
   - Mr. Darryl Smith
   - Mrs. Glenda Jennings-Smith
   - Dr. Lovell Francis
   - Mr. Franklin Khan
   - Mr. Hafeez Ali
   - Mr. Daniel Solomon

Mr. Ali’s seat as a Senator was declared vacant with effect from June 13, 2016 by His Excellency, the President of the Republic of Trinidad and Tobago.

Chairmanship

3. At its first meeting held on Wednesday December 02, 2015, the Committee elected Mr. Stephen Creese as Chairman, pursuant to Standing Orders 99(5) of the Senate and 109(5) of the House of Representatives.

Functions and Powers

4. The Committee is one of the departmental select committees, the functions and powers of which are set out principally in Standing Orders 91 and 101 of the Senate and 101 and 111 of the House of Representatives. These are available on the Internet via www.ttparliament.org.

The Committee is mandated to inquire into areas related to Land, Agriculture, Marine Resources, Housing, Public Utilities, Transport and Works as listed in Appendix IV and V of the Standing Orders of the House of Representatives and Senate respectively.

Secretarial Support

5. Secretarial support was provided by Mrs. Jacqueline Phillip-Stoute, Parliamentary Clerk II, who served as Secretary to the Committee, Mr. Indar Sieunarine, Assistant Secretary and Ms. Roxanne Fournillier, Research.
Contacts

6. All correspondence should be addressed to the Secretary to the Joint Select Committee on State Enterprises, Level 3, Tower D, Port of Spain International Waterfront Centre, 1A Wrightson Road, Port of Spain. The telephone number for general enquiries is 624-7275; the Committee’s email address is jsclpi@ttparliament.org.
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Report Summary

1. At its Second Meeting held on February 02, 2016, the Committee, after discussion identified the issue “land tenure” as a concern to be inquired into because of concerns raised by citizens. Subsequently, the Committee agreed that the objectives of the inquiry would be as follows:

   (i) To determine the land tenure issues affecting Trinidad and Tobago.
   
   (ii) To examine the management of the office of the Commissioner of State Lands and assess how effective this management has been in the achievement of policy directives related to land tenure issues.
   
   (iii) To examine strategies to deal with the major challenges affecting the Merikins society.

2. Subsequently, an inquiry proposal was prepared by the Secretariat and approved by the Committee, thereby identifying stakeholders and witnesses relevant to the inquiry. The Committee thereafter sought to amass information on the subject matter through request for written submissions. Upon receipt, the submissions were analysed and issues papers drafted.

3. After thorough review of the written submissions, and as a means of garnering additional information, opinions, suggestions and recommendations from experts, stakeholders and representatives of the public, the Committee agreed to engage in public hearings on the subject matter.

4. The first public hearing was held on April 05, 2016, with the following officials from the Merikins Incorporation Limited specifically to inform the public and seek information:

   - Mr. Joseph Burton Vice President
   - Mr. Hilary Bobcombe Secretary
   - Ms. Lisa Atwater Public Relations Officer
   - Mr. Ansen Griffith Trustee
   - Ms. Marva Cooper Trustee

   and the under-named officials from the Agricultural Society of Trinidad and Tobago:
• Mrs. Dhanoo Sookoo President
• Mr. Mohamed Hallim Vice President
• Mr. Christopher Greenidge Director/Court Officer
• Mr. Nawaz Karim Director/Disciplinary Chairman
• Mr. Frank Ali Director

5. As a consequence of the foregoing, the Committee agreed that further clarification was warranted on its subject matter from other pertinent entities under whose jurisdiction the matter falls. In light of this, the following officials from the Ministry of Agriculture, Land and Fisheries appeared before the Committee at a public hearing held on May 03, 2016:

• Mrs. Joy Persad-Myers Permanent Secretary (Ag.)
• Mr. Clyde Watche Commissioner of State Land (Ag.)
• Mr. Nasser Abdul Director of Surveys (Ag.)
• Ms. Alizon Rivers-Burklies Director, Human Resource
• Mrs. Jacqueline Ganteaume-Farrell Coordinator, Administration Division, Agricultural Land
• Ms. Natasha Hosein Director, Legal Services

6. The Committee, although it had amassed a wealth of information from the above-mentioned entities, decided to meet with the Land Settlement Agency (LSA), under which purview the issue of squatting and squatter settlements falls. This meeting was held on June 07, 2016. The LSA was represented by –

• Mr. Ossley Francis Chairman
• Mr. Hazar Hosein Chief Executive Officer
• Mrs. Sasha Darbeau Manager, Tenure Regularization Unit
• Mr. Satchianand Bassaw Senior Design Engineer, Infrastructure
• Mr. Everson Beeda Land Use Planner

7. The Minutes of the meetings in connection with the above hearings are attached as Appendix I, the Verbatim Notes as Appendix II and Members’ Attendance Record as Appendix III.
Summary of Recommendations

1. **Recommendations to remedy issues faced by State Agencies which deal with land tenure**

   (i) the establishment of a Land Management Authority which will have the overarching responsibility for land administration and management, which would:
   - significantly reduce the time taken to grant leases;
   - ensure proper oversight of the allocation of land to competing sectors; and
   - ensure there is continuity in administrative practices and operations in land administration and management.

   (ii) collaboration among the numerous agencies that are involved in the granting of tenure, in order to make the process more efficient.

   (iii) that a process map should be drafted by the Ministry outlining the stages of the process and the role of the different agencies involved and forwarded to all agencies involved. This would ensure there is clarity among the various agencies as to their role, function and position in the process.

2. **Recommendations to deal with issues faced by Farmers**

   (iv) the creation of a process map to assist in eliminating the number of case files that are incomplete at the office of the Solicitor General;

   (v) that an internal investigation be done with respect to the allegations of State officials purchasing and reselling agricultural State land, and a sensitization programme for employees should be conducted by the MoALF to ensure awareness of the malpractices that exist in the allocation of State lands;

   (vi) the establishment of an Accelerated Land Distribution Programme Unit with the sole responsibility of clearing the existing backlog of applications for agricultural land.

3. **Recommendations to deal with issues faced by squatters**

   (vii) that efforts with respect to monitoring and enforcement should be coordinated between the LSA and the MoALF with respect to the rising number of squatters;
(viii) that stricter enforcement rules be applied to squatters in protected areas and reserves and that the LSA should work in collaboration with the Environmental Management Authority (EMA) in monitoring these areas;

(ix) that the LSA and the COSL hold discussions regarding their roles in dealing with squatters;

(x) that timely statutory approvals be granted in order for lots developed by the LSA to be allocated and the situation remedied;

(xi) the establishment of a Land Committee which should comprise of a land surveyor, the Commissioner of State Lands, a member of the Town and Country Planning Division, the Chief State Solicitor Office, the Permanent Secretary, a member from the office of the Attorney General and a Parliamentary Secretary. The Land Committee should be mandated to deal with the following:

- regularization of Squatters (existing squatters)
- creation of zones including residential, agricultural, commercial/residential and mining;
- recommend Leases;
- make policy directions toward the management of State Lands;
- revocation of Leases; and
- implement enforcement strategies to deal with issue of rampant squatting.

Additionally, given that the Land Committee will be responsible for recommending leases, this responsibility should be removed from the Cabinet to avoid duplication and conflict. The Committee recommends:

(xii) that authority be given to the Inspectors/Assistant Inspectors to serve QUIT NOTICES to person seen squatting;

(xiii) that a fine (penalty) be imposed on squatters in environmentally sensitive areas or forestry reserve and that such fine be in the amount of $10,000 and 6 months in prison or community service;

(xiv) the creation of buffer zones in squatting sites that are not designated under the schedule of the State Land Regularization Act;
(xv) the promotion of the continuation of the LSA’s policies with respect to squatter regularization;

(xvi) that a Committee of various agencies involved in land distribution be established to enable collaboration and data sharing for effective management; and

(xvii) that a robust review of the existing legislative framework be undertaken.

4. **Recommendations re issues faced by the office of the Commissioner of State Lands**

(xviii) that urgent attention be given to filling the key vacancies in the Office of the COSL;

(xix) that a review should be undertaken to determine the adequate remuneration packages, relevant skills and training required as well as ways to increase motivation at the office of the Commissioner of State Lands; and

(xx) the establishment of the Land Management Authority with the accompanying Land Tribunal to allow for the proper management of squatting and issues related to land tenure.

5. **Recommendations to deal with issues faced by the Merikins Society**

(xxi) that the provide Legal Aid to conduct research regarding a root title and then distribute the land;

(xxii) that the State provide lands as heritage sites;

(xxiii) that the Ministry of Tourism and the Regional Corporation collaborate with the Merikins Society to develop a Community Heritage Programme; and

(xxiv) that the Foreign Affairs Ministry facilitate further collaboration with the Canadian British and US authorities to encourage cultural exchanges.
1. Introduction

1.1 Trinidad and Tobago possesses a total land area of 512,600 hectares, 52% of which is owned by the State. In the island of Trinidad, 126,490 hectares or 47% of State lands are under forest cover. In broad terms, this is an expression of the land resources available to the State for income generation and productive activity.

1.2 It is the State’s responsibility to manage this resource to achieve certain objectives namely:
   - preserve where needed, lands for posterity;
   - promote development of land for various purposes; and
   - determine the competing demands of the various sectors.

1.3 This brings to fore the importance of a strategic policy framework that directs the sustainable location, evaluation, conservation and distribution of land in order to bring maximum benefit to the nation. In today’s context, the major strategy at hand must seek to achieve the goals of diversification, creation of foreign currency earnings and increasing national productivity.

1.4 The Land Tenants (Security of Tenure) Act refers specifically to tenancies of land in Trinidad and Tobago on which chattel houses or dwelling places or structures intended to be used as dwellings were erected or are in the process of being erected at an appointed point in time. The Act does not apply to the following:
   - a tenancy of agricultural land;
   - a tenancy of land owned by a local authority as defined in section 2 of the Statutory Authorities Act;
   - a tenancy of land owned by the Borough of Point Fortin;
   - a tenancy of land vested in the Tobago House of Assembly; and
   - a tenancy of land, the unexpired term of which exceeds 30 years on the appointed day.

1.5 The State Land (Regularization of Tenure) Act is an Act to protect certain squatters from ejectment from State Land, to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas.

1.6 This Act applies to –
   (b) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed day;
(c) a squatter or tenant within a Designated Area and to a person within a Land Settlement Area; and

(c) a squatter or tenant in respect of his actual occupation or tenancy of lands owned by a State Agency listed in the Schedule, and on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or a Deed of Lease until such time as the land is designated and legally transferred to the State.

The Merikins Society

1.7 The Meriks (creole rendition of American) group was one of a handful of New World African groups to gain freedom in exchange for military service in the British Army during the nineteenth century. In 1816, six companies of African-American soldiers along with their wives and children journeyed to Trinidad and settled freely under the protection of the Governor. The companies settled mostly to the south of Trinidad namely, Princes Town, Williamsville and New Grant.

1.8 At that time, each veteran was apportioned sixteen acres of land, the same as that granted to non-whites under the Population Cedula of 1783. Whether these apportioned lands have been legally and officially leased or granted to the settlers remains an issue of contention.

1.9 Given the foregoing, and considering the objectives of economic diversification, increased foreign currency earnings and improved national productivity for the economy of Trinidad and Tobago, the Committee is of the view that an inquiry into land tenure matters is important at this time.
2. Keys Issues, Findings and Recommendations

2.1 Key issues faced by State Agencies dealing with land tenure

2.1.1 The Committee heard that the estimated breakdown of lands held by the State is as follows:
- Lands held by Caroni (1975) Limited – 31,567 hectares;
- Reserved forests and other protected areas – 167,584.7 hectares;
- Land allocated for agricultural purposes – 29,863 hectares; and
- Land allocated to other State-owned companies and Authorities – 37,717 hectares.

2.1.2 The Ministry of Agriculture, Land and Fisheries indicated that it has encountered the following challenges:
- the inability of legitimate applicants to receive leases for State lands;
- the slow implementation of the VSEP allotment of Caroni lands;
- an increase in incidents of land grabbing;
- the deactivation of the Agricultural Land Administration Division approximately 3 to 4 years ago;
- a backlog of over 3,000 files regarding applicants for agricultural land;
- in the recent past the Land Management Division and the Office of the Director of Surveys have been removed and placed under the responsibility of a different Ministry which resulted in several consequences; and
- changes in the policy direction of ports/harbors.

2.1.3 The Committee was apprised that the challenges regarding land tenure fall into the following six categories:

(i) Institutional arrangements;
(ii) Budgetary allocations;
(iii) Legislative and Regulatory regime;
(iv) Land policy environment;
(v) Enforcement of rules and regulation; and
(vi) Governance.

2.1.4 These challenges are expounded hereunder.
Institutional Arrangements

Fragmentation of Responsibilities

2.1.5 The Committee learnt that the responsibilities relating to land management are too widely spread. In light of this, the Committee was informed that in 1994, the New Administration and Distribution Policy for Land (NADPL) listed 10 agencies in 7 Ministries with responsibilities relating to land administration and management. They added that from time to time these agencies have been moved around Ministries, further fragmenting responsibilities and continuity. Since then other agencies have been added. The current list includes:

- Town and Country Planning Division (TCPD) - land use and development control;
- Lands and Surveys (now separated into the Surveying and Mapping Division and Office of the Commissioner of State Lands (COSL)) - surveying, mapping, State land administration (granting of leases, conditions of leases, monitoring and enforcement of leases, collection of lease administration fees, land agreements involving the State, including licenses and curtilages agreements, prevention of squatting, evictions), compulsory acquisition, seabed sovereignty, rental of buildings owned by the State or for the State; land acquisitions by private treaty, definition of lands which cannot be alienated by the State, including shorelines, riparian reserves, forest reserves and other protected areas, and road reserves; and all Court matters pertaining to the land, seabed and State property.
- Valuations Division - land values;
- Ministry of the Attorney General and Legal Affairs, Chief State Solicitor - execution of leases on behalf of the State and Registrar General - registration of leases, maintenance of a land registry;
- Ministry of Housing/Housing Development Corporation (HDC) - management and administration of lands allocated for housing settlements;
- Ministries of Trade - industrial estates;
- Ministry of Agriculture - forested lands belonging to the State;
- Sugar Industry Labour Welfare Committee (SILWC) - settlements for sugar workers and cane farmers
• Ministry of Public Administration and Communication (Property and Real Estate Services Division) - allocation of Government buildings, leasing of private buildings for Government use, acquisitions by private treaty;
• Ministry of Works and Transport - highways and major roads development;
• Ministry of Energy - allocation and management of mining leases;
• Tobago House of Assembly (THA) - all lands belonging to the State in Tobago;
• Environmental Management Agency (EMA) - environmental/ecological management and control;
• Land Settlement Agency - regularization of pre-1998 State land residential squatters (Certificates of Comfort, Statutory Leases and Deeds of Lease), relocation of squatters from environmentally sensitive areas, development of new settlements for the landless;
• Other State-Owned Companies/Authorities managing State lands under their purview:
  ➢ Caroni (1975) Limited;
  ➢ Palo Seco Agricultural Enterprises (PSAEL);
  ➢ Chaguaramas Development Authority;
  ➢ Port Authority of Trinidad and Tobago;
  ➢ Pt. Lisas Industrial Development Company;
  ➢ Airports Authority of Trinidad and Tobago;
  ➢ National Insurance Property Development Corporation;
  ➢ Public Transport Service Corporation;
  ➢ Municipal Corporations;
  ➢ Regional Health Authorities;
  ➢ Urban Development Corporation of Trinidad and Tobago; and
  ➢ Estate Management and Business Development Company.

2.1.6 The steps in place to effect the allocation of parcels of State agricultural lands are outline in Appendix IV.

2.1.7 The Committee further learned that the current institutional environment does not foster collaborative data collection, coordination of activities and/or sharing of data and information. Instead, these agencies work autonomously and compete for resources common to their needs.

2.1.8 In addition, officials pointed out that the New Administration and Distribution Policy for Land was intended to guide all State agencies involved in land administration and management in
the interim, while the Land Management Authority was created. However, most of the agencies involved in land management, particularly those created after its enunciation have ignored this policy document.

**Administrative and Managerial Weaknesses**

2.1.9 The Committee noted the following as the administrative and managerial weaknesses relating to land management and administration -

(i) weak and lengthy processes, and bureaucratic administrative practices as it takes a total of 18 steps to effect a Standard Agricultural Lease (SAL) which covers a minimum of 36 months;

(ii) record-keeping, filing and information management are manual/paper-based;

(iii) loss of valuable documents;

(iv) lack of will to implement actions such as evictions, demolishing of illegal structures, etc., which do not have broad public appeal; and

(v) no efficient mechanism for ensuring that rents are paid up-to-date or that rent reviews are undertaken every 10 years.

**Budgetary Allocations**

2.1.10 The Committee was advised that funding regimes do not facilitate human capacity enhancement, acquisition and maintenance of tools and technologies for efficient data collection, analysis, management and sharing, review of policies, laws and regulations.

2.1.11 Additionally, officials disclosed that financial resources are sometimes wasted on each agency’s attempt to collect, store, analyze and manage land information for their specific requirements. As a consequence, land information systems are not current, comprehensive or reliable, thus, it is difficult to compile information on the status of parcels of land owned by the State and State-owned enterprises.

2.1.12 The Ministry of Agriculture, Land and Fisheries claimed that releases to the Ministry have been slow. However, funds are available to fill vacancies under the sub-head “Vacant Posts”.

**Legislative and Regulatory Regime**

2.1.13 On the subject of legislative and regulatory regime, the Committee was apprised that in 1992 there were over 42 pieces of legislation relating to land administration and management.
Most of them however are obsolete, cumbersome and costly to implement. The State Lands Act, Chapter 57:01 vested the right of ownership of State lands in the President. The Act allows the President to empower the Commissioner of State Lands to exercise those rights.

2.1.14 The Committee heard that the repository of the power exercised over State land is vested in the Commissioner of State Lands. As a consequence, several of the agencies formed by the devolution of responsibilities of the Commissioner of State Lands are governed by legislation, which supersedes the power of the Commissioner of State Lands. These laws are now in conflict with each another. As a result, the New Administration and Distribution Policy for Land (NADPL) requested a review and streamlining of the pieces of legislation. From that time, several new pieces of legislation have been added without reform of the old.

2.1.15 The plethora of land legislation has resulted in the management functions exercised by several entities of the State being inconsistent with each other, and has contributed significantly to the lack of coherence in land policy and management by the State.

**Land Policy Environment**

2.1.16 Written submissions received from the Ministry of Agriculture, Land and Fisheries indicate that the pricing policies and terms and conditions of leases and agreements for State land and buildings are based on open market value in some agencies and on subsidies in others. In some cases rents for housing parcels are substantially less than parcels for agricultural.

2.1.17 Moreover, the terms and conditions for Standard Agricultural Leases (SALs) have changed from 2% of the open market value (omv)/hectare in 1992, to rates varying from $200/ha to $1,000/ha depending on size.

2.1.18 In the past, the potential lessee had to bear the cost of survey. This was changed to the State to bear the cost of survey, and in recent times back to the lessee to bear the cost of survey. More recently however, a new instrument of tenancy, a Homestead lease was introduced for parcels less than 2 acres, notwithstanding that SALs also cover parcels of less than 2 acres.

2.1.19 The latest instrument created is the State Land Agricultural License (SLAL) which has been issued to persons without any discernible ties to agricultural lands or production. In some instances, persons to be regularized were made to pay a Regularization Fee equivalent to 5 years rent as a premium for being in possession without tenure. In other cases, no such premium was
charged. The net effect is that depending on what year a SAL was approved, persons got vastly different terms and conditions.

**Enforcement of Rules and Regulations**

2.1.20 The Committee heard that in the current institutional, policy, administrative, legislative and budgetary environment, enforcement of rules and regulations is almost impossible and that concerns pertaining to accountability and integrity need to be addressed.

**Governance**

2.1.21 On the subject of governance, the Committee was told that the responsibility for State land management has frequently been assigned to various Ministries with different policy directives and priorities, which disrupted the continuity of the administrative practices and operations.

**2.1.1 Measures to deal with Key Issues**

2.1.1.1 Officials from the Ministry of Agriculture, Land and Fisheries indicated that the plans and programmes being instituted to treat with the multiplicity of issues regarding land tenure include filling of vacancies, organisational re-structuring, building capacity, establishing coordination mechanisms amongst the various agencies which have responsibilities for land tenure management, and the re-activation and updating of land information databases to make data more readily available for informed decision-making.

2.1.1.2 Ministry officials added that it has advertised the vacancies for Land Enforcement Officer I (36 positions) and Land Enforcement Officers II (3 positions). The Ministry indicated that it will also engage all arms of the protective services to assist in dealing with land grabbing, land blocking and squatting. Additionally, it was divulged that an increase in staff together with the reengineering of the process for the granting of leases will increase the efficiency of the process.

2.1.1.3 Officials then indicated that a Land Information System of Trinidad and Tobago (LISTT) has been developed in the Ministry as a geo-referenced parcel information system for all surveyed parcels of State land. The database is comprised of a number of modules, each with a specific purpose. The database contains information in the files of the Office of the COSL.

2.1.1.4 At present, the database is being expanded to capture information on production on agricultural State lands. Terms of Reference are being developed for a National Agricultural
Information System of Trinidad and Tobago (NAISTT) to enable the Ministry, its divisions and agencies to share data among its departments for holistic and informed decision-making in the agriculture, land (including forestry) and fisheries sectors, in the first instance. The Ministry of Agriculture is also networking with other relevant agencies with the sole purpose of data sharing.

2.1.1.5 The Ministry pointed out that a study regarding land administration was conducted in 2000 and that one of the recommendations emanating from the report was the establishment of a Land Management Authority with responsibility for all matters related to State lands in order to eliminate multiple agencies being responsible for land administration.

2.1.2  Recommendations

2.1.2.1 The Committee was concerned by the number of issues regarding land tenure faced by the Ministry, and by extension the citizenry. However, as indicated by Officials measures being instituted should treat with a number of these issues. Notwithstanding that, the Committee is of the view that having such an extensive list of agencies being responsible for land administration and management is counterproductive.

2.1.2.2 The Committee therefore recommends:

(i) the establishment of a Land Management Authority which will have the overarching responsibility for land administration and management, which would:

- significantly reduce the time taken to grant leases;
- ensure proper oversight of the allocation of land to competing sectors; and
- ensure there is continuity in administrative practices and operations in land administration and management.

(ii) collaboration among the numerous agencies that are involved in the granting of tenure, in order to make the process more efficient.

(iii) that a process map should be drafted by the Ministry outlining the stages of the process and the role of the different agencies involved and forwarded to all agencies involved. This would ensure there is clarity among the various agencies as to their role, function and position in the process.
2.2 Issues faced by Farmers

2.2.1 The Committee was advised that land tenure is required by farmers who wish to obtain the incentives offered by the State. It was also pointed out that the issue of land tenure has been ongoing with farmers for over forty years, and that foreign investors are skeptical to invest in local farmers who do not have land tenancy.

2.2.2 Additionally, officials stated that local production only meets 20% of the nation’s food requirements. Of this 20 per cent, 80% is produced by farmers on State lands without tenure. Adding that the issue of land tenancy is most prevalent in rural communities such as Sangre Grande, Plum Mitan, Mayaro and Rio Claro, officials told the Committee that in areas such as Maloney, Orange Grove, Bon Air, Felicity, Bonaventure and Gasparillo, less than 1% of the farmers have tenancy to the lands used for agriculture.

2.2.3 The foregoing suggests that land tenure and financing issues are directly connected to low food production. Officials from the Agricultural Society of Trinidad and Tobago was of the view that by addressing these issues, local food production can meet 65% of the nation’s food requirement within 3 years.

2.2.4 Officials pointed out that at present there is no system in place to verify that State lands assigned for agriculture is being used for that purpose. It is estimated that approximately 7% of persons that have land tenancy are still involved in farming. With respect to SALs, the County Lands Unit of the Ministry updates Parcel Reports and conduct Occupancy Surveys on a regular basis. These Parcel Reports and Occupancy Surveys indicate the condition of tenancy. If any breaches are observed, the COSL is requested to serve the appropriate Notices to the Lessees.

2.2.5 The ASTT expressed grave concern with respect to the amount of arable agricultural land being used for other industries and housing.

2.2.6 The ASTT revealed that there are 800 incomplete files regarding regularization for farmers at the Office of the Solicitor General. Additionally, there were instances where survey plans that were not approved by the Town and Country Planning Division had reached the Land Management Unit of the MoALF.
2.2.1 Measures to deal with Farmers issues

2.2.1.1 The MoALF stated that it was attempting to put systems in place for farmers to obtain agricultural leases. Such measures included the re-establishment of the Agricultural Land Administration Division, determining applications that can be processed quickly and undertaking specific steps of the process simultaneously. Additionally, a number of farmers are in a holdover tenancy arrangement with the expectation of being regularized.

2.2.1.2 The MoALF indicated that it intends to meet with the Minister to discuss the granting of letters of comfort to farmers awaiting tenure as such policy will need the approval of Cabinet.

2.2.1.3 The MoALF also pointed out that an accelerated land distribution programme was conducted in the latter part of the 1990s as part of a conditionality to obtain an Inter-American Development Bank Agricultural Sector Reform Loan. As a result, an Accelerated Land Distribution Programme Unit was established. This Unit has executed 1,500 leases.

2.2.1.4 The ASTT stated that it had previously partnered with the Extension Division of the MoALF in conducting occupational surveys of lands in Plum Mital. This project resulted in 120 farmers being given land tenancy in 2013. Thus, the establishment of a Committee to deal with land tenure issues was proffered by the ASTT.

2.2.2 Recommendations

2.2.2.1 The Committee therefore proffers the following recommendations to deal with the issues faced by farmers:

(i) the creation of a process map to assist in eliminating the number of case files that are incomplete at the office of the Solicitor General;

(ii) that an internal investigation be done with respect to the allegations of State officials purchasing and reselling agricultural State land, and a sensitization programme for employees should be conducted by the MoALF to ensure awareness of the malpractices that exist in the allocation of State lands;

(iii) the establishment of an Accelerated Land Distribution Programme Unit with the sole responsibility of clearing the existing backlog of applications for agricultural land.
(iv) The Committee supports the MoALF position regarding letters of comfort to farmers awaiting land tenure, as this may assist farmers who wish to obtain financing and demonstrate to foreign investors that the farmer will be granted tenure.

2.3 Issues faced by Squatters

2.3.1 Pursuant to the State Land (Regularisation of Tenure) Act (25 of 1998), the mandate for squatter regularization falls under the purview of the Land Settlements Agency (LSA). The LSA is also responsible under the Act for landless persons, community development and micro enterprise to create sustainable communities.

2.3.2 The Committee was informed that a comprehensive social survey was conducted by the LSA during the years 2009 and 2012. As at October 27, 2000, approximately 23,000 squatters applied for regularization under the Act. As at June 07, 2016, there is an estimated 55,000 families or over 200,000 persons squatting.

2.3.3 The MoALF indicated that a site profiling exercise was conducted by the LSA in 2009-2012 which revealed that there was a total of 45,850 structures built by squatters of which 34,865 were residential structures, with the remainder being foundations or sheds which are potential residential structures.

2.3.4 The LSA indicated that the following measures have been implemented to control squatting on State lands:

- (i) advising all stakeholders of existing legislation and powers that may be invoked and applied aggressively;
- (ii) stakeholder consultation and information sharing/education;
- (iii) collaborating with the COSL, Regional Corporations, the Ministry of National Security, the Ministry of Public Utilities and the Minister of Rural Development and Local Government;
- (iv) recent advising to Advisory Boards;
- (v) public advertising and use of electronic billboards and banners;
- (vi) skits highlighting the use of squatting;
- (vii) monitoring and patrolling of the 251 sites listed in the State Land (Regularisation of Tenure) Act as well as at least another 100 areas which are not listed in the Act;
(viii) referrals of squatters to the COSL and Regional Corporations by letters on a weekly basis. The LSA recently commissioned an electronic transfer of information to some of these offices so information could be shared in real time. From January 2013 to April 2016, the LSA forwarded a total of 3,860 notices of illegal structures to the Office of the COSL and the Regional Corporations;

(ix) mapping and the use of GPS of all squatting including squatters who applied for regularisation in accordance with the Act and new squatters;

(x) placing of signage on State land (developed and undeveloped sites); and

(xi) the use of Private Security to patrol developed sites 7 days a week to deter land grabbing of developed lots.

2.3.5 The LSA stated that these measures had mixed results and while it has managed to curb the spread of squatting on developed sites (with the exception of Race Course (Carapo) in Arima and Bon Air (Windy Hill), squatting is rampant on other State land and unexplored areas.

2.3.6 The LSA has identified 6,513 new illegal structures from 2009 to April 2016. Although notices have been sent to the office of the COSL and the Regional Corporation, there has been limited action by the COSL and virtually none by the Regional Corporations.

2.3.7 The LSA indicated that it conducts regular follow-up communication and meetings with the COSL regarding any action taken. The LSA also stated that in terms of submissions to Regional Corporations regarding illegal structures, the highest number of these submissions are made to the Sangre Grande Regional Corporation and the Point Fortin Regional Corporation.

2.3.8 The LSA stated that Toco/Sangre Grande is one of the highest populated squatting areas in the country. The LSA pointed out that that area has been the most developed however, most of the land is forestry reserve which should be protected and squatting should not be encouraged.

2.3.9 LSA officials further revealed that between the years 2010 to 2015 there has been a significant growth in the number of squatters in the area which has posed a major challenge to the unit. At present however, the situation is being reviewed by the LSA. Additionally, the LSA indicated that prior to 2010 it did not give Certificates of Comforts (COCs) to squatters in the reserves and on river banks.
2.3.10 The LSA has continued to pursue the legislative review and amendment of its governing legislation namely the State Land (Regularisation of Tenure) Act Chapter 57:05. The Act has been thoroughly examined for inconsistencies, ambiguities and areas that ought to be amended and/or deleted to position the legislation on equal footing with Government’s zero tolerance policy on squatter containment. Some deficiencies identified in the Act and in the operations of the LSA included:

- the LSA has no powers to demolish illegal structures;
- no site has been declared as Land Settlement Areas; and
- the Act appears to be unclear on the LSA’s powers to administer leases.

2.3.11 Currently, the Chairman of the LSA signs leases for squatters who are protected under the State Land (Regularisation of Tenure) Act and have been granted a Certificate of Comfort (COC). All other leases must be signed by the COSL. The LSA indicated that approximately 4,400 lots have been developed and it is currently attempting to obtain all the statutory approvals in order to distribute leases.

2.3.12 The LSA has advanced clear representation and advice regarding effective containment of squatting nationwide, premised on existing legislation and naming the entities so empowered. There has been significant advancement in identifying the provisions of the State Land (Regularisation of Tenure) Act and the State Lands Act that require amendments in order to have effective containment powers granted to the LSA and the COSL through extensive redefinition of policy approved by the Cabinet.

2.3.13 The Committee was told that several areas external, but related to the said legislation had to be critically examined and researched. These areas include adverse possession, alternative dispute resolution tribunal to resolve challenges and disputes, processes to effect service, definitions of State Land and self-help by the State and/or its agents.

2.3.14 Officials also indicated that in 2014, a policy and a Bill was drafted by the Chief Parliamentary Council (CPC) and submitted to the Legislative Review Committee. The policy and the Bill requires review by the current Cabinet as to whether any additional amendments or adjustments are necessary. The limitations and suggested amendments to the Act put forward by the LSA to the Joint Select Committee on Land and Physical Infrastructure are outlined in Appendix V.
2.3.15 Apart from the above, the LSA encounters the following challenges in executing its mandate:

- Financial challenges surrounding infrastructure upgrade;
- Challenges with statutory approvals;
- Challenges with standards of development;
- Challenges surrounding title;
- Challenges determining the status of lands;
- Challenges to Land for the Landless Policy and Residential Lots Programme; and
- Other general challenges.

2.3.16 Officials pointed out that Certificates of Comfort (COCs) were issued to squatters by the LSA in accordance with the State Land (Regularisation of Tenure) Act. As such, COCs were issued to squatters with a building or part thereof used mainly as a dwelling or residence, construction of which was completed or was in the course of completion before January 01, 1998. Additionally, squatters had until October 27, 2000 to apply for a COC as no application could be entertained subsequent to that date.

2.3.17 Enforcement done by the MoALF is carried out by Inspectors of State Lands who monitors all State lands including forests. If any instance of squatting or a breach of tenancy is observed it is reported to the Office of the COSL. The COSL will inform the person of the breach and its consequences in writing. With regards to squatters, a quit notice is served. The person then has 20 days in which to leave after which the matter goes to Court. The MoALF indicated that there are approximately 70 cases related to squatting currently before the courts however, a verbal warning is the preferred choice in influencing squatters to quit.

2.3.1 Recommendations

2.3.1.1 The Committee proposes the following:

(i) that efforts with respect to monitoring and enforcement should be coordinated between the LSA and the MoALF with respect to the rising number of squatters;

(ii) that stricter enforcement rules be applied to squatters in protected areas and reserves and that the LSA should work in collaboration with the Environmental Management Authority (EMA) in monitoring these areas;
(iii) that the LSA and the COSL hold discussions regarding their roles in dealing with squatters;

(iv) that timely statutory approvals be granted in order for lots developed by the LSA to be allocated and the situation remedied;

(v) the establishment of a Land Committee which should comprise of a land surveyor, the Commissioner of State Lands, a member of the Town and Country Planning Division, the Chief State Solicitor Office, the Permanent Secretary, a member from the office of the Attorney General and a Parliamentary Secretary. The Land Committee should be mandated to deal with the following:

- regularization of Squatters (existing squatters);
- creation of zones including residential, agricultural, commercial/residential and mining;
- recommend Leases;
- make policy directions toward the management of State Lands;
- revocation of Leases; and
- implement enforcement strategies to deal with issue of rampant squatting.

Additionally, given that the Land Committee will be responsible for recommending leases, this responsibility should be removed from the Cabinet to avoid duplication and conflict. The Committee recommends:

(vi) that authority be given to the Inspectors/Assistant Inspectors to serve QUIT NOTICES to person seen squatting;

(vii) that a fine (penalty) be imposed on squatters in environmentally sensitive areas or forestry reserve and that such fine be in the amount of $10,000 and 6 months in prison or community service;

(viii) the creation of buffer zones in squatting sites that are not designated under the schedule of the State Land Regularization Act;

(ix) the promotion of the continuation of the LSA’s policies with respect to squatter regularization;
(x) that a Committee of various agencies involved in land distribution be established to enable collaboration and data sharing for effective management; and

(xi) that a robust review of the existing legislative framework be undertaken.

2.4 Challenges faced by the Office of the Commissioner of State Lands

2.4.1 The MoALF indicated that the following vacancies in the Office of the Commissioner of State Lands require filling: the Commissioner of State Lands, Director of Surveys, Deputy Commissioner of State lands (2 positions), Assistant Commissioner of State Lands (2 positions) and State Lands Management Officer II.

2.4.2 There are other deficiencies such as increased workload requirements, lack of required skills and capacities due to absence of training and certification in land administration and management, absence of internal procedures to facilitate on the job training, lack of motivation due to poor remuneration, particularly when compared with salaries paid by the State-owned entities in the same sector and inability/unwillingness to link staff output to performance appraisal and accountability.

2.4.3 The Committee was informed that when the concept of a Land Management Authority was put forward, it was accompanied by the Land Tribunals Bill, the Land Adjudication Bill and the Registration of Titles to land Bill. These Bills contained measures for the establishment of a Land Tribunal which would act like a Court resulting in no need for the Magistrates’ Court to deliberate on land issues.

2.4.1 Recommendations

2.4.1.1 The Committee recommends the following to remedy the challenges faced by the Commissioner of State Lands:

(i) that urgent attention be given to filling the key vacancies in the Office of the COSL;

(ii) that a review should be undertaken to determine the adequate remuneration packages, relevant skills and training required as well as ways to increase motivation at the office of the Commissioner of State Lands; and
(iii) the establishment of the Land Management Authority with the accompanying Land Tribunal to allow for the proper management of squatting and issues related to land tenure.

2.5 Challenges faced by the Merikins society

2.5.1 In 1812, after the American War, 700 freed former African slaves were relocated from America to Trinidad by the British Crown as a reward for their services in fighting for the British against America. Each ex-soldier was allowed 16 acres of Crown Lands in Guaracara, Indian Walk, Mt. Pleasant, Hardbargain, New Grant, Fifth Company, Lengua and Matilda Junction by Royal Grant.

2.5.2 Apart from the 16 acres, additional land was granted to persons who showed they were capable of production. However, persons have been illegally transferring land belonging to members of the Merikins society.

2.5.3 There have also been alleged incidents where groups have obtained a significant amount of Merikins land through violent tactics as well as individuals selling Merikins land sometimes to members of the society itself.

2.5.4 The prime spots in area such as New Grant, Indian Walk and Moruga have been claimed by businessmen and squatting is an issue in New Grant, Petit Café, Indian Walk, Fifth Company and Hardbargain.

2.5.5 Members of the society face difficulties in obtaining electrical, water and telephone amenities and a substantial amount of land has become inaccessible as a result of a lack of foresight and planning.

2.5.6 Members of the society indicated that while some families have informed their off springs of their rights to land granted to their forefathers, others are unaware of such rights.

2.5.7 The society outlined the contribution of the Merikins to Trinidad and Tobago as follows:

- brought the Baptist religion to the country;
- responsible for populating and the infrastructural development of Moruga;
- developed the southern region of the country by working in oilfields and various other occupations;
• played a role in providing primary and secondary school education through schools aligned to the Baptist faith; and
• produced 2 female cricketers who are currently on the West Indies Women’s Cricket team.

2.5.8 Members of the society recommended the following:
• establish a definite demarcation of Merikins land from State land;
• establish a Committee to deal with the fraudulent transfer of land;
• create a State sanctioned Merikin registry to trace lineage;
• hold a national awareness campaign to highlight the history of the Merikins’ society and the inclusion of their history in the school curriculum; and
• that titles to the land should be given to members of the society.

2.5.1 Recommendations

2.5.1.1 The Committee is mindful of the overly prolonged period in which members of the society have gone without being given titles to lands granted to them. As a result, the Committee is cognizant of how difficult it will be to trace ownership and lineage.

2.5.1.2 The Committee therefore recommends that the situation be dealt with in the following ways:
(iv) that the provide Legal Aid to conduct research regarding a root title and then distribute the land;
(v) that the State provide lands as heritage sites;
(vi) that the Ministry of Tourism and the Regional Corporation collaborate with the Merikins Society to develop a Community Heritage Programme; and
(vii) that the Foreign Affairs Ministry facilitate further collaboration with the Canadian British and US authorities to encourage cultural exchanges.

2.5.1.3 Notwithstanding the recommendations of the Committee, there should be consultation with members of the society before any decision is taken regarding the way forward in treating with the issue.
2.5.1.4 The Committee is concerned about the alleged instances of land belonging to members of the Merikins’ society being fraudulently acquired and resold. The Committee is of the view that this matter should be urgently looked into by the MoALF and measures implemented to cease this practice.

2.5.1.5 The Committee supports the view of the society that there should be national awareness of the history of the Merikins society and their contribution to Trinidad and Tobago.

2.5.1.6 The Committee therefore awaits the response of the Minister to the recommendations listed on pages 3 to 5, in accordance with Standing Orders 100 (6) and 110(6) of the Senate and the House of Representatives respectively which states inter alia that –

“The Minister responsible for the Ministry or Body under review shall, not later than sixty (60) days after a report from a Standing Committee relating to the Ministry or Body, has been laid upon the Table, present a paper to the House responding to any recommendations or comments contained in the report which are addressed to it....”.

2.5.1.7 Your Committee therefore respectfully submits this Report for the consideration of the Houses.

Stephen Creese
Chairman

Mr. Rushton Paray, MP
Member

Mr. Darryl Smith, MP
Member

Mrs. Glenda Jennings-Smith, MP
Member

Dr. Lovell Francis, MP
Member

Mr. Franklin Khan, MP
Member

Mr. Daniel Solomon
Member

Mr. Rohan Sinanan
Member
APPENDIX I

MINUTES OF PROCEEDINGS
MINUTES OF THE FOURTH MEETING OF THE JOINT SELECT COMMITTEE ON LAND AND PHYSICAL INFRASTRUCTURE, HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN ON APRIL 05, 2016

Present were:

Mr. Stephen Creese 
Chairman
Mr. Rushton Paray, MP 
Vice-Chairman
Mr. Franklin Khan 
Member
Mr. Daniel Solomon 
Member
Dr. Lovell Francis, MP 
Member
Mr. Darryl Smith, MP 
Member
Mrs. Glenda Jennings-Smith, MP 
Member

Mrs. Jacqueline Phillip-Stoute 
Secretary
Mr. Indar Sieunarine 
Assistant Secretary

Absent was:

Mr. Hafeez Ali 
Member (Excused)

Also available were:

Representatives of the Merikins Incorporation Limited

Mr. Joseph Burton 
Vice President
Mr. Hilary Bobcombe 
Secretary
Ms. Lisa Atwater 
Public Relations
Mr. Ansen Griffith 
Trustee
Ms. Marva Cooper 
Trustee

Representatives of the Agricultural Society of Trinidad and Tobago

Mrs. Dhanoo Sookoo 
President
Mr. Mohamed Hallim 
Vice President
Mr. Christopher Greenidge 
Director/Court Officer
Mr. Nawaz Karim 
Director/Disciplinary Chairman
Mr. Frank Ali 
Director

CALL TO ORDER/ANNOUNCEMENTS

1.1 The meeting was called to order at 9:05 a.m.

1.2 The Chairman indicated that Mr. Ali had asked to be excused from the day’s proceedings of the Committee.
CONFIRMATION OF MINUTES

2.1 The minutes were amended in paragraph 5.1(i) and (ii) by replacing the words “a representative” with the word “representatives”.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paray and seconded by Dr. Francis.

MATTERS ARISING FROM THE MINUTES

3.1 The Chairman informed those present that the representatives from the Agricultural Society of Trinidad and Tobago and the Merikins Incorporation Limited are present to meet with the Committee.

3.2 The Chairman invited suggestions for additional agencies that would be relevant to the inquiry.

3.3 The Chairman invited suggestions for additional topics to be covered by the inquiry.

PRE-HEARING DISCUSSIONS

4.1 Subsequent to discussions regarding the approach to be taken during the public hearing, the Committee decided:

(i) to meet with representatives of the Merikins Incorporation Limited followed by representatives of the Agricultural Society of Trinidad and Tobago;
(ii) that each entity will be allowed to make an opening statement followed by a questioning period by Members of the Committee;
(iii) that discussions during the public hearing with the entities will focus on land tenure issues; and
(iv) to invite recommendations from the entities to the issues they face.

OTHER BUSINESS

Next Meeting Day

5.1 The Committee agreed to next meet on Tuesday May 3, 2016 at 9:00 a.m.

5.2 The Committee agreed that the entities that will be invited for the next meeting will be determined by the issues raised during the public hearing.

Suspension/Resumption

5.3 The meeting was suspended at 9:31 a.m.

5.4 The meeting resumed at 10:00 a.m. in the J. Hamilton Maurice Room in public.

PUBLIC HEARING

Merikins Incorporation Limited
6.1 The Chairman welcomed representatives of the Merikins Incorporated Limited and members of the public.

6.2 Introductions were exchanged.

6.3 The Vice President of the Merikins Incorporation Limited made an opening statement.

6.4 The Public Relations Officer gave a brief history of the Merikins society.

6.5 Detailed hereunder are the issues/concerns/queries raised:

(i) The younger generations of the Merikins society being unaware of their history

a. The Committee learnt that while some families have informed their offspring of their rights to land granted to their forefathers, others are unaware of such rights.

b. The Committee was informed that the original members of the Merikins society were each given 16 acres of land and that additional land was granted to those who showed the capability of production.

(ii) The fraudulent acquisition of Merikins’ land

a. The Committee was informed that there are persons who have illegally transferred land belonging to members of the Merikins society.

b. Officials of the Merikins Society indicated that certain groups have obtained a significant amount of Merikin land through violent tactics.

c. Members of the Merikins society were compelled to pay for their land. Over 32 acres of land was claimed by an individual whose name did not appear on the cadastral map pre-1925, but now appears. This individual has been selling land at $35,000 per plot.

d. The prime spots in areas such as New Grant, Indian Walk and Moruga have been occupied by businessmen and families who claimed the land.

e. Entire new communities are being developed on Merikins lands and squatting is an issue on Merikins land located in Petit Café, Indian Walk, Fifth Company, Hard Bargain and New Grant.

(iii) Challenges obtaining amenities

It is difficult for members of the Merikins society to obtain electrical, water and telephone amenities.

(iv) Areas of land becoming inaccessible

As a result of a lack of foresight and planning, a substantial amount of land has become inaccessible.
(v) **Action taken by members of the society to deal with their land tenure issues**

The society sought the assistance of the previous Member of Parliament. However, the situation required complex solutions and a significant amount of resources. The lands need to be identified and surveyed.

(vi) **Possession of original documentation by members of the society**

There are members who possess the original royal grant from Crown Lands and land and building tax receipts dating back to 1857.

### 6.6 Recommendations for dealing with land tenure issues faced by the Merikins society

(i) There should be a definite demarcation of Merikin land from State land.

(ii) Issues related to land tenure faced by the Merikin society can be dealt with in the following ways:

- persons in possession of the original Crown grant can hire an Attorney and conduct a research regarding a root title and then distribute the land; or

- the State can contemplate legislation to deem some of the lands heritage land belonging to the Merikins society similar to what was done in the American Indian reservations and the Carib community in Arima.

(iii) A Committee should be established to deal with the fraudulent transfer of land.

(iv) Decisions to be made regarding the Merikins land should involve members of the Merikins society.

(v) The establishment of a Merikin registry, sanctioned by the State, to trace lineage.

(vi) A national awareness campaign to highlight the history of the Merikins’ society and the inclusion of their history in the school curriculum.

(vii) Assistance should be obtained to establish recreational facilities.

(viii) Titles to the land should be granted.

### 6.7 The Merikins’ society contribution to Trinidad and Tobago

a) The Merikins’ society brought the Baptist religion to the country.

b) The society was responsible for populating and the infrastructural development of Moruga.

c) Members of the society helped developed the southern region of the country by working in the oilfields and various other occupations.

d) The Merikins society played a role in providing primary and secondary school education. These schools are aligned to the Baptist faith.

e) The society also produced 2 female cricketers who are on the West Indies Women’s Cricket Team.
6.8 The Vice President of the Merikins Incorporation Limited made a closing statement.

**Agricultural Society of Trinidad and Tobago**

7.1 The Chairman welcomed the representatives of the Agricultural Society of Trinidad and Tobago (ASTT).

7.2 Introductions were exchanged.

7.3 Detailed hereunder are the concerns raised:

(i) **Issues associated with land tenure**

- The Committee was informed of the following:
  - Weak governance of land tenure will lead to:
    - the poor being marginalised;
    - socially and economically marginalised women becoming more vulnerable; and
    - the progress of persons living in rural areas being hindered.

  a. Farmers need land tenure to obtain the incentives offered by the State.

  b. The issue of land tenure has been ongoing with farmers for over 40 years.

  c. 80% of the food locally is produced by farmers on State lands without tenure. The issue of land tenancy is most prevalent in rural communities such as Sangre Grande, Plum Mitan, Mayaro and Rio Claro. In areas such as Maloney, Orange Grove, Bon Air, Felicity, Bonaventure and Gasparillo, less than 1% of the farmers have tenancy to the lands use for agriculture.

  d. The ASTT stated that there is currently 800 incomplete files at the Office of the Solicitor General regarding regularisation.

  e. The ASTT stated that currently there is no way to verify that the land assigned for agriculture is being used for that purpose. The ASTT suggested that there is a need for stakeholder intervention in the identification process.

  f. The Committee heard that there are instances where survey plans not approved by Town and Country Planning reach the Land Management Unit. It is felt that the government agencies involved in granting land tenancy to farmers need to operate collectively.

  g. The ASTT indicated that a former Chairman of the Estate Management and Business Development Company Limited, the Agricultural Development Bank and the National Agricultural Marketing and Development Corporation had partnered with the ASTT in the development of the agricultural sector. This, it was stated, realized positive results for the sector.

  h. The ASTT stated that there were instances where public officers have been purchasing and re-selling state agricultural lands.
i. It was further stated foreign investors are skeptical to invest in local farmers who do not have land tenancy.

(ii) **Percentage of persons given land tenancy that still engage in farming**

a. The ASTT stated that approximately 7% of persons that have tenancy of land are still involved in farming.

b. The ASTT is concerned by the amount of arable agriculture land being used for other industries and housing.

c. The Land Management Unit of the Ministry of Agriculture, Land and Fisheries is responsible for ensuring that the land is being used for agriculture.

(iii) **Action taken to deal with land tenure issues experienced by farmers**

a. The ASTT had interactions with a Minister of Agriculture in 2009.

b. The ASTT had partnered with the Extension Division of the Ministry and together they conducted occupation surveys of lands located in Plum Mital. Individuals that were using the land for farming as well as vacant plots were identified. The project also incorporated ensuring there was proper irrigation systems, proper infrastructure including roadways and drainage, and the Agricultural Development Bank was included to provide financing for farmers.

c. The project resulted in 120 farmers being given land tenancy in 2013 and the establishment of a proper crop production schedule to allow for sustainable production of certain commodities.

d. The Society has made recommendations to former Ministers and the current Minister of Agriculture, Land and Fisheries.

e. The ASTT indicated that the Commissioner of State Lands deals with land tenure issues but that vacancy has existed for a long time.

f. The ASTT recommended the setting up of a Committee consisting of relevant stakeholders to treat with land tenure issues.

g. The ASTT in partnership with the Inter-American Institute for Cooperation on Agriculture have drafted a project proposal for the establishment of an agro-processing facility and spa in north Manzanilla to develop the coconut industry.

(iv) **Issues faced by the ASTT**

a. Currently, the ASTT does not have an office/resources to continue the occupation surveys which commenced in 2009. This creates problems when the Society has to host foreign delegations and investors.

b. Subsequent to making representation to the Minister of Finance, the ASTT received annual grants approved by Parliament. However, since 2013 the Society has not been in receipt of funding.
c. The ASTT possesses 2 vehicles but has spent thousands of dollars in transporting members of the Society throughout the country.

d. Members of staff of the Society is comprised of 4 persons from the Statutory Authorities and 4 public servants. The public servants housed in an office in St. Clair do not perform duties relevant to the ASTT.

(v) How much of the nation’s food consumption is met by local production

a. Local production only meets 20% of the nation’s food requirement.

b. The ASTT stated that land tenure and financing issues are directly responsible for low food production. If these issues are addressed local food production will increase to 65% within 3 years.

(vi) Programmes conducted by the ASTT to get individuals interested in farming

a. In its drive to promote agriculture, the ASTT visits rural farming communities. The Society is expected to hold workshops in Maloney, Orange Grove and Manzanilla in the near future.

b. The Society has also conducted a crash course in aquaculture.

c. The ASTT is currently in a regional marketing programme with Massy Stores and it is also attempting to get access to more markets for farmers.

(vii) Action that can be taken to ensure local produce can compete with imported produce

a. The ASTT stated that in Barbados there is a foreign exchange control system where, prior to obtaining a licence to import a product, justification that the product is not being sufficiently produced locally is necessary.

b. The system is a collaboration between the Ministries of Trade and Agriculture and operates within the Caricom Trade Agreement.

7.4 The Chairman thanked the members of the ASTT for appearing before the Committee.

ADJOURNMENT

8.1 There being no other business, the meeting was adjourned.

8.2 The adjournment was taken at 12:09 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary
Present were:

Mr. Stephen Creese    Chairman
Mr. Rushton Paray, MP  Vice-Chairman
Mr. Franklin Khan      Member
Mr. Daniel Solomon     Member
Mr. Darryl Smith, MP   Member
Mr. Hafeez Ali         Member

Mrs. Jacqueline Phillip-Stoute Secretary
Mr. Indar Sieunarine   Assistant Secretary

Absent were:

Dr. Lovell Francis, MP Member (Excused)
Mrs. Glenda Jennings-Smith, MP Member

Also available were:

Representatives of the Ministry of Agriculture, Land and Fisheries:

Mrs. Joy Persad-Myers    Permanent Secretary (Ag.)
Mr. Clyde Watche         Commissioner of State Land (Ag.)
Mr. Nasser Abdul         Director of Surveys (Ag.)
Ms. Alizon Rivers-Burklies Director, Human Resource
Mrs. Jacqueline Ganteaume-Farrell Coordinator, Administration Division, Agricultural Land
Ms. Natasha Hosein        Director, Legal Services

CALL TO ORDER/ANNOUNCEMENTS
[The Vice-Chairman in the Chair]

1.1 The Vice-Chairman called the meeting to order at 9:20 a.m.

1.2 The Vice-Chairman indicated that Dr. Francis had asked to be excused from the day’s proceedings of the Committee.

CONFIRMATION OF MINUTES

2.1 The Minutes were amended as follows:

In paragraph 8.3 iv, insert the following new sub-paragraph:
“c. The Agricultural Society of Trinidad and Tobago (ASTT) desired, as during the period 2007 to 2013, to continue to discuss and collaborate with the present Minister of Agriculture, Land and Fisheries when during an address at a workshop in Cara Suites, Claxton Bay, he stated that “nobody is going to tell him what to do.”

2.2 The minutes as amended were confirmed on a Motion moved by Mr. Darryl Smith and seconded by Mr. Franklin Khan.

MATTERS ARISING FROM THE MINUTES

3.1 There were no matters arising from the Minutes.

PRE-HEARING DISCUSSIONS

4.1 Subsequent to discussions regarding the approach to be taken during the public hearing, the Committee agreed that Mr. Darryl Smith will commence the question segment.

OTHER BUSINESS

Next Meeting Day

5.1 The Committee agreed to next meet on Tuesday June 07, 2016 at 9:00 a.m. in camera and 10:00 a.m. in public with Officials of the Land Settlement Agency (LSA).

Suspension

5.2 The meeting was suspended at 9:33 a.m.

5.3 The meeting resumed at 10:00 a.m. in the J. Hamilton Maurice Room in public.

PUBLIC HEARING

[The Chairman in the Chair]

6.1 The Chairman welcomed officials of the Ministry of Agriculture, Land and Fisheries.

6.2 Introductions were exchanged.

6.3 The Permanent Secretary made an opening statement.

6.4 Detailed hereunder are the concerns raised by Members of the Committee and the responses proffered by Officials:

(i) **Challenges faced by the Ministry of Agriculture, Land and Fisheries**

a. The Ministry stated they have encountered the following challenges:
   - the inability of legitimate applicants to receive leases for state lands;
   - the slow implementation of the VSEP allotment of Caroni lands;
   - an increase in incidents of land grabbing;
   - the deactivation of the Agricultural Land Administration Division approximately 3 to 4 years ago;
   - a backlog of over 3,000 files regarding applicants for agricultural land;
- vacancies in positions such as Commissioner of State Lands, Director of Surveys, Deputy Commissioner of State lands (2 positions), Assistant Commissioner of State Lands (2 positions) and State Lands Management Officer II;
- in the recent past the Land Management Division and the Office of the Director of Surveys have been removed and placed under the responsibility of a different Ministry which resulted in several consequences; and
- changes in the policy direction of ports/harbors.

b. The Ministry has advertised vacancies for the positions of Land Enforcement Officer I (36 positions) and Land Enforcement Officers II (3 positions). The Ministry indicated that it will also engage all arms of the protective services to assist in dealing with land grabbing, land blocking and squatting.

c. The Ministry stated that an increase in staff together with the reengineering of the process for examination for the granting of leases will increase the efficiency of the process. Officials further stated that the process for granting leases would decrease from 36 months to approximately 3 to 6 months.

(ii) Encouraging the younger generation to join the Agricultural sector

a. The Ministry is considering apprenticeship programmes. These structured programmes will not be sources of cheap labour and will bring together academic knowledge and experience.

b. Programme development has not yet commenced. At present however, emphasis is being placed on the development stages as there have been programmes in the past that did not deliver the intended impact and outcome.

c. The Ministry is also focused on changing the perception of agriculture from being an occupation for individuals of lower economic status to a noble profession.

(iii) Assistance provided to persons involved in farming who are unable to become registered farmers due to the absence of land tenure

a. Officials informed the Committee that the Ministry is attempting to put systems in place for farmers to obtain standard agricultural leases. Officials further indicated that the Agricultural Land Administration Division was re-established in January 2016.

b. The Ministry is presently examining the backlog of applications to determine those cases that can be processed quickly in order to grant leases.

c. The process for the granting of a lease is lengthy, as a result the Ministry is attempting to speed up the process by undertaking specific parts simultaneously.

d. A number of farmers are in a holdover tenancy arrangement, meaning they pay rent for the land but they do not have tenure. While these farmers are without tenure, there is the expectation of being regularized. Officials indicated that they will meet with the Minister to discuss granting of letters of comfort to farmers awaiting land tenure. Such policy, they advised must be approved by the Cabinet.
e. The Ministry indicated that many have left the agriculture sector because of lack of tenure.

f. Officials further stated that there was a point when the ADB will lend money with collateral. There also were instances where only if a farmer did not have other financial resources, land would be used for collateral, thus a lease was necessary. The Ministry however is unaware of the ADB’s current policy.

(iv) A single entity with responsibility for land administration

a. With respect to land administration, officials indicated that a study was conducted in 2000. One of the recommendations was the establishment of a Land Management Authority with responsibility for all matters related to state lands in order to eliminate the multiple agency with responsibility for land administration.

b. Current consultations on local government reform again offers the opportunity to revisit and readjust the concept of a Land Management Authority.

(v) The Ministry’s Budgetary situation and its programmes

a. Releases to the Ministry have been very slow. The Ministry is treating with land tenure issues on the bureaucratic and administrative level and not by infrastructural projects. Thus, the Ministry is attempting to amend routine operational matters.

b. Funds under the sub-head “Vacant Posts” are available to fill the vacancies the Ministry is attempting to fill.

(vi) Matters related to squatting

a. There is approximately 70 cases related to squatting currently before the courts.

b. The concept of the Land Management Authority of 2000 was accompanied by a business plan which included the Land Tribunals Bill, the Land Adjudication Bill and the Registration of Titles to Land Bill. These Bills would have given power to the Land Management Authority to manage squatting and issues related to land tenure. The Bills were passed and subsequently repealed.

c. The Bills also contained measures for the establishment of Land Tribunal which would have acted like a court leaving no need for the Magistrates’ Court to deliberate on land issues.

(vii) Outstanding Agricultural Applications

a. There is a backlog of approximately 3,000 agricultural applications/files received from county offices of the Ministry of Agriculture, Land and Fisheries (recent applications are not included) which the Ministry is attempting to address prior to considering recent applications.

b. The files have been sorted according to geographical area and type of matter. At present the Ministry is in the process of preparing Cabinet Notes in order to obtain the necessary approvals.
c. The Ministry attempted to engage the Office of the Chief State Solicitor but was informed that there are staffing issues. Subsequently, the Ministry offered to prepare and forward the lease agreements to the Office of the Chief State Solicitor for vetting but this suggestion was met with resistance.

d. Officials stated that the standard length of an agricultural lease is 30 years.

(viii) Information gathering

a. A CMI system to make all the maps and plans available online is near completion.

b. A Land Information System of Trinidad and Tobago was developed as a georeference parcel information system for all surveyed parcels. Previously, the State Agriculture Land Information System (SALIS) captured both surveyed and unsurveyed land. SALIS was halted when separate Ministries were given responsibility for land and agriculture. The Ministry is currently in the process of reestablishing the system.

c. Officials stated that the Ministry also is considering reestablishing the agricultural aspect of information gathering to capture information on agricultural land and give alerts when a lease will expires.

d. Additionally, the Ministry is considering sharing information between agencies.

(ix) The National Spatial Development Plan

The National Spatial Development Plan sets out a route map for development in Trinidad and Tobago. The Plan deals with sustainable development which encompasses economic, social and environmental development.

(x) The Ministry and the Municipal Corporation Act

Officials stated that there are 8 county land offices. They further indicated that the Land Information System needs to be aligned to the municipal boundaries.

(xi) Contract positions and specialist classifications

a. The Committee heard that human resource is the Ministry’s most important asset but it is unable to say whether the Office of the Chief Personnel Officer has the ability to reclassify positions in a timely manner.

b. Contract positions are being used in the interim as the Ministry tries to establish an appropriate structure.

(xii) Functioning of the Agricultural Access Roads Programme

a. The Agricultural Access Road programme is still in operation. This programme is determined by a needs assessment which is based on applications received from the Ministry’s regional office.

b. The programme has been restricted this year as the Ministry has less financial resources available. At present, the determinant is the number of farmers who would benefit from the construction of an access road.
(xiii) **Instances where the State has to expedite the processing of land**

a. In the late 90’s an accelerated land distribution programme was undertaken as part of a conditionality to obtain an Inter-American Development Bank Agricultural Sector Reform loan.

b. An Accelerated Land Distribution Programme Unit was established and this unit executed 1,500 leases.

(xiv) **Enforcement done by the Ministry**

a. Enforcement is carried out by Inspectors of State Lands who would monitor all state lands including forests. If any instance of squatting or a breach of tenancy is observed it is reported to the Office of the Commissioner of State Lands.

b. The Commissioner of State Lands informs the person of the breach and its consequences in writing.

c. With regards to squatters, a quit notice is served. The person has 20 days in which to leave, after which the matter goes to court. As a result, a verbal warning is issued to influence squatters to quit.

*(For further information on the above concerns, kindly see the Verbatim Notes.)*

6.5 The Chairman thanked the Officials from the Ministry of Agriculture, Land and Fisheries for appearing before the Committee.

**ADJOURNMENT**

7.1 There being no other business, the meeting was adjourned.

7.2 The adjournment was taken at 11:52 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary
Present were:

Mr. Stephen Creese - Chairman
Mr. Rushton Paray, MP - Vice-Chairman
Mr. Franklin Khan - Member
Mr. Daniel Solomon - Member
Mr. Darryl Smith, MP - Member
Mr. Hafeez Ali - Member
Dr. Lovell Francis, MP - Member
Mrs. Glenda Jennings-Smith, MP - Member
Mrs. Jacqueline Phillip-Stoute - Secretary
Mr. Indar Sieunarine - Assistant Secretary
Ms. Roxanne Fournillier - Research Assistant

Absent was:

Mr. Franklin Khan, MP - Member

Also present were:

Officials from the Land Settlement Agency (LSA):

Mr. Ossley Francis - Chairman
Mr. Hazar Hosein - Chief Executive Officer
Mrs. Sasha Darbeau - Manager, Tenure Regularization Unit
Mr. Satchianand Bassaw - Senior Design Engineer Infrastructure
Mr. Everson Beeda - Land Use Planner

CALL TO ORDER/ANNOUNCEMENTS

1.1 The Chairman called the meeting to order at 9:05 a.m.

CONFIRMATION OF MINUTES

2.1 There being no corrections, the motion for the confirmation of the Minutes of the Fifth Meeting held on May 03, 2016, was moved by Mr. Daniel Solomon and seconded by Mr. Rushton Paray.

MATTERS ARISING FROM THE MINUTES

3.1 There were no matters arising from the Minutes.
OTHER BUSINESS

Next Meeting Day

4.1 The Committee agreed to next meet on **Monday June 20, 2016 at 10:00 a.m. in camera** to commence consideration of the Draft Report on Land Tenure Issues.

Suspension

4.2 The meeting was suspended at 9:40 a.m.

4.3 The meeting resumed at 10:00 a.m. in the J. Hamilton Maurice Room **in public**.

PUBLIC HEARING

5.1 The Chairman welcomed officials of the Ministry of Agriculture, Land and Fisheries.

5.2 Introductions were exchanged.

5.3 The Chairman of the LSA upon request, made brief opening remarks.

5.4 Detailed hereunder are the questions and concerns raised:

(i) **The status of amendments to the State Land Act.**

   The officials advised that in 2014 the Cabinet approved a policy and a Bill was drafted by the Chief Parliamentary Counsel (CPC). Subsequently, the Bill was submitted to the Legislative Review Committee. The policy and the Bill require review by the new Cabinet as to whether any additional amendments or adjustments are necessary.

(ii) **Issues related to the LSA and Office of the Commissioner of State Lands being under the responsibility of different Ministries**

   The LSA falls under the responsibility of the Ministry of Housing and Urban Development while the Ministry of Agriculture, Land and Fisheries is responsible for the Office of the Commissioner of State Lands.

   The officials stated there are positives and negatives to having the entities under different Ministries and the entities need to determine the best way forward in dealing with State land and the issue of squatting thereon.

(iii) **Measures implemented by the LSA in its attempt to control squatting on State lands**

   With respect to measures implemented to control squatting, Officials indicated that monitoring and patrolling of sites and reporting each new incident are some of the measures used by the Containment Unit, The Forestry Division and the Office of the Commissioner of State Lands.

(iv) **What is the mandate of the LSA?**

   The Committee was advised that the mandate of the LSA is the regularization of squatters in accordance with the State Land (Regularisation of Tenure) Act (Act 25 of 1998). Additionally, officials apprised the Committee on what squatter
regularization entails. Officials further indicated that the LSA is also responsible under the Act for landless persons, community development and micro enterprise to create sustainable communities.

(v) **Squatting in Toco/Sangre Grande**

The Committee was informed that the area of Toco/Sangre Grande is one of the highest populated squatting areas in the country. The LSA has developed 30 sites to date and this area has been one of the most developed. However, most of the land in the area is forestry reserve which should be protected and where squatting should not be encouraged. The Committee was advised that between 2010 and 2015 there has been a high growth of squatting in the area which has posed a major challenge to the LSA. Prior to 2010 the LSA did not give certificates of comfort to squatters in the reserves and on river banks.

(vi) **LSA response to squatting in the forest reserves in Toco/Sangre Grande**

The present LSA Board is in the process of reviewing the situation and proposes to apply provisions of the State Land (Regularisation of Tenure) Act. The LSA sees relocation for persons granted Certificates of Comfort as being a possible option. The LSA indicated there is a misconception that a Certificate of Comfort is a permanent document and this usually leads individuals granted such to convert wooden structures to permanent concrete structure which makes relocation difficult.

(vii) **What is the nature of the operational relationship between the LSA and the Commissioner of State Lands**

The Committee was informed that the LSA brings squatting on state lands throughout Trinidad to the attention of the Commissioner of State Lands on a weekly basis. Further, there are also regular follow-up communication and meetings with the Commissioner of State lands regarding any action taken.

(viii) **Number of squatters nationwide.**

The Committee was informed that a comprehensive social survey was conducted by the LSA during the years 2009 and 2012. As at October 27th, 2000, approximately 23,000 squatters applied for regularization under the Act. As at June 07, 2016, there is an estimated 55,000 families or over 200,000 persons squatting in Trinidad.

(ix) **How long will it take for those individuals to get the leases to developed lots?**

Approximately 4,400 lots were developed and the LSA is currently attempting to obtain all the statutory approvals in order to distribute leases. To undertake development works on a new site to bring it up to standard takes approximately 4 years.

(x) **Are squatters required to pay for lands?**

Squatters are required to, subsequent to receiving the lease, make payments as required under the law. The developed lots are valued by the Commissioner of Valuations. The cost per eligible squatter is based on a pricing formula which is
$5.00 per square foot plus a premium of 20 per cent. The lots are 5,000 square feet which cost the State between $130,000.00 and $160,000.00 to develop.

(xii) **Persons squatting on State land granted to State agencies**
There are thousands of squatters on lands belonging to Petrotrin and Palo Seco Agricultural Enterprises Limited (PSAEL). The LSA has been working with these agencies to develop and regularise persons on the lands but it is constrained as these agencies owned the rights to the lands.

(xiii) **Where has the authority to sign leases for Squatters protected under the Act?**
Under the legislation, the Chairman of the LSA has the power to sign leases for squatters who are protected by the Act and who have been granted a Certificate of Comfort. All other leases must be signed by the Commissioner of State Lands.

(xiv) **The Corporations with the most submissions from the LSA.**
The regional corporations with the most submissions from the LSA are the Sangre Grande Regional Corporation and the Point Fortin Borough Corporation. All meetings of the Regional Coordinating Committee at the Corporations are attended by members of the LSA. The Chairmen and Chief Executive Officers of the Corporations also are invited to monthly meetings between the LSA and the Commissioner of State Lands.

(xv) **The State agency with the repository of the occupation of state lands**
The agency with repository on the occupation of state lands are the LSA – information on squatting; and the Ministry of Agriculture, Lands and Fisheries – information on uses of state land and parcels distributed through a programme “List the Parcel Viewer”.

(xvi) **Relevance of creating a Land Court to deal with land tenure issues**
There are several pieces of legislation that affects private land owners and which encourages land disputes to be referred for the consideration of tribunals, however, tribunals were never established. Consequently, persons with claims under these laws have no redress unless they go before the High Court.

(xvii) **Dealing with the impact of hillside squatting**
The LSA recently met with the Environmental Management Authority (EMA) and the Ministry of Planning and Development regarding hillside development. The Committee was informed that the LSA can only point out to the EMA what should be done.

The LSA and specialist positions and technology
There are approximately 193 members of staff at the LSA. Presently, 90 persons are on contract. The organizational structure is adequate to deal with the work, but more financial resources are required if the LSA is to operate with the full complement of staff.

(For further information on the above and additional concerns, kindly see the Verbatim Notes.)
ADJOURNMENT

6.1 The Chairman thanked the Officials from the LSA and Members of the Committee and adjourned the meeting to Monday June 20, 2016 at 10:00 a.m.

6.2 The adjournment was taken at 11:37 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary
APPENDIX II

NOTES OF PROCEEDINGS
Mr. Chairman: Good morning, and welcome to the reconvened session of the Fourth Meeting of the Joint Select Committee on Land and Physical Infrastructure. We are reconvening at the J Hamilton Maurice room. I wish to advise that all cell phones should be either placed on silent or deactivated.

Welcome to members of the Joint Select Committee on Land and Physical Infrastructure. Welcome to the members of the public and in particular our witnesses here this morning, the Merikins Incorporated. This is, of course, our first public meeting pursuant to our enquiry into land tenure issues. The purpose, of course, of this meeting is to determine the land tenure issues affecting Trinidad and Tobago, and more particularly in the instant case to examine strategies to deal with the major challenges affecting the Merikin Society.

I would now like to inform you that this meeting is being broadcast live on the Parliament Channel 11. It is also available on Parliament radio 105.5 FM and the Parliament YouTube channel ParlView. Of course, the viewing and listening audience can send comments via email at Parl101@ttparliament.org or on our Facebook page at facebook.com/ttparliament or on
I take this opportunity to again welcome members of the Merikins Incorporated to our sitting, and I would now, of course, invite you to introduce yourselves to the Committee.

[Introductions made]

Mr. Chairman: I will now invite members of the Committee, starting on my right, to introduce themselves.

[Introductions made]

Mr. Chairman: Mr. Joseph Burton, Vice-President, I will now invite you to make a presentation to the Committee.

Mr. Burton: Mr. Chairman, Mr. Stephen Creese, distinguished members of the head table, members of the Joint Select Committee and other distinguished guests, ladies and gentlemen, I am the Vice-President of Merikin Inc. It is indeed a pleasure and an honour to be invited here to highlight an issue that is dear to us. We are in existence now for the past 12 years, and today we sit here with a joy in our hearts because Saturday, April 09th, will be our 12th anniversary and we are proud of that.

We are deeply committed to Merikin heritage. Our group focuses on the assistance of youths with respect to SEA scholarships and also providing for the elderly with hampers. I now take the opportunity to hand over to Ms. Atwater who will give you a brief history of our group. Thank you.

Ms. Atwater: Good morning to the Chairman and other members of the Joint Select Committee of Land and Physical Infrastructure.

August 20, 2016 will mark the bicentennial anniversary of the arrival of Merikin African-Americans in this country. This group of people has a peculiar history. Our Merikin ancestors were ex-slaves who originated from Georgia, Maryland and the Virginia areas close to the Atlantic seaboard of the United States of America. These ex-slaves had obtained their freedom, and it is said that they were part of the Underground Railroad system which operated to help free other slaves.

During the War of 1812, the British tried to regain control of the newly independent American colonies. She recruited ex-slaves in batches or battalions of six companies as part of her war effort. They became known as the Corps of Colonial Marines. They were known for their bravery, discipline, expertise in guerrilla warfare and their knowledge of local American conditions. The American soldiers feared the Merikins more than their European counterparts. However, the British lost the war and it was impossible for Merikins to remain on American soil.

You must note that slavery was alive and vibrant in the American south. Giving ammunition to a black man, even during wartime, was unheard of and unacceptable. The British had to find somewhere to house the members of the Corps of Colonial Marines. Trinidad at that time was a newly acquired British territory. In fact, we had been under British rule for less than 20 years. The then Governor, Ralph Woodford, was anxious to see the more remote parts of the island developed through settlement. South Trinidad had vast amounts of virgin territory and the Governor made the British colonial administration aware of this reality.

The Corps of Colonial Marines and their families were offered relocation to Trinidad. They were further offered 16 acres of land per head of each household as payment for services rendered...
in war. This 16 acres of land, blood land as it is sometimes referred to, was given to them and their heirs in perpetuity. The Merikins arrived in Trinidad on August 20, 1816, in six companies, in the same manner in which they were recruited, and settled along the Moruga road and the outskirts of Princes Town.

First Company was settled in Hindustan. The Second Company settled in Petit Cafe. This holding included 16 acres owned by Ma Mathilda, a fellow Merikin. She allowed Warahoon Indians from Venezuela who landed in Gran Chemin and were journeying to Mission, now called Princes Town, to pass through her land, thus reducing the distance. Third Company was settled in the Indian Walk area; Fourth Company was settled in Hard Bargain, Williamsville and the New Grant areas. Fifth and Sixth Companies retained their original names.

Pleased to be masters of their own destiny, these ex-slaves, ex-soldiers of the Corps of Colonial Marines settled down to life in Trinidad during the era of slavery. They brought their skills, their legacy of hard work and the Baptist religion to these parts and so their communities revolved around their churches. This group showed resilience and ingenuity, despite being placed in a foreign, inhospitable environment. They were pioneers in many respects.

These Afro-American settlers and their descendants became known as Merikins, the shortened form of “I'm American”. Their history is our heritage. The group, Merikin Inc., has been in existence for 12 years. During that time our recurring theme has been towards a richer heritage, keeping in mind that heritage is that which may be inherited, be it circumstances or benefits, and it becomes more important when it is worthy of preservation. Merikin history, Merikin ideals, Merikin culture and Merikin land are all worthy of preservation.

As we sit here today, we are cognizant of the fact that our society is sometimes guilty of not valuing our local history enough. We are guilty of not putting enough effort into preserving what we have, and so we let it go to waste. We cannot continue this way. As such, Merikin Inc. wants to be part of the process that changes this mindset. We recognize our history, we value our heritage and we aim to preserve this heritage. Thank you.

**Mr. Chairman:** Mr. Vice-President of Merikin Inc., are there any particular aspects of your history that you would like to bring to our attention in terms of the land tenure problems that you have been experiencing?

**Mr. Burton:** Mr. Chairman, I would like to introduce Mr. Ansen Griffith to highlight our plight in this.

**Mr. Griffith:** Good morning, Mr. Chairman and members of the committee. There are a number of challenges in the Merikin area. The first one we need to identify is that we as an organization representing Merikin Inc., popularly called “Merikin”, came into existence on April 09, 2004. The Merikin community and especially our youths are unaware of our legacy and are unaware of land title and their history, and thus it limits their rights in becoming true land owners. Merikin Inc. together with others have been popularizing the history for the last 12 years, and we want to emphasize that the lack of information and misinformation has hindered social and economic mobility in the Merikin community. Land ownership is not synonymous with poverty. In our community we are saying that our fore-parents were given 16 acres of land in the initial onset. Added to that, when they were able to produce more, the State granted them excesses in order for them to produce. Today, a lot of our people are disenfranchised because of a process—I will go
on to the second point.

Our observation and our rudimentary research and analysis have pointed to substantial fraudulent acquisition of Merikin land. It is even more important that, earlier on this year, the Law Association was saying that a lot of fake lawyers were causing lands to be transferred illegally and fraudulently, and this is one of the areas that is critical in the Merikin area. We have observed that whole new communities are being developed in our community; squatting is the order of the day. So you have squatting in Petit Cafe, Indian Walk, Fifth Company, Hard Bargain, New Grant. The original owners of some of those properties are actually non-existent. We are also saying that in some cases members of the Merikin community are being forced to pay for land that is theirs. So you have people who are claiming these lands and causing members of our own community to pay for what is rightfully theirs.

The issue also is the utility companies in Trinidad and Tobago. As a Merikin and as a land owner, it is really difficult for you to get T&TEC, WASA and TSTT to give you a natural supply of their amenities. However, in the squatting communities we do not know what is taking place, but those communities are filled with lights, water, Internet and all the amenities, and persons who have legitimate rights do not have those amenities.

We are also saying that there needs to be definite demarcation of what is state land and Merikin land, because our history also shows us that areas such as Fairfield are supposed to be Merikin land. Even if we go back to John Wise, in his research he said that Manahambre was also given to the Merikins. In addition to that, when the Merikins were moved from Hard Bargain to New Grant, they were granted 16 acres of land in Hard Bargain. When they were removed to New Grant, there is no documentary evidence to claim that those lands were revoked. If those lands were not revoked, we are saying that the persons who were Merikins in Hard Bargain are entitled now today to 32 acres—16 in Hard Bargain and 16 in New Grant.

We are also saying as with respect to Merikin land, because there has been a lack of foresight, a lack of planning and a lack of diligent oversight in the communities, the land has become landlocked. So we have a lot of properties that actually we are unable to get to. There are huge areas of back land where agriculture could be developed and things like that, but we are unable to get access to those lands. We could also say that in times like now there are certain groups that have come into the area and used strong-arm tactics and taken 30 and 40 acres of land, and nobody in the community seems to be able to stand up to these groups.

We are also saying that in our research we have seen that 15 acres, three rods and three perches were given to the Merikins when they arrived in the Indian Walk area. That was specifically for recreational use. It is 200 years later, and the only thing that was done to that land under the last administration is that the land was surveyed, but 200 years later, that land is filled with teak trees. The land is unoccupied and the legacy that they wanted for us we have not realized that.

We are saying that someone might ask why we are here today. It cannot be that 200 years is 200 years too long. If we lose our legacy, our children and grandchildren and even our present-day people will lose their land, they will lose their property and they will lose their heritage. I do not think that the people who fought in America, in a war that was not theirs, and came to Trinidad and Tobago and was given 16 acres of land, I do not think that they would be satisfied that we will
just stand and give away what is rightfully ours.

We are saying that the challenges may be infrastructural, the challenges may be political, but we are saying that as Merikin and as true landowners, because we were here not as slaves, we were here as free men. We came here as free men, and we intend to fight for what is rightfully ours. We are just saying that these are some of the challenges we are facing, and we would like the appropriate steps and measures to be put in place, in order to deal effectively and critically with our issues. Thank you.

Mr. Chairman: Thank you. Could you indicate for the benefit of the Committee what legal steps have been taken thus far or what interactions with any state agencies you all have engaged in?

Mr. Griffith: Under the last administration we had the Minister of Gender and Youth Affairs, that was Mr. Clifton De Couteau, he was our MP, and he was really trying rigorously to assist us in that area, but in light of that it would not just take simple measures, it needs resources, because in order for us to identify those lands, those lands need to be surveyed. To survey, if we deal with the initial count, it would amass to 6,608 acres of land initially, and we are not talking about the expanse that was given after that. So it would take a lot of resources, and I do not think the members of our group have those resources to pay for that type of scope of work.

Mr. Chairman: Thank you. Others members of the Committee, are there any? Other than the efforts with Clifton De Couteau, have you made any legal claims, legitimate claims with attorneys or whosoever in the private sector at all?

Mr. Griffith: Some of the persons in the community could show you their deeds of comfort, but what was critical was that some members of the Merikin families would have actually told their children that they were inheritors of this land. Some families it seems like they did not. So it could be the state that because of lack of knowledge, you are not even aware that you have this possession and you could fight for it. So one of our thrusts is actually to get people aware in the community of what is their right. Right now there is a person who has come into the community, claimed over 32 acres of land and selling that land for $35,000 a plot.

If we check the cadastral map from 1925 and before that, we are not seeing their name on that map. Prior to that, after that period we are seeing that person’s name. So if the lands were given “minus property”, meaning that it could not be sold, we are asking the question how did they get access to that, and cause even government agencies to put their names on that register.

Mr. Khan: Let me ask a couple of questions. The original Merikins came, and each head of household you say got 16 acres of land. Obviously, from my knowledge of land law, that had to be a Crown grant. Am I right? Is there anywhere in the Merikin community that you have residing with some family the original Crown grant?

Mr. Burton: Mr. Khan, in my possession at this moment, I have here a grant from my grandfather. What it says:

“Royal grant for Crown lands sold”, is what I have got.

Victoria by the grace of God of the United Kingdom of Great Britain and Ireland and of the colonies of dependencies thereof, Queen, defender of the faith.

It has got the original stamp and it reads:

Know ye that we do by these present us our heirs and successors in consideration of the sum of twenty-eight dollars and 80 cents to us paid, grant unto Henry Burton his heirs and
assigned all that parcel of a lot of land situate in Savannah Grande…
—some of the writing here that I am reading is sort of obliterated—
…and in this Savannah Grande, six acres...

Mr. Chairman: Okay, we take your point, Mr. Burton, that members of your Committee do have original documentation. Mr. Khan, do you want to continue?

Ms. Atwater: I would also like to point out that I have in my possession land and building tax receipts paid by Mr. Bobcombe way back in 1857, the original document. So we have been doing our research and we have instances where we have original documents available.

Mr. Khan: You have to realize that this is a very complicated legal matter. It is also, in my personal opinion, a heritage matter that is steeply rooted in the history of Trinidad and Tobago, and we as legislators have to take cognizance of that.

Having said that, there are two ways to approach this, in my view. One, for those families that have the original grant, it means that they have what is called the root title and then from that root title land could be conveyed to their generations and their siblings and what have you. But obviously you are claiming up to 7,000 acres of original grants to the Merikins; 90 per cent of that you do not have a head title, meaning a Crown grant specific to a family. And then, who are the families? Who were the original 300 or 400 people who each got 16 acres? And then, who now is Merikin? There have been so much intermarriage and what have you. My father is from Sixth Company, so I probably am Merikin too.

The thing about it is that there are two ways to look at it. For those of you who have the original Crown Grant within your family structure, there may be a way to deal with that. In doing land research, any lawyer worth his salt has to go to a root title and then search from there come back down. So obviously the people who are coming in to claim 30 and 40 acres, there are some flawed legal transactions inside there, but that is a different issue. The other way to look at it is possibly the State contemplating by legislation deeming some lands to Merikin heritage.

Ms. Atwater: Mr. Khan that is our number one recommendation.

Mr. Khan: Because you cannot go to the individual families now—and sorry to say it, but it comes almost like the American Indian reservations—they have a concept like that and say this is heritage land. I think the Carib community in Arima has a semblance of that also, but in your case it is more specific. I think we could take a two-pronged approach to that. I will say no more at this point in time.

Ms. Atwater: I would like to point out the fact that if you look at a cadastral plan—barring that a lot of the original ones would have been destroyed in the Red House fire—coming down the years, the names of the original settlers have not been removed in lot of instances even up to today.

I think we should keep that in mind. I think we should also keep the fact that when oil deposits were discovered on these lands, the said oil companies found the owners, established who the owners were as per the cadastral plan—and come down the road—met and treated with the owners. I have in my possession an instance of a present-day deed with 13 family members—obviously their business is in order—13 family members’ names on the deed, and these people are getting oil rights from Petrotrin up the 1990s. So I think that between the cadastral plan and the fact that the oil companies have been able to trace owners, we should very well keep that in mind. But as I said, the recommendation that Merikin lands be declared a heritage site; that is what we
are looking at also.

Mrs. Jennings-Smith: I heard you speak about 16 acres given to Merikins. I want to find out, what is the position with occupation? I am getting a sense that these lands are very much unoccupied. Can you tell me something more about occupation from then to now?

Mr. Griffith: What I could tell you is that the prime spots in those areas have been taken by businessmen on the New Grant Road, the Indian Walk Road, Moruga; the prime spots are being taken by businessmen and people’s families—some people who just claiming land. A large percentage of the land is really unoccupied, but the problem is the land is landlocked. So you have all the front spots, and no access to the back areas.

10.30 a.m.

Dr. Francis: Mr. Chairman, if I might make an intervention as the person who flagged this issue to the Committee. Now, the Merikins’ arrival was unusual in the sense that you had freed people of African origin coming to a community, well a society where slavery was still existing, but it was not unusual given that there were immigrants coming in who would be given land grants, for example, the Cedula of Population, different context, different imperatives, but a similar history. Immigrants coming to Trinidad being given granted land, crown land for specific reasons. The difference is that whereas under the Cedula those French immigrants would have been given title to their lands. The Merikins when they arrived, in a colonial society that was still dominated by the ethos of slavery did not, were not provided that legal basis. Meaning, they were given land, but they were not given the title to the land. So what you have is this understanding that this 16 acres of land is yours, but you do not have any documentary evidence saying that. Because it will be difficult for you to locate someone who can find a title from 1816 which is the year of the arrival of the group, saying that you have a claim to this land. The titles that have been identified by the members actually date from a generation or two subsequent to that, and it might have been additional land that they may have purchased.

So I, for example, have had personal interaction with members of the community. And what happens is that, okay, this parcel of land and sometimes because of the loss of the knowledge we are not exactly sure how far the land extends, but you know this land is yours. So your grandfather would have built a house, your great grandfather would have built a house, when it comes your time they will say, okay, take a piece of land and build a house. But there is no exactitude in it because of the historical conundrum created by these freed former slaves coming to a society where slavery still exists and where you have to be careful that their presence does not lead to insurrection which was the fear that, even though Governor Ralph Woodford wanted them to arrive, there was that fear that these immigrants could cause social problems. So it is a historical conundrum.

So you would find that—I am not sure if I could ask if anyone is aware that any person in the community has a title dating back from that original time of arrival. It is highly unlikely because of those circumstances. So that might help to explain what might seem today to be unoccupied.

Mrs. Jennings-Smith: I just want clarity. So, Mr. Burton—he read something a while ago. What does that refer to?

Mr. Burton: It refers to a royal grant for crown lands which were sold to my grandfather.

Dr. Francis: That would have been additional land purchased by your grandfather which would
not have been part of the original parcel of land, crown land given to, or provided to each head of family. It would have been a different issue.

**Mr. Solomon:** If I may, through the Chair. At the risk of giving legal advice from the Committee bench, but—and I agree with what my fellow members would have said about the complexity of it, but that sounds, Mr. Burton, as if it was a conveyance. So it was not an original grant. But what I want to ask is: has there been any precedence set where a Merikin member has gone to the High Courts, for instance, of Trinidad and Tobago and been granted land on that basis? That could open an avenue of legitimacy for others to follow as a precedence would have been set. Is there any sort of history of that sort of claim being successful?

**Mr. Griffith:** To my knowledge, there is one particular case in the community, I think the case of *Lena Gillon v the Third Company Baptist Church*. That case was in the High Court and the Court of Appeal made a decision on it. [Crosstalk] Yes. Successfully. Yes.

**Mr. Khan:** For who? The original owner?

**Mr. Griffith:** In favour of the church. Yeah. Yeah.

**Dr. Francis:** I have some clarification for that as well. It has already been mentioned that the Baptist faith and the Baptist churches were the cornerstones of the Merikin communities. What would have happened is that many of those patriarchs in the community would have granted land to the membership of a church to establish churches. So it might have been the case where someone now is claiming ownership of land that would have been granted to the land by the person who was the original grantee, so adding even more complexity to an already complex situation.

**Mr. Griffith:** The person who granted the land was my great, great grandfather William Weston. He gave the church and the church yard. Yes.

**Mr. Solomon:** That brings me back to the original question. Have there been any decisions in terms of the claim being a Merikins claim?

**Mr. Griffith:** The church on Merikins land, but to say if it is Merikins’ claim?

**Dr. Francis:** It would not have been an individual claim. It would be the church as a proxy. Yeah.

**Mr. Chairman:** Are there any other questions from members?

**Mr. Ali:** Thank you very much. Let me first say that I agree with Minister Khan that this is going to be a very complex issue both legally via legislation. I would hate to see that your grandchildren will be before a Committee 20 years still fighting this battle. From all that I have heard for the morning, one of the things—now I am very excited about this issue being a student of history. I have deep roots in the Princes Town area also. My grandfather came from Sixth Company, so I am aware of a lot of the areas and the land in that area. So I am excited to see that we move forward.

And being a student of history like Minister Lovell, we may need in terms of a suggestion from you, what are some of the alternatives? Barring the granting of physical title and land, and I know Minister Khan spoke about probably demarking a heritage site that can, you know, be used for a number of purposes both historical, commercial that sits in line with your association. And not only in terms of a heritage site, but I think the history is so rich in terms of the Merikins society that perhaps consideration from the Government of the day to look at historical observances perhaps integrating some of the history into the school curriculum.

I think this is the way how we will celebrate the Merikins society and the history, the heritage in Trinidad and Tobago. Perhaps a museum of some sort with documents, artefacts, deeds.
So at the end of the day they may be lower hanging fruit, but we may be able to accomplish something in the shorter term in terms of validating the heritage and making—and perhaps in some future disposition in terms of an administration, a government, a committee that we may get closer to looking at the land issues. But it is just a suggestion that, I think that you know, the association should really look at in terms of looking at some alternatives in lieu of not having to wait 20, 25 years to go through legal battles with lands and squatting, and you know there are the lot of issues with regularization, 16 years of tenure ship, those things would drag this on. So perhaps, you know, a conversation around that line may be very important. Have you all done any alternative suggestions so far perhaps? Thank you.

Mr. Bobcombe: Chairman, I think it is an appropriate time for me to run through some of the recommendations that we have because a lot of things has been said around these things. So I just want to put this on the table.

For example, the first thing is that we feel strongly that the land grants to the 441 families totally 6,000-plus acres, we feel that this land should be surveyed, it should be marked out. As a matter of fact, we have a signage project going on in the group for all the companies and the land should be deemed heritage lands. Now, also legislation must be enacted to protect the blood land and designation of these lands as heritage lands bring with it world-wide attention, the need for preservation and conservation. We are saying that itemizing the lands as heritage land and using the legal system, we have to look at this conundrum of history and try to sort out the matter.

Thirdly, a committee should be set up to identify the fraudulent land transfer issues we have alluded to. Recently evidence has been, as was said earlier, produced by the Law Association of Trinidad and Tobago that there is rampant fraudulent land acquisition—fraudulent acquisition of land issues in the country. The same occurred and the same continues to occur in the Merikin community.

Next, we ask that any decision to be made concerning Merikin lands, Merikin Incorporated and I dare say other Merikin groups must be part of the decision-making process. We ask that a Merikin registry with State sanction, this is to track lineage, to track genealogy. We feel that the words of Queen Victoria on the original land grant document “to him and his heirs in perpetuity”, we feel that those words must have some meaning, it must be brought to have some meaning in this time. It is different, but we are saying that.

And finally, Merikin Inc. advocates a national awareness campaign to highlight Merikinism in general. We feel strongly that the school curriculum should reflect that reality. And I am saying a lot of things have come out of those recommendations that we are making, and we could continue to discuss them.

Ms. Atwater: We would like to highlight the fact we understand that this might be a ticklish issue, but our vision is not one of material value. Ours is about cultural legacy and we do not think that you could put a monetary value on cultural legacy. That has been, as we have said before, our recurring theme has been towards a richer heritage and our cultural legacy does not have a monetary value.

Mr. Bobcombe: Let me just add one thing as a former principal, a former school supervisor in the area. This Merikin thing—south east has been one of the poorest performing educational districts in the country, and as an educator in the area my thing is, these kids, these people do not know
themselves. They are not really proud of, you know, where they have come from. We have to take this into consideration when we are deciding what we will do about the Merikins and the Merikin community. I believe that the youths in particular need to understand the past, need to understand how great their fore-parents were. The Merikins were runaway slaves in the United States, running an underground railroad from Miami straight up to Canada. You run away from any estate and join them, join the underground—you know. And then the British finding that “they hot”, guerrilla boys, they “cyar” tackle them, they going after them, joined them in their army and they fought for the British and then they came down here, you know. We have been trying to popularize this thing about what it really means to be a Merikin descendent, and this whole exercise we see it in this context of bringing this whole thing alive in the Moruga community. Thank you.

Mr. Khan: One question: What exactly is the Merikin heritage in the context of the historical development of Trinidad and Tobago and your unique culture? Is it the Baptist faith also?

Mr. Bobcombe: That is part of it. That is part of it.

Mr. Khan: But how much a part of it is it?

Mr. Bobcombe: It is a big part. It is a big part. The Merikins brought the Baptist religion from the southern United States, then they established a number of churches. The English came in and tried to put in some reforms and so on and there has been a constant battle between these reforms and keeping the thing as original as possible. But you asked the question about how, you know, we see the history as being and the Merikins as being important in the history of Trinidad and Tobago? When we came here slavery was going on in Trinidad and Tobago. We were free men. The society was watching at us and we were going out from the Merikin communities. We were—fellas were working all about, all over the country as tradesmen, mechanics. They were really assisting in the development of the southern part of Trinidad and Tobago. They worked in the oil fields. My father was Moruga, Indian Walk and I spent my whole life in Fyzabad where he worked until he retired and we went back to Moruga Road to live. So Merikins, I am saying, Merikins played a critical role in the development of southern Trinidad.

Dr. Francis: If I might add some more historical context again? It seems to be my role for today. The Baptist faith as it exists today in Trinidad has had a number of inputs, many of them also Caribbean. That movement in St. Vincent which we call “Shakerism” has had some part to play in the development of the faith, but the mecca of the Baptist faith in Trinidad is the Merikin community, and that is every single strand of the faith including the Spiritual Shouter Baptist, London Baptist, Independent Baptist. We get all of these strains of Baptist in part because of the intervention of missionaries and it causes a number of schisms, that there are those who wanted to or preferred to parlay with the missionaries. There were those who rejected the intervention of the missionaries and that relationship ends up, in part, in determining all these different strains of Baptists that we have today. But all of them owe their origin to the Merikin community.

So it is not that the Merikins are responsible for the early economic development of Moruga, which they were. They cut the first road into Moruga all the way to Marac. Because basically we need to understand what was given to the Merikins was virgin crown land, basically forest. And the fact that there is any community today in Trinidad called Moruga has to do with the development of the Merikin people. So it is not just infrastructural development. It is not just
economic development. It is not just populating what was a very underpopulated area, has to do with religion and culture and all of that as well. So the impact and contributions are numerous, are varied. Thank you.

Ms. Atwater: Do not leave out education, Sir. The Baptist faith—

Dr. Francis: And education.

Ms. Atwater:—through the Baptist faith of Trinidad and Tobago [Laughter] provided education. Fifth Company Baptist School is celebrating its 100th anniversary this year. Cowen Hamilton Secondary School, the only Baptist secondary school in the country is 53 years old this year, and Merikin communities in Marac. We have in Marac Baptist School and these people concentrated on education, educated their children. Sunday when we were celebrating West Indies victory, we have two Merikins on the team in Melissa Aguilera and Cooper. Cooper is from Mandingo Road—heart of Merikin community—and Melissa is from Marac and she still lives home. Merikin community, again. So we have contributed and we continue to contribute to the development of Trinidad and Tobago and the wider Caribbean also.

Dr. Francis: Yeah. So imagine the irony that there is a community that was transplanted here that faced, I mean, the worst aspects of a frontier experience that still somehow managed to make all these contributions towards the development of the society. And at the end of all that, at the end of all of your contributions you do not have the simplest thing that one would want to have which is title to the land that you know is yours. Imagine that historical irony. This is what this community essentially faces up to today after 200 years of not being called the Merikins, but being very, very Trinbagonian.

Mr. Bobcombe: I would want to use this opportunity to press a note on my baby in all this. There is a 15-acre block on the cadastral map marked Merikins—marked recreational purposes. Indian Walk does not have a recreation ground and we are watching this 15 acres there. And we are saying, if there is anything called heritage land that should be heritage land. And we would like to get the British who gave it to us, to probably come in with us, come in with the Merikins and really set up a top-of-the-line facility, sporting—well recreation—that word recreation could go “all how”. When you look at the topography, we have the survey map that was done by the last Government. When you look at the survey may, it really needs some top-of-the-line consultants to say what to do with this land to make it into a recreational something. And I hope in a forum like this some kind of work really gets underway in that area on that particular facility.

Mr. Khan: Let me make an intervention here. To me this is a good starting point because if there is a—with the whole issue is extremely complex, as you would realize. If it could be solved at all, it would take years or decades to solve, but at least if we could look for some low hanging fruits at least to say that something is being done for this community, I think, we can flag this area. I mean, I would even offer as Minister of Rural Development and Local Government to take charge of this project and see if I could bring some conclusion to it in terms of researching the land title and coming up with a plan, coordinating with your MP and your community to see if we can establish this initially as a heritage site for a governance structure, at least to start, to seed something fundamental in the Merikin community. I mean—

Mr. Bobcombe: I would just like to—we are looking for a lot from Dr. Lovell Francis because
MP Taylor first went in, drew some buildings and so on. We have those buildings. MP De Coteau got some consultants. NIPDEC is managing the project. They surveyed the land. That is as far as we have reached. When we want to take in—we really want to take that thing further.

**Ms. Atwater**: I would like—we would like the Committee to realize that we have been working, that we have been trying, we have been plodding and we have not given up and we do not intend to give up any time soon. And, Mr. Khan, low hanging fruit is fruit too.

**Mr. Khan**: It is in that context that I made it. I want to make one final point before I close today. You know I feel strongly about also. I do not want to bring politics too much into this things, but the PNM did in fact host a Baptist celebration in Balisier House last week and I made a short address. And I spoke about the Merikins and especially in the context of us trying to rewrite our history to suit our purposes, because our history has been written by other people. And the point I made was that today we call them faith healers and today we call them psychics, but to our own people we used to call them “seer woman” and obeah men. And I refer especially to two Moruga folk heroes which is “Papa Neza” and “Mother Cornhux”. And ask the average Trinidadian and they will say, “Dem is obeah men, dem is a obeah woman”, in a derogatory sense. I had the privilege of meeting Mother Cornhux before she died in 2001. She was a phenomenal faith healer. And I would not tell you what she told me. [Laughter] But I just want the records to show that when the history of Trinidad is rewritten, these folk heroes have played their role and they should be so recognized.

**Mr. Chairman**: Okay. I want to thank the members of the Committee, you know, for their patience and their forbearance for listening to a Merikin tale. I also wish to assure the Merikin Incorporation that this, though it may be a second presentation of Merikins to an official state agency, because I am aware that there was a commission of enquiry in the latter part of the 19th Century with regard to the disposition of the American situation in Moruga and that largely the infrastructure development that was pursued, limited as it was at that time, came as a result of that commission of enquiry. But we are fortunate, of course, today in having on this Committee the Minister with responsibility for local government and particularly rural development. So that we will hold him to his word and spearheading the corrective measures that we all agree may be necessary in this situation.

So before we close I would like to afford the Vice-President of Merikin Incorporated an opportunity to close your presentation.

**Mr. Burton**: Mr. Chairman, distinguished members of the head table and other members of the Joint Select Committee, again I must say a hearty and well-felt thank you for your patience and for the way you have listened to us and have understood our position at this point in time. We look forward in the future to having more discussions with you as we plod forward to realize our dream of Merikin heritage. Thank you very much.

**Mr. Chairman**: Thank you very much, Sir, and I wish you a safe journey, return to your cere-most residences. Have a pleasant day. We will now suspend the meeting for five minutes, before we resume with our other guests.

**10.58 a.m.**: *Meeting suspended.*

**11.00 a.m.**: *Meeting resumed.*
Mr. Chairman: The Fourth Meeting of the Joint Select Committee on Land and Physical Infrastructure now stands reconvened. Morning and welcome to the representatives of the Agricultural Society of Trinidad and Tobago. This is, of course, the Committee’s first public meeting pursuant to its enquiry into land tenure issues.

I would like to indicate that this hearing is being broadcast live on Parliament Channel 11, Parliament Radio 105.5FM, and the Parliament YouTube Channel ParlView. Members of the viewing and listening audience, of course, can send comments via email at parl101@ttparliament.org; and our Facebook page at facebook.com/ttparliament; or on Twitter@ttparliament.

Again, welcome to the officials of the Agricultural Society of Trinidad and Tobago, and I would like to take this opportunity to invite you to introduce yourselves to the Committee.

Mrs. Sookoo: Good morning all, I am Dhano Sookoo, President of the Agricultural Society of Trinidad and Tobago; Chairperson of the Committee of Management; President of the North Manzanilla Farmers Association; Regional Director of the Caribbean Farmers Network; a member of the Regional Steering Committee of the European Union Agriculture Policy Programme that has been funded under the Tenth EDF Fund; and a member of the Steering Committee of the CTA Value Chain Programme that has been implemented in eight Cariforum countries.

Mr. Hallim: Good morning everyone, I am Mohamed Hallim, and I am the Vice-President of the Agricultural Society of Trinidad and Tobago, and I have been on the Board since the year 2004. Thank you.

Mr. Greenidge: Good morning, my name is Christopher Greenidge, I am a Director of the Agricultural Society Board, I am also the Youth Officer of the North Manzan Group; I am also a committee member of the Plantation Road Aquaculture Association Plantation. Thank you.

Mr. Karim: Pleasant good morning, Nawaz Karim, Disciplinary Chairman of the Agricultural Society of Trinidad and Tobago; President of the Maloney Farmers Association; and I am also a farmer.

Mr. Ali: Good morning, my name is Frank Ali, I am a Director on the Board of the Agricultural Society of Trinidad and Tobago; I am also the President of the Progressive Bon Air Farmers Association.

Mr. Chairman: I, of course, am Sen. Stephen Creese, Independent Senator and Chairman of this Committee. I would now like the members of my Committee, starting on the right, to introduce themselves to you.

[Members of the Committee introduce themselves]

Okay, I would like to make sure that we either put our cell phones on silent or deactivate them. I would now invite the agricultural society to make a presentation to the Committee.
Mrs. Sookoo: Thank you Chairman. The Agricultural Society of Trinidad and Tobago, having just passed 175 years of existence, as an Act of Parliament, Chap. 63:01, has a mandate to the people of Trinidad and Tobago. In our instructing manual, in our Act, it clearly outlines the society’s role and function. Most important, is to assist in the advancement of the agriculture sector in Trinidad and Tobago, all branches of the agriculture.

The Agricultural Society of Trinidad and Tobago takes the issue of land tenancy, the regularization of farmers on state agriculture land as the catalyst for agriculture development in Trinidad and Tobago. There can be no diversification; there can be no food security, if as a Government we do not treat with the issue of land tenancy in this country. In 2012, the Food and Agriculture Organizations of the United Nations published a document, Responsible Governance of Tenure, which will guide the 189 nations of the United Nations in the context of food security, and how best these guidelines can be implemented in each of the countries to assist in tenancy of farmers and occupants of lands.

If I may read, in this guideline as it states:

“The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land, fisheries and forests. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth.”

Ladies and gentlemen of this Committee, Trinidad and Tobago its history has proven that we have been practising, and still do, weak governance of tenure in this country. And what has weak governance of tenure allowed us to be today? It has allowed us to marginalize the poor; it has allowed us to make already social and economically marginalized women more vulnerable. Weak governance has allowed us to hinder the progress of our rural people.

It is in this context that we appreciate this discussion before this Joint Select Committee. We do not expect our presence here today to be part of a continued talk shop of which this country has been accustomed to. Over the last few years we have advocated publicly, in every arena that was possible, even on the streets of Trinidad and Tobago, the importance of tenure of land to the people. If we are really serious about food security to Trinidad and Tobago, ladies and gentlemen we must address this issue. We at the agricultural society submit ourselves today to this Committee, because we have recognized that like most of Trinidad and Tobago, that it is bad policies and bad politics that has brought us to the mercy of the rest of the world where we have now so grown accustomed as a country to imported food. And we present ourselves here today to this Committee and we hope that this discussion will chart a new way forward for the people of Trinidad and Tobago.

Mr. Chairman: Does any other member of the committee wish to address our Committee?

Mr. Karim: My intervention here would be specifically to youth and the social ills of society presently. I come from a community that is somewhat high risk, you know, the windy hill area. I farm in the Maloney area, so we are accustomed to the crime activities in the area, and we have seen through the agricultural society for the last four years or so, trying to promote youths to get into agriculture and basically stop liming on the block. We have been successful so far in doing
this, but, you see, you want youths to be farmers, you do not want them to be farm workers; and
to go from a farm worker to a farmer one of the most important things is land. So, today, I want to
commend the Committee for giving the ASTT the opportunity to be here to express our concerns.
Thank you.

Mr. Hallim: Mr. Chairman and members of the Committee, I have been around in the agricultural
sector. My whole career has been with the Ministry of Agriculture since 1969, and that year I was
an extension officer who had to look after the needs of farmers in terms of incentives, for example.
And since 1969 to now the same problems that occurred then are occurring today. For example,
farmers need land tenure to get an incentive. And since 1969 we were not able to give incentives
to our farmers from that time, and up to today those same farmers that I know, well most of them
have died really, because I was a younger man and they were older people. But, many of the
farmers that I knew still up to this day which is 40 years later or more, they still do not have tenancy
to their land. So, the problems remain and they stay there and, hopefully, with a forum like this,
we could find ways and means of quickening up the process, of getting these people some legal
status. Thank you.

Mr. Chairman: Does any other member of the society wish to speak? Okay, the floor is now open
to members of the Committee.

Dr. Francis: Good morning everyone. Full disclosure, I did my PhD dissertation on agriculture,
specifically the sugar industry, but the references will translate. When I was doing my research I
came across a dissertation from 1963 by someone, subsequently a Dr. Maharaj, talking about what
is wrong with agriculture in Trinidad, in particular. His evaluation was that land tenure was the
issue. The main specific recommendation was that we need to look at the size of holdings as the
main component of that issue. What I am really asking you, or I want to ask you is, the specifics
of the problem in terms of land tenure, can you outlay them for us? Thank you.

Mrs. Sookoo: The food that has been presently produced from this country, 80 per cent of that
food that is being produced by what we term squatters in this country. Approximately 80 to 85 per
cent of the farmers, the food producers, are untenanted. We find this most prevalent in the rural
communities, in the Sangre Grande, Plum Mitan, Mayaro, Rio Claro areas. There is some level of
agriculture production along the East-West Corridor including Maloney, Orange Grove, Bon Air;
as we go down into central in the Felicity area, in the Bonaventure/Gasparillo area. All of these
areas that I have just called, there is less than 1 per cent of farmers/food producers that have any
tenancy to these lands.

Mr. Khan: Are they farming on state lands?

Mrs. Sookoo: Yes, Sir. All of these areas that I have just called, and there is much more that we
can let you know by written information. We can produce that information. They are all
untenanted.

Mr. Khan: How do they farm in the first place? They just went and farm or did they have an initial
tenancy that expired that was not renewed? Because there cannot be lawlessness either. So, you
just cannot appear on a piece of state land and say I have farmed it so I am a farmer, so I have
some rights. There has to be order. So, what I am asking you, if there are so many untenanted
lands, is it because there were “illegally occupied”, or is it because bureaucracy in the system that
has not been giving them their agricultural leases?
Mrs. Sookoo: I would say both. But, more so the bureaucracy in the system. If you look traditionally how farmers were supposed to be tenanted on lands, and we look at the institutions, we look at the divisions that were responsible for having these farmers given their rise, their tenure to these lands, there is an entire breakdown in the system. What we have seen is two and almost three generations of occupants of these lands that are still untenanted.

Let us take for example, to my extreme left here is Mr. Nawaz Karim, he is a third generation farmer farming in the Maloney food crop area, he is now regarded as the hot pepper king of the world. Recent reports coming out of the United States revealed that the best hot pepper entering the US market is coming from Mr. Karim’s farm in Maloney, and he is also a third generation squatter. It is the responsibility of the State. It has always been and still rests with the State to look into this aspect and regularize farmers. So, a great part of the problem lies with the institution, the way the bureaucracy within the system that has not allowed the individuals to be tenanted.

Mrs. Jennings-Smith: I would like to start with some of the policies that were in place. Can you tell me as chairman—madam president, sorry—of instances in Trinidad of persons who were legitimate farmers who got lands legitimately for farming purposes? Can you tell me of what percentage of those engage in farming to any large extent?

Mrs. Sookoo: To my knowledge there is a percentage, I will say probably about 7 per cent of individuals who would have had some tenancy to land still engaged in farming. What we have recognized at the agricultural society having gone on the ground over the past few years is that there has been issued to many individuals tenancy to land under the pretext of farming and agriculture which never occurred and the genuine farmers of this country are the ones that have not been tenanted. If you look in the Orange Grove area, for example, there are 434 acres, I think, approximately that is tenanted to a particular company. But, behind that 434 you have over a thousand acres of agriculture lands that is under production and not one of those farmers, over the last 30 years, have been tenanted on those lands.

Mr. Smith: Of the 7 per cent, that 7 per cent is from the 85 per cent you spoke about?

Mrs. Sookoo: No, 7 per cent will be about 7 per cent who actually have some tenancy in their hand. About 80 to 85 per cent of the farmers, the food producers, are still yet untenanted.

Mr. Smith: And what is the process? Are any of that 85 per cent closer to it now? Is there a process going on, or any negotiations or talks going on, that a percentage of that 85 is moving forward at all, or is it all a stalemate right now?

Mrs. Sookoo: Well, Sir, in 2009—if I may go back, and I want to present this to this honourable gathering here today—then Minister Piggott, who was the Minister of Agriculture, we would have had a meeting with Mr. Piggott to address this issue of land regularization. The agricultural society proposed a process where we can look at—I do not want to use the word “fast tracking”, but we could accelerate the process, and we got buy in from the Minister.

What it entails is the Agricultural Society of Trinidad and Tobago coming together with a team that would partner with the Ministry’s Extension Division, and we went out on the fields, and we did what was called an occupation survey of the lands, and in so doing we used Plum Mitan Food Crop Project as the area that we will treat with first. And we went in there and we did what was called an occupation notice. We took up plot by plot, the individuals who were actually
farming the land, and not persons who would have applied for the land. We were able to identify in that process vacant plots of land. What we have seen coming out of that programme in 2013 where 120 individuals—I think it was the largest distribution of leases in this country coming out of that programme, where they were able, the process was certified by the stakeholder, which was the agricultural society and the Ministry of Agriculture Extension Division—and we were able to see some 120 farmers being given their tenancy.

If I may add, Sir, further to that, what we did, we tied the issue of land tenancy to food production in the context of food security. So, we then proposed in the project document we had submitted then, we proposed a holistic development of these communities. So, what we did in regularizing the farmers, we went in and ensured that there were proper irrigation systems; we ensured there was proper infrastructure, roadways and so on; proper drainage for the farmers; and we were also able to introduce the Agricultural Development Bank to provide financing to these farmers. We were able to put a proper crop production schedule model in place that will allow some level of sustainable production for particular commodities. And that is how we were able, around 2012/2013, to have supplied certain franchises, restaurants, in this country with cucumbers, coming out of that project in Plum Mitan.

**Mr. Paray:** Morning madam President, I am hearing a lot of good things coming out of the agricultural society, and listening to what you would have said in terms of the conversation with Mr. Piggott back in 2009, it tells me that, you know, the agricultural society is well oiled and well tooled to push this process forward. Now, in your view, if you had to identify the top five reasons why legitimate farmers in legitimate areas are having difficulties in getting their lease processed in a timely fashion, what would you determine as the top five or six areas that are bottlenecking the process? Thank you.

**Mrs. Sookoo:** Presently there exists a system at the Ministry that is dependent on a public officer to go out there in the fields and collect data and information and make recommendations. That has been the catalyst for this process not being efficiently operated. Many a time these officers they go on the field but they stay in a sheltered area. There is no verification of whether these individuals actually farm on these lands, the level of production. So, we are saying that that is one the major problems, the identification process, and we were able to prove that in the 2009 programme that we did with Mr. Piggott, where the agricultural society, the stakeholder body, went out there and led the way in gathering this kind of information.

So, one, the present circumstances that exist with the relevant personnel, it has to be changed. So, we need to have more stakeholder intervention, and who knows farmers best, but farmers. And the Agricultural Society of Trinidad and Tobago, being the legal voice for the farming community is the institution most poised to treat with this issue.

Secondly, when this information is collected at that level it goes now to your land management unit, your regional offices. Again, we are dealing with public officers, people who work eight to four. We are not dealing with individuals who have a real passion, have a stakeholder in this process; is a stakeholder in this process. So, what we are seeing even at that point, the terms of verification of the information that came forward from the county offices, the time they have to go back to the farms to verify whether that information is correct, how much of it is correct, that is another sticking point. Again, if at the very early stage you had the stakeholder sign off
participation in the process, we would have alleviated that bottleneck situation.

My third point is that when all of this information is collected, many a time you have an issue with the survey, the Director of Surveys. Sometimes you have a survey plan that is not approved. So, when you reach, probably at the land management unit they will say, okay, yes, we do have this; but this plan, it is surveyed, there is your cadastral, but it has not been approved, maybe, by Town and Country Planning. Because, they also have to approve. And, I will use a classic example: the Maloney Food Crop Project which has been surveyed for over 25 years, those farmers could not have been regularized, and when the agricultural society went in to investigate why, it was because the lay by road, when you turn right on the traffic light that takes you to Bestcrete, that layby road that was constructed there was not appearing on the map. So, Town and Country could not have approved the survey plan.

So, there it is, you do not have the agencies that are responsible for guaranteeing these farmers their legal right, their tenancy to these lands. There are these agencies all operating in silos. There is not a common ground for the operation of these agencies. So, we need to really and truly find a mechanism, some stakeholder committee, some stakeholder platform that could bring the agencies more regularly together to address some of these issues.

And, may I say number five, Sir. I know we are in a room of politicians, but sometimes it is the politicians who stand in the way. As I said in my opening remarks, you know, sometimes we just do not have the political will to do that. We have the political will to deal with other issues, housing and industries and everything else, and only because we are now faced with a foreign exchange crisis and everything else, we are now finding the agriculture conversation so interesting.

11.30 a.m.

So sometimes it is the political will to get the job done, you know, we are not seeing that political will. I always emphasize to people when I speak, that in 2009 Minister Piggott and when Mr. Noel Garcia was brought in as the Chairman of EMBD, ADB and NAMDEVCO, the sector had really taken a positive turn. So we were seeing that kind of intervention, direct intervention that is required. So maybe you need a Noel Garcia in the sector to drive this process forward, because he had engaged the Agricultural Society and we were partners in this process.

Mr. Smith: Nothing is new. You know things happen all the time. I am sure out there, worldwide, and you all would be doing your research that there have been situations such as Trinidad and Tobago right now that a country was able to become over it and get over it and do certain policies and procedures to ensure that it was cleared up. Is there any country that was similar to where we are now that was able to break through and get this cleaned up that you all know of, a model that was done anywhere in the world, in the Caribbean or in the Americas to be precise?

Mrs. Sookoo: I cannot say, but what I could say is that the model we did in Plum Mitan and the processes that the Agricultural Society had put forward and we were going forward with in 2009. In 2013, as President of the Agricultural Society I was invited by the United Nations to address the global commodities forum in Geneva and at that forum I had the opportunity to address on the issue of poverty eradication using agriculture and the development of rural communities. And I used that Trinidad and Tobago model and I put forward that to the United Nations and my understanding is that that information was being used in other countries as to involve more stakeholder development in the process.
Mrs. Jennings-Smith: Through you Chair, I really want to go back to my first question. I do not think you answered my question, because, you know, as a citizen I drive through Trinidad and I see many places which were declared as agricultural areas which I now see huge buildings, for example, the Aranguez area. As an agricultural society, tell me, what are some of your concerns with regard to that?—because as a citizen you expect places which were regularized for agriculture to engage in large scale farming, and I really recognize Mr. Karim. I want to compliment you on your hot peppers recent success on the market, and these are the places that young people would look to and realize that they could have a future in agriculture.

If it is that Government would have given out large parcels of lands to some people and then it is seen that you see concrete structures going up on lands which were identified as agriculture lands, what have you as an agricultural society, what have you done about those things to promote, because we are talking about land tenancy and regularization for land for agriculture, and as a government we must be concerned as the process we would engage in regularizing land. Bearing in mind these are some of the situations that have occurred in the past. What are some of your concerns in going forward?

Mrs. Sookoo: To answer your question directly, we do have a concern with so many arable agriculture lands throughout this country that we now see industries and housing. And back in 2011, I was that individual who led that march through Port of Spain for almost two weeks, advocating for a land use policy for Trinidad and Tobago. We were promised it in 2011, we are now in 2016 and we are yet to see or yet to be called forward to participate in any discussion on a land use policy for Trinidad and Tobago.

The issue of these concrete structures being on these lands, the State is the regulatory body that is responsible for ensuring that when you give someone a parcel of land for agriculture purpose that it remains in agriculture. This is why you have a land management unit at the Ministry of Agriculture, Land and Fisheries. As I indicated earlier, one of the problems is because we have is a serious breakdown in the operation management at these institutions. So who is out there? The Agricultural Society of Trinidad and Tobago we are doing our very best.

At present we do not have an office, we do not have any resources available to us to continue that exercise that we started in 2009 and continued up to 2013. So we, ourselves are very constrained in even fulfilling our mandate as enshrined in our Act, Chap. 63:01.

Mr. Paray: Madam President, you made a statement there about no office space and so on and as a statutory board, are you funded by the State?

Mrs. Sookoo: Annually, the Agricultural Society of Trinidad and Tobago receives a grant as approved by the Parliament of Trinidad and Tobago. We write our request to the Minister of Finance, we sit in the round table discussion with the Minister of Finance, we also propose policies and programmes as to setting forward the direction for the agricultural sector.

Since 2013, through someone’s political decision, the Agricultural Society was deprived of its funding. Even into 2014, 2015, we are now in 2016 and we are still left without an office although there is a line item in that approval from the Ministry of Finance for rental of office space for the Society. The Society also has as part of its assets, two vehicles of which we have no use for 2015 and 2016. We are now paying thousands of dollars. We are spending thousands of dollars transporting members of the committee throughout the country and we are a 26 member committee.
that is strategically located throughout this country as far as Los Iros to Rio Claro, to Plum Mitan, all over, our 26 directors come from.

So when we sit as the Agricultural Society we discuss agriculture in Trinidad and Tobago. So at this point our hands are tied, our feet are tied, we are a group of people that has the power, a power in the sense of the energy, we have the drive, we have the commitment to support an initiative of regularizing farmers, but the status of the Society according to the politicians does not allow it to go forward.

Mr. Paray: Would you say, Madam President, have you brought this to the attention to the hon. Minister of Agriculture, Land and Fisheries in terms of—

Mrs. Sookoo: Since September of last year, Sir, I would have met the hon. Minister when he came into office and prior to that we would have had discussions. Since September we have been begging at the Ministry’s doors to have this process regularize. We have a four member staff that comes from the Statutory Authorities, Service Commission and imagine almost two years, four public officers, a secretary range 54D, assistant secretary, a clerk/stenographer and a messenger that is being paid by the taxpayers of this country and are performing no duties, no function on behalf of the people of Trinidad and Tobago. They are all in an office somewhere down in St. Clair.

Mr. Francis: I want to ask a different question.

Hon. Member: Go ahead, Sir.

Mr. Francis: How much of the current food needs of this nation does the farming community provide? And the next part is a bit unfair but I will ask it anyway. How much do you expect if we rationalize this problem within a reasonable period, how much do you expect that to improve?

Mrs. Sookoo: What I am about to say to you, Sir, is the truth, the whole truth and nothing but the truth, so help me God. So, Sir, presently based on our food consumption I will say we are producing somewhere around 15 to 20 per cent, maybe less not more. It could be less. If you go back to 10 years ago, there are records at NAMDEVCO that will show that we were exporting to one country, Barbados, over 1.5 million pounds of fresh agriculture produce. Ten years ago we were loading six 40 foot containers of pumpkin to North America and Canada. We were then the food basket of the region.

So over the years when we had the shutdown of Caroni (1975) Limited, and as you know on those Caroni lands there were a lot of private tenants and we had these individuals removed from those lands. Since then you would recall the crisis we had in 2007—2008 with escalating food prices, all of these were contributing factors for individuals being removed from lands that they were farming for over a number of years.

So I can say for the second question that you asked, if this process is addressed, if this issue of land tenancy is addressed and not just address, it must be addressed in an effective and in an efficient way in the context of food security, I can safely say that there is no reason that within the next three years we cannot be producing 65 per cent of the food that we consume. And the Agricultural Society of Trinidad and Tobago once given the resources, our tools we are prepared to hold the hands of those in power, those in authority and assist this process in achieving that goal.

Mrs. Jennings-Smith: I speak as a Member of Parliament for Toco/Sangre Grande which is a
noted area for agriculture and lots of land area. And I can say that I have had the privilege of
touring that area with our Minister of Agriculture, Land and Fisheries over an entire weekend
where we not only looked at land but we looked at fisheries and other type of development for
agriculture. I want to ask you as President, Madam President, have you brought other
recommendations to our Minister with regard to acquisition of estates, because in Toco, Matura,
Matelot and those areas we have huge amount of lands just lying there. Have you all as an
agricultural society, done any research into areas in which you could may be recommend to the
Minister for acquisition relative to some kind of agricultural engagement?

I will ask another question to Mr. Karim. As an agricultural society, you spoke about
farmers, young people being farmers and not farm workers, and I really like that statement. As a
body, have you done any engagement or any plans or any sensitization for young people to get
them interested in farming, especially in my area where there are a number of young people
unemployed and they too are seeking ways and means where they can make a contribution to this
country, Trinidad, especially now where we need to get food to feed our nation. So could you
please tell me if you have that, if you have done that? I know too there is an area in Valencia where
some young people are engaged in tilapia farming and they need that kind of guidance. Could you
tell me what you have done so far as the Agricultural Society of Trinidad and Tobago?

Mr. Karim: Well first of all as our Act would state we have to disseminate information and
knowledge. What we basically do for the Society and as a young person as myself and Frank and
many of us are young, basically under the age of 40, we go to the farming communities, mostly
rural communities and we promote agriculture. What the Society also does, we try to bring young
persons into our successfully farms. So for instance, we are going to have some workshops soon
in the Maloney area, Orange Grove area, North Manzanilla area. But I want to add here and I want
to plead also to this committee, you may have the will, right, you dedicate your time to Trinidad
and Tobago but when you are placed in a situation that the Society is in presently it is very difficult
for you to have any level of success. And I want to just give you a bit to just explain something.
This hot pepper article was something that basically rocked the world. And what happened is that
we got investors, persons from the United States calling us in Trinidad wanting to get involved in
this Trinidad and Tobago hot pepper and they will ask you questions. They want to know how you
operate down here and one of the critical things was land tenure. Because if they are to come here
to invest in your operation and you do not have land tenure they do not want to be part and parcel
of that. I mean, it is obvious, that is just sense. And for too long in Trinidad, and I do not want to
be lashing the politicians here, but this is how I see it as a farmer and I have been farming for quite
some time, straight out of school and I am now 34, right, the sector is dying. We are out there night
and day as the Agricultural Society promoting agriculture in Trinidad and Tobago.

The Government now is talking agriculture as the president said because of the issues with
the economy and what not, but we have been doing it all the time and for some reason we do not
seem to get the support from the politicians and it is really, real disheartening for this to keep
continuing in 2016. So I personally am pleading with this Committee and to the Government of
the day, let us stop the talking, I have been to many talk shops. I get fed up. Let us really get
something done and do something for agriculture in Trinidad and Tobago. And one thing I feel
proud when I go to New York and Miami and you see hot peppers there and hear the thing, and I
feel proud about that because I could identify Trinidad hot peppers anywhere in the world. But you know what I saw in New York on the labelling, Jamaica pepper. It was not Jamaica pepper. It was pepper from my farm and that is how it was labelled.

So we need the assistance of the politicians, we have to work hand in hand to promote this sector. I want to repeat this, the sector is dying because there are no young persons coming on board and this land tenure issue is a critical issue. I am going to state this here, I am on a one hundred and something acre parcel of land and I have been squatting there. And that land was squatting land since 1986. We have made applications for land year after year and we are the producers in Trinidad and we were never successful. So something is fundamentally wrong with the system and we cannot take a next five or six years to fix it, it has to fix now. Thank you.

Mrs. Sookoo: To answer the earlier question from MP, Mrs. Jennings-Smith, whether or not we made recommendations to the Minister with regards to the amount of land and how best these lands could be utilized, that was what we started in 2009 continued into 2010, 2011. In 2013 we saw that Minister just brushing everything aside. Then came a new Minister in September 2015 and we were very hopeful that we would have re-entered this kind of discussion and close collaborative working relations. However, at a recent seminar, workshop at Cara Suites in Claxton Bay, I heard the Minister in his address stating nobody is going to tell him what to do, so I do not know as the agricultural sector maybe we will come by Sen. Franklin Khan and probably have some discussions on rural development and agriculture.

So sometimes, you know, we just do not know where to go, who to talk to because sometimes you get that kind of response from people and when you have your line Minister making an open public statement like that then as the Agricultural Society where do we go, who do we talk to. The Commissioner of State Lands and I want to make this point, the Commissioner of State Lands in this country is a very, very important person, strategically placed to deal with the issue of land tenure. And when you have to be taking six months and only appoint an Acting Commissioner and you have to wait another year or so to appoint a Commissioner, where do we go?

Where is the role of the President of the Republic of Trinidad and Tobago who supposed to be the landlord of this country in this whole context of regularization of farmers and food security and all of these things? So there are people involved in this whole process of land regularization and the time has come, as young Karim has said, for everyone to step up to the plate and adhere to their responsibility. It is written in black and white. If you go back to the State Lands Act you will note the responsibilities of each and every one.

So Madam MP, the Agricultural Society is ready and willing to work especially in your area. The president and almost half the board is from the Eastern part of Trinidad and you know most of the agriculture presently is coming from that area. Valencia have been known to be producing some of the best hot peppers, pimento peppers for export. We have much of our bodi beans and other commodities coming from that area. We have started work with a group of young men in the plantation area as we have started in Windy Hill. Part of the Agricultural Society’s work is to make that kind of social intervention. What we are doing is meeting with these, what we called “high-risk youths” and we are getting them involved in agriculture.

There was a recent intervention by Mr. Frank Ali and Mr. Karim in the Windy Hill area
where we got some 67 young people involved in agriculture. And again, to take them to the next level we do not have the resources. It is sitting down somewhere in the Ministry of Agriculture, Land and Fisheries by a political decision not to allow the Society its resources. In the plantation area, our young guys in plantation, they are using these abandoned gravel pits, right, and they are doing aquaculture. We recently did a one day crash course with them in aquaculture production. Part of the Agricultural Society’s work is every month to have the stakeholder platform throughout the country and bring all the stakeholders together to discuss agriculture and its challenges. Again, without the resources and the tools to do so we cannot.

There is a delegation from Panama that is coming to meet with the Agricultural Society, the Ambassador to Panama and this delegation in Trinidad. And where do we have to host them, on a farm. Or either the members take money from their pockets, their pocket money, and pay some meeting room to host these people. We have our colleagues coming in from the Caribbean Farmers Network, the Jamaica, Barbados, I am presently leading the marketing programme with the Massy Stores regionally to try to get, you know, more markets are better market access for farmers and so on. And where are we meeting? We are meeting on the streets.

We have investors ready to come into Trinidad and Tobago to invest in our hot pepper project to set up some factories to do processing that could earn foreign exchange for this country. Where do we have to host these people? On the streets or on somebody’s farming plot.

So ladies and gentlemen to this committee we implore you, we ask of you to allow the Society, make that recommendation and allow the Society to be able to proceed with its work programme. All we want to do is fulfil our mandate as enshrined in our Act.

Mr. Paray: Madam President, just coming back to the issue on the land tenancy. Would it be safe to say that when we are going forward in terms of moving the process forward, if consideration to do the setting up of a special agency or a secretariat that can have components of the Ministry of Agriculture, Land and Fisheries, EMBD, State Land Division, your Society, Caroni (1975) Limited, as a secretariat, do you think having this new secretariat in a unit may be able to speed up that process where you have all arms of the specific agencies sitting under one room looking at these requests for the land tenancy. Do you think that is something that could move this process much faster than the silos that you referred to in your original contribution?

Mrs. Sookoo: Most definitely. As one of the recommendations to this committee that we are submitting today in going forward, in treating with the issue of land regularization is the immediate setting up of this committee that will be meeting at least twice per month, right, because we must set some time frames and so on to effect this work. Presently, there are some 800 files at the Solicitor General’s office waiting for regularization and these files are incomplete and they were incomplete by whom. So we want to start the process. There is a good starting point.

The Agricultural Society of Trinidad and Tobago has identified 17 food baskets in this country that we need to treat with the issue of regularization and infrastructure development. And in so doing we will start to treat with the food security issues. So there is the urgent call for the setting up of this stakeholder committee and we are saying that, I do not want to say the private sector, the Agricultural Society of Trinidad and Tobago, the legal body, must have a representative or representatives on this committee that will make representation on behalf of the farmers.

I want to make this point and it is a very, very important point. Because this process over
the years has been left in the hands of public officers we have evidence, we have information where we have seen these individuals became real estate operators over the years, buying and selling of these State agriculture lands and that is a fact. So this committee could eliminate some of these corrupt practices that we have grown so accustomed to in this country if we want to treat with the issue of food security.

**Mr. Khan:** Yes, Ms. Dhano, where should I start? *[Laughter]*

**Mrs. Sookoo:** From the beginning.

**Mr. Khan:** Let me say, as the only Member of the Cabinet here, I want to make a few comments on behalf of the Government. As we speak we are saddled with a $4 billion to $5 billion food import bill. As we speak the agricultural sector contribution to GDP is 0.5 per cent. I have been researching this. I know of no country in the world where agricultural input to GDP is as low as that, 0.5. Even Saudi Arabia is higher than that and Saudi Arabia is only desert.

Saddled with significantly declining petroleum revenue, agriculture is coming on the radar as a matter of not choice, as a matter of necessity. This country has to wake up. Previous administrations, past administrations, I do not want to go back there, but this administration is committed out of both policy directive and necessity that we have to boost agricultural production, because even though you said land tenure and I know land tenure is an issue there is not a squad now that is putting you out of the land, you know. So, in fact, you may be on the land illegally or without title but there is not a hit squad putting you out of the land. So still there are other issues in agriculture that has agricultural production so low outside of tenancy. But that is for a different forum.

The point we are making is that agriculture and you used the word rural development on many occasions because that was the rationale in refocusing the spatial developmental agenda into rural areas. And the Ministry of Rural Development and Local Government’s partner Ministry, is really agriculture. So I will be working closely with the Ministry of Agriculture, Land and Fisheries and the Minister of Agriculture, Land and Fisheries in the context of this programme. But I want to give you the assurance, on behalf of the Government, that I know you say politicians talk and we provide lip service but this time lip service would not work, because ladies and gentlemen this country is in serious crisis when it comes to our numbers. Under no circumstance and I mean absolutely no circumstance can we afford a $4 billion to $5 billion food import bill.

So, by that token alone, if that bill has to cut down to $2 billion or two and a half billion or what, you have to fill the commodity gap somewhere and you can only refill by local food production. Luckily, and I say this, luckily, a lot of our food import bill is short-term crops. So you do not have to plant a cocoa tree and wait five years for it to bear to make chocolate. You are looking for food, and God knows what he was doing when he put food in a short crop scenario. So that we have the timeline now that we can work with. And I want to give you the assurance on behalf of the Government that both the Minister of Agriculture, Land and Fisheries in particular, myself, the Minister of Rural Development and Local Government will be working closely with you and all the other stakeholders in Trinidad and Tobago. Because what has been happening in Trinidad these days is that, in all sectors you see it, everybody claimed to represent something. So you go into sport and five groups say they represent basketball. You come into agriculture the same thing.
So as a Government you have to do a dancing act. You are on a tight rope and you have engage everybody. So it is our intention not to—I know you said the Minister said, nobody will tell him what to do, what have you, but in what context I do not know what he means. But the point about it is that we will be engaging with all the stakeholders and try to bring some sanity to this agricultural sector because the numbers that I drive in my head I do not what to hear anything else. Five billion dollar food import bill, unacceptable; 0.5 per cent of GDP, unacceptable and we have a sheet here that was prepared by the Parliament that shows for each commodity by food group, the current consumption and the current production. And the variance is astronomical. I will quote one example here, sheep and goat, current consumption, 3,369 tonnes. You know what is our production?—355. So that mean all that goat and sheep are coming from Australia and New Zealand. And while we come close to things like cucumber and pumpkin and stuff like that, there is still a major deficit on basic agricultural food items.

12.00 noon

So there is a lot of work to do. I want to give you the assurance that you have the support of the Government, you have the support of the Cabinet, and I do not want to sound political, but let us do it together.

Mrs. Sookoo: Well, you know, Sir, in response to you, we are prepared. We have indicated so that we are prepared to do it together. I want to make a point to the MP for Moruga/Tableland area there, I do not know if you are aware but in the past years, probably seven/eight years ago, we exported approximately 20,000 pounds of pineapple weekly to Barbados, and that is the kind of potential that is out there. What we need to do is put the mechanisms in place, and reducing that food import bill, Senator, it is no rocket science; it is just all hands on deck. When the budget was read in Parliament in September and the media spoke to me and asked me, “Well, what are your comments?—agriculture just got eight hundred and something thousand dollars”. I said, “Agriculture has nothing do with the quantum of money, it has to do with the management, the administration of the sector, because agriculture is the most fortunate Ministry where you have the people, you have the resources, land, you have your own bank in the ADB. All you have to do is manage the people and you can get where you want to be”.

In going forward, apart from us asking for this stakeholder platform, this Committee, with representation from the Agricultural Society, as the legal representative body for farmers, we would also like to see the Government of today adopt a new process. From the time someone is given a letter of offer—right?—to accept the tenancy to a parcel of land, we must have within six months those documents being delivered to that farmer. We must not be waiting 15 and 20 years on some offices, some lawyer somewhere; Government must now look at a process—right?—that can hasten this task that the farmers are faced with.

Mr. Khan: We are running out of time, I just want to ask one very pertinent question. I want to know what is your view on this—there is something called free trade, which, based on World Trade Organization protocols and stuff which we have to take a hands-off approach on, so the Government cannot impose a ban on foreign food; there may not be foreign exchange available to import it to the quantum you were doing it in the past, there is still the avenue to import. So let us take pineapple, for example: Dr. Francis and his team from Tableland, pineapple farmers, produce pine, sweet-tasting pine, but Dole also brings down their pine, it looks better, better shaped, better
Mrs. Sookoo: I prefer me answering this question to you, Sir, as the advocate for farmers and agriculture development in this country. You know there is something called the non-tariff barriers—right?—and we would not there into this discussion, but we have a next-door neighbour called Barbados, a country called Barbados. I have been one of the main exporters to Barbados over the years and you know what they do? They have a foreign exchange control system and for you to get a licence to import anything you have to have collaboration between the Ministry of Trade and the Ministry of Agriculture, and you have to show proper justification that this commodity is not being produced of sufficient quantity at that time on the island, only then you will be granted a licence, and they are operating within the Caricom trade agreement, the Treaty of Chaguaramas.

So I am saying that even within CARICOM—right?—we still do not enjoy free trade, right? So we just have to look closely, there are areas, right? There are areas where we could treat with those issues. We talk “eat local”, we talk “buy local”, but we have to produce local, you know, and everything else falls in place, but that is for another discussion which I will be happy to share all that information with you and more.

Mr. Khan: Okay, thank you very much.

Mr. Paray: Thank you. Madam President, Minister Khan now identified a number of shortfalls in terms of our production, especially like in the sheep and goat area, and a number of other agricultural areas, would you say that the land tenancy issues in terms of having documentation for farmers to get financing, to push mechanization, capitalization of their farms, and so on, do you think that the land tenure issue and financing is directly related to the low production in terms of our local production that we are seeing on this document?

Mrs. Sookoo: Of course, food cannot be produced on our rooftops, it has to be produced on land; and land tenancy, regularization, land availability to farmers is the catalyst for the growth of the agriculture sector, and only when we treat with that issue we could treat with the issue of financing, mechanization. In fact, the Agricultural Society is putting it to this Committee today that if it is that this Committee stands firm in its commitment, and the Government of the day, in treating, in an aggressive way, the issue of land regularization, we are prepared to walk with you day and night on this process, and we are saying that in the next 18 months we could see a significant reduction in the food import bill.

We could become more competitive on the export market because we will be able to reduce our cost of production through the mechanization introduction of new technology. Nobody wants to invest on a parcel of land which, maybe tomorrow, somebody could come and say, “Listen, you have no title to this land, you need to get out and we are going to build some housing, or so”. And, in that context, I want to bring to Sen. Khan, Sir, as the Minister of Rural Development and Local Government, I challenge you today, Sir, North Manzanilla farming community, that is in MP Smith’s adjacent constituency, the Inter-American Institute for Cooperation on Agriculture, IICA, partnered with the farmers in that community and put together a wonderful document. It is a project proposal of the North Manzanilla farmers for the establishment of an agro-processing facility and
a spa to see the development of the coconut industry in Trinidad and Tobago. That is an area that is very rural, very underdeveloped. Illiteracy among the people is very high, and you all have all sorts of social issues.

The Society went in there, we started a programme; we have about 40 young people already on the land. Let us go in there, let us regularize those farmers, let us bring in the financiers, let us bring in the community development, let us being the agencies together, and let us say to Trinidad and Tobago, this is a model for developing rural communities, and we are committed to working with you in that regard.

Mr. Khan: You are pushing against an open door there.

Mr. Francis: Mr. Chairman, one thing, I do not want to be crucified when I go back to Moruga, so I just need to say to Mr. Karim about this hottest pepper from Maloney, I am not so sure about that, eh. I want to go home safely.

Mrs. Sookoo: Not hottest, Sir.

Mr. Karim: We would not want to take that from Moruga, we really produce a high-flavoured hot pepper, not the hottest. We will leave that with Moruga.

Mr. Francis: Thank you very much, Sir. I can go home in peace now.

Mr. Chairman: I thank you all very much. I wish to convey our thanks to the President, Mrs. Sookoo, and other representatives from the Society, for your contribution here today, and sharing your experience with the Committee. I would also like to thank fellow members of the Committee, and the parliamentary staff for their assistance rendered in the conduct of these proceedings. And, finally, last not least, I want to thank the media for their coverage of the event, and our viewers on the parliamentary channel, and the listeners on the FM station. With that note, I bring these proceedings to a close and adjourn the sitting.

12.09 p.m.: Meeting adjourned.
10.00 a.m.

Mr. Chairman: The Fifth Meeting of the Joint Select Committee on Land and Physical Infrastructure, good morning. This is, of course, the Committee’s second public meeting pursuant to its enquiry into land tenure issues. This hearing is of course being broadcast live on the Parliament Channel 11, Parliament Radio 105.5 FM, and the Parliament’s YouTube Channel ParlView. Members of the viewing and listening audience can send comments via email at parl101@ttparliament.org or on our Facebook page at facebook.com/ttparliament or on twitter at ttparliament.

I would like to take this opportunity to welcome the officials of the Ministry of Agriculture, Land and Fisheries and, of course, invite you to introduce yourselves.

[Officials introduce themselves]

Mr. Chairman: Thank you and, of course, I am the Chairman of the Joint Select Committee for Land and Physical Infrastructure, and my name is Sen. Stephen Creese.

[Members of the Committee introduce themselves]
Mr. Chairman: Of course, Committee members are reminded to direct their questions and concerns through the Chair and of course I will ask you to deactivate your microphones whenever you are finished with your contribution. I now invite members of the Committee to—sorry, the Permanent Secretary, Mrs. Joy Persad-Myers would like to make an opening statement.

Mrs. Persad-Myers: Mr. Chairman, thank you very much. This is an enquiry into land tenure matters, and in addressing this Committee I draw to your attention that the Ministry of Agriculture, Land and Fisheries through its land management division and its Commissioner of State Lands is vested with certain statutory responsibilities inclusive of the management of all lands of the State, prevention of squatting, prevention of encroachment into forested areas, reclamation issues, land under territorial waters, mining leases—all those matters fall to the responsibility of the Ministry of Agriculture, Land and Fisheries.

Yet, in the performance of these responsibilities we have encountered numerous challenges and issues which we have detailed in our written presentation to the Committee. So, the visible impact therefore of these challenges that the Ministry of Agriculture, Land and Fisheries has had to face over the last seven months of its existence includes an increase in residential squatting. These are the visible impacts of these challenges that we are facing: the inability of legitimate applicants to receive leases for state lands and various other issues related to state land tenure; we have had to grapple with a very slow implementation of the VSEP Caroni parcel allotment; we have had an increase in incidents of land grabbing by associations and organizations purporting to assign land for agricultural purposes. So, yes, we have inherited a number of challenges.

We have however been steadfastly working on various strategies over the last seven months to address these challenges. We first had to ascertain what the challenges were and to quantify them and then we had to come up with some of our strategies to address these challenges. In the first instance we have re-established the Agricultural Land Administration Division which had been deactivated for a number of years. How many years?

Mrs. Ganteaume-Farrell: Three or four.

Mrs. Persad-Myers: Have been deactivated over the last three or four years and, of course, the reason that we immediately looked at reactivating an Agricultural Land Administration Division is because of our responsibility for agriculture, land, forestry and those areas, and the importance that we place on agricultural enterprise and agricultural development. It therefore meant that we placed a somewhat priority focus on getting agricultural land tenure addressed.

We have also moved to addressing over 3,000 files with applicants for agricultural land. That is what we would have inherited and that is what we have been trying to prioritize, disaggregate and attend to. This has been a very painful exercise when we go into the individual files with persons waiting for 15 and 16 years for a simple assignment of a lease, with those things like inheritances and other matters that are really—regularization of persons who have actually been engaged in substantive agriculture. So, this division we consider to be of high importance and we moved immediately to have such a division re-established and staffed to commence work in that area.

We have also moved to have the statutory positions of Commissioner of State Lands and Director of Surveys advertised and filled. They have been advertised and they are about to be filled. We have been working closely with the Service Commissions Department on that.
have made substantive progress in that regard because we feel that those positions will bring a
certain degree of stability to those offices. We are now also moving to fill five substantive
positions. These are all vacant positions and these are all situations that we would have inherited
when we became the Ministry of Agriculture, Land and Fisheries.

So, we would have inherited five vacant substantive positions, two Deputy Commissioner
of State Lands, two Assistant Commissioner of State Lands and a State Lands Management Officer
II, all of which no action was taken to have filled. So that we are now looking to increase the
capacity of the office of the Commissioner of State Lands and the Land Management Division to
address those many issues that are currently before it. So, we are also moving to fill those
positions.

Additionally, you may have seen or you may not have seen that we advertised for Land
Enforcement Officers I and Land Enforcement Officers II, and I believe there are 36 positions of
Land Enforcement Officer I and three positions of Land Enforcement Officer II because we are
determined to deal with land grabbing, land blocking and squatting. We have also determined that
we will engage all arms of the protective services in this regard as we are determined that the
Ministry will not be seen as contributing to indiscipline in the society in any way by condoning
squatting.

So, in the first instance, Mr. Chairman, and members of the Joint Select Committee, the
Ministry of Agriculture, Land and Fisheries understands it has many challenges to address. We
have been moving to address them. We are also cognizant that the road map is not the terrain, so
that we know that we will encounter unforeseen obstacles as we proceed, but we are determined
to so proceed. I thank you, Mr. Chairman.

Mr. Smith: Thank you, Mr. Chairman, through you, and again welcome to you all and thank you
for a fantastic document. It was a good read. I was very interested in going through this. As
Member of Parliament for Diego Martin Central and the portfolio of Minister of Sport and Youth
Affairs, in my constituency a number of young people are looking for opportunities and looking
for jobs, and I have been trying to guide them at the opportunity with regard to food production,
and planting, and going into farming. Do you all have any programmes or anything that you all
are looking at with regard to how you could incentivize young people coming out of UWI, and
more so young people to get into agriculture? Because, as you know once you do it, it could be
lucrative. It is a lot of work, but to incentivize them to get involved and do it. Do you have
anything going on now?

Mrs. Persad-Myers: Mr. Chairman, through you, I have noted that is a JSC on land tenure that
we are here on land tenure matters. But notwithstanding, the Ministry of Agriculture, Land and
Fisheries is looking at apprenticeship schemes, but not apprenticeship schemes as equivalent to
cheap labour, but structured apprenticeship schemes, possibly, you know, with trained persons
guiding, persons coming out of these institutions, because when you come out of an institution you
have an academic background and it is felt that you need to now marry that academic background
with actual hands-on experience.

So, we are also very cognizant that agriculture is something for which you have to have a
passion, because it is so. Our focus right now is trying to bring the whole field of agriculture into
the professional field. So that agriculture is not for “poor people”, and agriculture is not “subsidy”
at that level, you know, subsistence agriculture, but that it is a noble profession, and it is something from which you can in fact earn. So that a lot of the programmes, we have not finalized the programmes as yet. We have had previous programmes that have not had the level of success that it ought to have had. So, there have been programmes the names of which I cannot recall currently; the YAPA, for example, which they would have been nobly conceived, but in terms of the impact and the intended outcome, it was not there. So that we are very cautious in terms of how we develop these programmes. There must be a solid base for evaluation, and also we are very careful that it is not seen as just another stipend programme.

So, as you would realize we are seven months old and we are taking one step at a time, but that is one of the intentions of the Ministry to look at an apprenticeship programme so it would marry both academic and practical, and therefore really give you an idea whether this is something you want to move forward as an investment for your future.

Mr. Solomon: Through the Chair, just to follow up somewhat from my colleague’s question. I understand, and please correct me if I am wrong, that land tenure in order to get the farmer’s licence, and the incentives, and the subsidies that come with the farmer’s licence, one needs to have land tenure or prove some legal relationship to the land, and that may be hampering as I understand it. If you could enlighten me on a lot of the farmers getting into the business and getting help from the Government, how you are dealing with that? How you plan to deal with it to make it easier? Can you discuss some of the challenges so we can help you if we can?

Mrs. Ganteaume-Farrell: Good morning, through the Chair, with respect to the farmer’s registration, one of the focuses as Permanent Secretary Persad-Myers has spoken to in getting farmers to become registered, is in trying to put all the systems in place for them to get their standard agriculture leases. So, this is why she is filling the positions. She has brought back the Agricultural Land Administration Division, we are going through a backlog and we are sifting out of that backlog those cases that can easily be brought forward towards actually getting a lease in hand.

Now, you would have seen from the paper that the process is somewhat lengthy, but we are trying to do as many things in parallel as we can, so that it would speed up the process of getting a lease in the hand so they can become registered and so forth, they can qualify for the incentives that are being offered.

10.15 a.m.

Mr. Paray: Good morning, again. Reading the document that was supplied to the Committee, it was, as my colleague said, it was a very interesting read. I was very surprised to see the level of fractionating amongst the entire Ministry in terms of all the different agencies that are involved in the process of getting to the approval stage for lands, and clearly looking at the amount of entities involved they must lead to a lot of process breakdown and process management issues. My question, through the Chair, is, does the Ministry think that it is feasible to place the responsibility for land administration and management under a single entity? And if so, has there been any recommendation or attempt to go towards this policy? Thank you.

Mrs. Persad-Myers: Mr. Chairman, through you, yes, there was a study that was done in the year 2000 and that study at that time would have recommended a Land Management Authority which would have been the main or the overarching authority for all matters of state lands in the
country. The management of all state lands.

It would have therefore removed defragmentation of the number of agencies now holding portfolios for different aspects of land administration. For example, the Land Settlement Agency has responsibility for residential squatting and the regularization of residential squatting. You have the EMBD, you have the PSAEL, a number of various entities. However, that was a 2000 recommendation, the Land Management Authority. Having regard to the ongoing consultations on local government reform and what is perceived to be some sort of decentralization of the responsibilities, it may be a good time to relook the concept of a Land Management Agency with the decentralized authorities being sort of like satellite offices with various responsibilities for land management issues in their particular region, and therefore adjust the concept of the Land Management Authority in relation to that.

But it is a policy direction that the Ministry in collaboration with all the other related and involved entities would need to review in a holistic and proper manner. So I would not be able to give you a definitive response but I can say that it is something that can be reviewed. Thank you. **Mr. Khan:** Through you, Mr. Chairman. I just want to make two introductory points. One, I do not agree that the Ministry of Agriculture, Land and Fisheries is seven months old. The Ministry of Agriculture has been in existence since independence at a minimum. But I will get back to that shortly.

And secondly, my main concern in Trinidad, as we speak, is what I call inertia in the public service. Nothing seems to happen, okay? And there is a tendency to blame the political directorate and, you know, you come into successive administrations. For example, Kamaluddin Mohammed was the Minister of Agriculture once in since Dr. Williams’ time. They gave out leases in Wallerfield, and my understanding is that those leases, some of them have never been renewed and two or three generations have elapsed. That has absolutely nothing that has to do with how the public service operates.

The issue is, this thing is a mishmash of—is a labyrinth of disaster. I will quote an example for you. We now have a Commissioner of State Lands and in essence it makes some sense. But the Commissioner of State Lands has 3,000 files of agricultural lands on his desk, from what I am seeing in the report here. My understanding is that there are over 4,000 and it will be approaching 7,000 of the Caroni lands that is on his desk. But the Caroni lands, when the Sugar Industry was closed down, it was vested in the State. Before that it was not vested in the State. So Caroni could have issued their own leases.

So in an attempt to centralize authority you clog the system. If there were issues in the integrity of Caroni issuing their leases well that is a different issue, but you do not put up a system in place to solve what you would consider to be integrity issues.

So, as we speak, land management is at a level where sometimes I am not even seeing light at the end of the tunnel. And to me that is the fundamental thing. You go back to the last administration, land was taken out as a separate Ministry. Now, it is really like trying to run a computer on hardware alone without software.

So agriculture and lands go hand in hand, just as Ministry of Works and Transport go hand in hand. But for whatever reason, you took the Ministry of lands out of agriculture and had it as a focus and dedicated Ministry. And there could be some justification for that, because now you
focus on land administration and hopefully with a laser beam you could deal with some of the issues. And yet nothing happened. Okay?

Now, I want to compliment this idea of the Agricultural Land Administration Division. I mean, that to me is a step in the right direction. But what I want to see is some light at the end of the tunnel, to say, we can get these leases going, because let me tell you something, this Government—and I speak for the Government here now—is focusing on agriculture. One, agriculture contributes 0.4 per cent to GDP. Well 5/4, I am hearing as low as 3, but 0.345 is immaterial, is less than one. The food import bill is five billion and dropping very lightly. In terms of our ability to diversify the economy it is also, on those three fronts it is fundamental.

As we speak, the land tenure situation in Trinidad is, one, the State is the largest land owner by far. Then you have several big land owning families, okay? That is the historical antecedent of Trinidad and Tobago. I do not want to call them by name, but they are there. Those families are not involved in agriculture. And then there are smaller land holdings where it is family-owned and in most cases, most of the agriculture taking place in Trinidad is not on family-owned property. It is on state lands either with title or without title.

The corollary to this story is that if you do not get land tenure right agriculture will go nowhere, you know. I made these statements at the last JSC with the agricultural society, but having said that, there is not a crew demolishing your farms, you know. So those who are there “illegally”, they are not being run off the land. So somewhere along the line we have to get the bureaucracy right but at the delivery level it is what we are more accustomed with. Because we do not want the bureaucracy to stop the actual farming process, okay?

But I have been a little unwinding here, but at the end of the day you have to convince this Committee that you are putting a system in place to regularize tenancy because you said agriculture is a business, and by definition a business has to seek funding. And you cannot have funding without title, except you are a cash cow. So the whole thing is interwoven and unless we now take a focused attempt to see how we could solve this problem we are just talking around the issues.

So, on a positive side I wish you well. I think the Agricultural Land Administration Division is a step in the right direction. I will hope that over the coming months you will focus on that, staff it. You said you have something like several substantive positions you have to fill in the division. I cannot see how a division could have been operating without an agricultural land administration in the Ministry of Agriculture, but that is history and I really want to wish you well and ask you to proceed with haste in terms of the Agricultural Land Administration Division. Thank you, Mr. Chairman.

Mr. Chairman: Tell me something, in terms of your current budgetary situation, how does that affect the programme you are outlining?

Mrs. Persad-Myers: Well, as you know, releases have been very slow, but what we are doing in the area of land and the bureaucracy and the administrative aspect of it, those are not infrastructure projects. So those are really day-to-day operational matters that we need to fix so that we are not being negatively impacted at this point in time.

Mr. Chairman: What about the vacancies that you trying to fill?

Mrs. Persad-Myers: We have funds under Vacant Posts. That is where we will be moving to get these positions that we have to have filled. They must have been filled.
Mr. Chairman: You mentioned about taking a stronger action in terms of squatting. What is the status of matters before the court, do you all have matters pending at the courts right now in relation to that?

Mr. Watche: Yes. Chair. There are cases presently before the courts. There are.

Mr. Chairman: What the figures are like, 100, 200, 300 or less?

Mr. Watche: Less. It could be about, between 60 to 70 cases.

Mr. Chairman: And in terms of outstanding, the total picture in terms of outstanding applications.

Mr. Watche: Applications?

Mr. Chairman: For tenancy for state lands.

Mrs. Persad-Myers: You would have application for lands for agricultural purposes. Then you have applications for residential, you have applications for mining, you have applications for recreational grounds. So is it in terms of all applications?

Mr. Chairman: Agriculture.

Mrs. Ganteaume-Farrell: Chair, this is as we mentioned earlier, we have on hand 3,000 files. Most of them are applications or actually applications that had been in process and those stalled. We cannot tell you definitively how many because we are going through the files. The Agricultural Land Administration Division was re-established in January and we have put stuff in place to actually go through each of those files to determine what needs to be done so that we can take action expeditiously.

So I cannot tell you how many right now, besides which, in the county offices of the Ministry of Agriculture, Land and Fisheries, people would have dropped off applications there that do not yet form part of the 3,000, because we are trying to deal with the 3,000 backlog before we address. So we have, in fact, sorted the bulk of the files, we have sorted them into geographical areas and we are sorting them into the type of matter to be addressed and we are addressing them by preparing Notes for Cabinet as the case may be or getting the necessary approvals that some of them might have required, an approval from Town and Country or whatever. So we are pursuing those matters as we speak.

Mr. Khan: "This is a supply chain management system all yuh dealing with here." If you prepare the files they still have to go to the Registrar General’s Office to execute the lease.

Mrs. Persad-Myers: Chief State Solicitor.

Mr. Khan: Chief State Solicitor. Are they in the loop? Are they being engaged, because it makes no sense you start to feed it and then there is a block there because they themselves are now claiming that they do not have staff.

Mrs. Persad-Myers: Yes, they are claiming that they have no staff and that is the end of the chain, eh, they are the last loop, the very last loop.

Mr. Khan: But they are executing the lease on behalf of the State that they did prepare the legal documentation.

Mrs. Persad-Myers: But we have been engaging with them. I know Mr. Watche has been speaking with them. They and all have been having their difficulties. My information is, which I have to verify, is that there was an occasion on which the Ministry of Agriculture, Land and Fisheries had volunteered to actually prepare the lease agreement and then send it onward to Chief
State Solicitor so as to remove some of the work placed in that office and they would vet it and we will have it executed. And I understand that was resisted.

So maybe it is something we have to revisit. Maybe the thinking is now changed. Additionally, with all due respect, you will remember that the Land Management Division and the Office of the Director of Surveys in the last three or four years have gone from the Ministry of Food Production, to the Ministry of Housing and Urban Development to the Ministry of Land and Marine Resources, to the Ministry of Agriculture, Land and Fisheries so that when we speak about a backup of bureaucracy administration, et cetera, these movements are not at the behest of the public officers. These movements are not determined by us, but we have to deal and cope with these movements and then we have to still manage the outcome of those movements which are not very positive. So that, you know, we need to take that into consideration as well because it causes a break in continuity and in every port or every harbour there is a change in policy direction and I mean, that is not—we did not move them. So, I so want to make that point. Thank you.

**Mr. Khan:** The point is well taken.

**Mr. Paray:** Thank you, Mr. Chair. Pending on what you now said there and following up to what Sen. Khan said, I find it very difficult to believe that a lot of these things happened overnight and definitely these would have been sores that have been festering over many, many, many, years. I wonder what policy directions the Ministry may have taken over the years to try and fix some of these issues that into 2016 they are still at the top of the list.

You mentioned about the change of administrations and the movement of sometimes these offices, these divisions and piles upon the bureaucracy. Now, as I understand it, the President of the Republic is the de facto landlord of property in this country. Do you think if the administration of state lands, if it were to fall under an independent body, much like the Director of Public Prosecutions and so on, where the mandate comes down from the President, so even if you have change of administration, change of policy, do you think that could be an effective direction that can be discussed at a parliamentary level to bring some ease and some direction towards state land?

**Mrs. Persad-Myers:** Well, I would have alluded to that earlier when I made reference to the Land Management Authority which would have been conceived in 2000. And again, I would have also alluded to the fact that it is something that could be reviewed but within the context of the local government reform since that would significantly impact on that concept right now, but it is a very valid concept that still stands. That is a policy decision and that is a matter that cannot be determined just like that since all of the agencies involved in land administration and various aspects of land administration would need to sit together to determine that and to come forward with a policy position.

**Mr. Paray:** If I can just make a follow-up, Mr. Chairman. You spoke to several vacancies being filled. Are you confident that filling these vacancies can take the process forward in terms of alleviating some of the existing issues? Or would it make more sense to do more process overhaul to make sure that the process from point A to the end point is defined properly and identify where these bottlenecks are? Because one of the functions of this JSC, Madam PS, is that we have to make recommendations to Parliament and I guess to the Minister and the Ministry to help you to overcome these obstacles. And I am hoping at the end of this exercise we would have gathered sufficient information, and perhaps before today’s session is over, your team will be able to clearly
identify, probably the top five or the top six issues that we as a Joint Select Committee must be able to report back and say this is what is missing.

So if it is that your departments need staffing, need more budget, need process reengineering, need specialists to come in and do that, whether how effective that is in the public service, I do not know, but those are the kind of things that, you know, we would really like to hear in terms of, as we go on in this conversation of the next hour or so. Thank you.

Mrs. Persad-Myers: I definitely believe that a combination of increased capacity—because the staffing is to increase the capacity—together with a reengineering process, reengineering process examination, would definitely go a long way to speeding up some of these transactions. So yes I agree with you that, simultaneously, with increasing capacity that we also need to look at process reengineering. Some of that has started because as you would have seen in our presentation we indicated to you the number of steps, about 36 steps we indicated, involved in just one transaction. So, yes, I take your point. Thank you.

Mr. Smith: Chair, through you, just following up on that question. You know, it is now the policy of the country with regard to our manifesto, how important it was for us to have database and more so analyzing of data and information. In my Ministry, Ministry of Sport and Youth Affairs, it was not done before and we are now playing catch up with the world where people could get information just by the click of a mouse and I think that will help the process. How has that been going with you all with regard to gathering information? You all GPS, Google Earth, just click and find a cadastral rather than having so many people having to complain, cannot find paperwork and cadastral and so on. How is that process going?

Mrs. Persad-Myers: Okay, I think we spoke to some of the work being done by, in terms of the development of digitizing the cadastral surveys. I am sure my Director of Surveys can speak to it. We also have the land information system of Trinidad and Tobago which I will ask Mrs. Ganteaume-Farrell to speak to and that is really located in the Office of the Commissioner of State Lands. So it is a combination of both. We know we need technology because the human resources without the technology is going to be the same slow process. So I can ask each one of them to speak to the various initiatives in both fields.

Mr. Abdul: We have most of the maps and plans of Trinidad and Tobago available online. Right now we are in the process of -- as of the 29th of this month, May, we are finalizing our new system called the CMI system, where all the plans and maps will be available online and could be superimposed on our 2014 digital imagery. Right now if you go down to our office at Wrightson Road, it is available to the public free of charge. You could get a print or a map of any part of Trinidad and Tobago.

Mrs. Ganteaume-Farrell: Chair, through you, the Land Information System of Trinidad and Tobago has been developed as a geo reference parcel information system for all surveyed parcels. Previously, there was a State Agriculture Land Information System called SALIS that captured both unsurveyed parcels and surveyed parcels.

With the separation of the Ministry into land and agriculture the continuation of the database of the unsurvey parcels was halted, but we are re-establishing that. And how do we get that land information system? Well, the present list, let me speak to that, it has a number of modules, each with a specific purpose. One of the modules had to do with transaction processing
so that they log in the transactions as they come on so that they at any rate will know what stage of the process the transaction is at. Then there is a property management module. There is an accounting and general importing module. Those are there but they are being made more robust in terms of capturing the data on a daily basis.

With respect to the agricultural parcels, we are looking at re-establishing that strong aspect for the management of agriculture lands, because what it had before was information on the LSA, as the list has, but it also captured the information on the agriculture activity on the parcel so that when it came, and it had a system of alerts of when the lease would expire. So that we are looking at re-establishing that, the strong agricultural aspect.

In addition to which, Chair, through you, we are looking at what we loosely term a federation of agricultural databases because, for example, NAMDEVCO has a very good database of farmers and their production, what they are bringing to the market. But it is not linked to the farm that the produce is produced on. So we are looking to make the databases be able to share information. We are not making one big, amorphous database, but what we are looking at is having different agencies starting within the Ministry as a first priority to be able to speak to each other. For example, fisheries has databases on boat owners, registration of boat, fish catch and stuff like that. There are challenges in terms of the financials to keep the database current, but we want to be able to speak to interchange data.

NAMDEVCO. We are also getting assistance from the FAU because they are very strong with agricultural databases and land. Forestry is building their database. So that when we can overlay the forestry information on the surveys and mapping information, this is when we will be able to really have information for informed decision making and we are working very strongly on that. Actually I chair a committee that is looking at how we will get the whole process to integrate and share—like I say, it is not going to be one amorphous database but we have to be able to make databases speak to each other so that we can share information.

So that if we have, for example, somebody applying for a lease and it is in a forested area we will know.

Mr. Solomon: Thank you for that. I wondered if you could elucidate for us how that relates to the National Spatial Development Plan. I know that the former Minister of Planning, Dr. Bhoe Tewarie had done significant work in that area, and what are your achievements and how that relates to the entire development as my colleague had asked?

Mrs. Ganteaume-Farrell: Through you Chair, we spoke to the achievements of, the question that was asked about the National Spatial Development Plan and we are working with three projects which the Surveys and Mapping Division can speak to more fully with respect to how it relates to that National Spatial Development Plan between Mr. Watche who is the Commissioner and formerly of Town and Country Planning and the Director of Surveys, they will more specifically be able to address your questions.

Mr. Solomon: Sure, thank you.

Mr. Watche: Chair, well the National Spatial Development Plan basically set out a route map for spatial development in Trinidad and Tobago. That is what they did. The strategy that is in the plan set out the context for detailed planning at the local and regional level. So the plan is not a detailed plan, it has to be drilled down at the local and regional level.
In terms of, the plan deals with the whole idea of sustainable development. And sustainable development encompasses economic, social, and environmental. In terms of the relationship with the Commissioner of State Lands office and state land, the idea of sustainable infrastructure, sustainable communities, housing, recreation parks, institutions, all of those things create sustainable communities. And what happens is that from time to time you would, the Commissioner of State Lands would request from agencies, from communities for state land to develop communities, develop parks, institutional, recreational areas.

So in that context there is that relationship between the aim of the National Spatial Development Plan, the aim of sustainable development and the Commissioner of State Lands as the manager and who is stewarding the use of state lands, the use and management of state lands. Thank you.

10.45 a.m.

Mr. Khan: Can I make an intervention here, please? The National Spatial Development Plan is a policy decision of the current administration. We are in the process of reviewing that plan because that plan has some flaws in it as it relates to what is the genesis of the model. We are not convinced that the concept of eight growth poles, for example, is something that we would want to support. Let me just make that point in the context of the Ministry of Rural Development and Local Government, because we have taken a policy decision that we will have a new approach to rural development and not—and I keep saying as the Minister of Rural Development and Local Government, the mission of the Ministry of Rural Development and Local Government is not to urbanize and industrialize rural areas; it is to keep the rural atmosphere, to keep the rural culture, but bring some form of sustainability to it, and by and large that will be agriculture, fisheries, for example Moruga, and certain economic seeds of sustainability.

So the whole concept of the growth pole is now being reviewed and we will be coming with a new concept to spatial development. The idea of the regional corporations bringing their own plan, we support that in the context of local government reform, but the regional corporations, I keep telling them, they are not 14 independent republics. They have to be guided by national policy. So we have to really integrate and have some synergy in that regard. But I just wanted to, for clarification, that the National Spatial Development Plan is not this Government’s policy.

Mr. Ali: Good morning to everybody. We can safely say that land tenure is the major issue that is hampering the growth of agriculture in the country, and some of the administrative weakness you all have outlined here, for example, the 18 steps it takes to get a lease, and taking a minimum of three years. So initially what you are saying, before we could plant a tomato, or get some money to plant a tomato tree, we have to wait three years to do that. I think that is unacceptable and I believe that this 36 months is only moderate what you all have put here, because I have many individuals within the society in Barataria/San Juan that have been waiting more than 10 years. So this must be on the low end of the 36 months.

In saying that, I also have individuals who have been going to the Commissioner of State Lands department and often their documents are lost. For example, myself checking into some lands in Barataria, the status reports have been lost more than five times within the last six months. These things are unacceptable. And what is the Ministry doing to safeguard these documents? One, and two, the poor staffing at some of these—like the Commissioner of State Lands
department, what steps are the Ministry taking to alleviate these problems so that the citizens can have an easier time in accessing what they need to move forward in the agricultural sector?

**Mrs. Persad-Myers:** We are aware, Chair, through you, that the capacity needs to be improved. We are aware that the process is less than acceptable. Sometimes people go to the wrong—if you are checking up on a piece of state land and the status of the lease, if you go into the Commissioner of State Lands office, I guess they will not give you the attention because, you know, people need to know what is the correct areas to pursue their steps. We are aware of all of that as well, and that is the reason that the list in terms of tracking these applications and the stages at which they are so important.

That is not going to bring you any relief right now, of course, as I say that to you. So what I can say to you is that as of January, we have—as again I would like to emphasize. We have re-established the Agricultural Land Administration Division because, obviously, we have a bias towards agriculture, and we are making our best efforts to have that properly resourced to see how quickly we can move these matters. If it is you would need to give me some data that we can look into, we would be willing to so do. But we are trying. And, as I said, we have to increase capacity, we have to bring in resources into the Land Management Division.

**Mr. Ali:** And what steps would the Ministry be taking to try and reduce that time frame for leases to be issued?

**Mrs. Persad-Myers:** By the disaggregation of the amount of matters that are before the Land Management Division, so that all the agricultural matters have been placed in this specialized unit. The Caroni matters have been taken out of the Office of the Commissioner of State Lands and placed with a unit that is seeking to—those are the VSEP two-acre parcels. So you have a special unit that is pursuing that, so we are lessening the load on the Office of the Commissioner of State Lands.

So that if you are a Caroni two-acre VSEP applicant, you are entitled to that—recipient—then you know where to go. If you are an agricultural—you have applied for a piece of agricultural land and you want to know the status, we have also determined that the county offices that send people all over the country, when they come to those offices, the office is required to respond to the person’s enquiry and not say, “Go El Socorro by the Commissioner of State Lands office”, because that is unacceptable, and we are aware of that, that people are sent from pillar to post. So we are aware of that. So those are issues that we are aware of and we are taking action, maybe not as fast as you would like to see it, to have addressed.

**Mr. Paray:** I would like to direct this question to Miss Burklies. In the report that you all submitted, under the heading Administrative and Managerial Weakness, I just want to highlight some terms used in this report here: “Poor record-keeping; lack of required skills; lack of motivation; inability, unwillingness to link staff output to performance appraisals and accountability; lack of will.” Now, to the best of my knowledge, management is very critical in terms of driving a work force towards optimal performance, and if this has been identified from an HR perspective, has the HR department in the Ministry identified those who, in administration and in the managerial functions, who have not done what they are supposed that have allowed this to happen? And if that has been done, are there any corrective measures being pursued to start working on these issues? Thank you.
Ms. Rivers-Burklies: To the Chair, we have identified that there are persons, and we should say the square pegs in round holes, and the Ministry has identified and we are taking steps with regard to identifying and putting the right persons in the right positions and looking to fill the vacancies so that we can get persons with the requisite skills, competencies and we are taking steps to motivate persons within the Ministry who have been in certain positions for years who seem to have become a bit complacent, and we are trying to see how we can get the best fit to get the Ministry to really move forward for the Ministry to fulfil its mandate.

Mr. Khan: Let me just follow up on that because, to me, that is the crux of the matter. Just to back up on the Local Government Reform exercise that I have been conducting these last several months—and I say we are giving all this autonomy and power and new responsibilities to the Ministries but the administration has to change, and it calls for new skill sets. You cannot have the old organization. So, as we speak, they have no quantity surveyors, they have no asset managers, they have no project managers, they have no supply chain managers, they have no engineers, they have no quantity surveyors.

So these are new skills that are not familiar with the public service administration structure, because these are 21st Century skills. You now have people who could get a PhD in Supply Chain Management from an American university, and you ask the Public Service Commission, “Is there any supply chain managers in the public service?” The answer is, no. They may even ask you, “What is that?”

My question to you is: Under the Agriculture Land Administrative Division, drill down for a minute for me and see, the head is the coordinator. Who reports to the coordinator on the first line and who reports on the second line? So I can get an idea of the type of skills we are bringing in. Because if you do not bring the right type of skills, the department would not work, you know. And if you fill it up with the public service mould—I mean, not in a derogatory sense, but in the sense that HR officers, this officer as accounting I, PIRO and all these kinds of skills—it is not the strategic skills that you need. If you are running an airline, the most important part of an airline is its reservation software because without proper reservation software “yuh doh” stand a chance like a snowball in hell to survive. The administration is peripheral to that, because you have to know what your core responsibilities are in an organization.

So I ask Land Administration Division, tell me—drill down and tell me what type of skills you have helping you to accomplish this exercise?

Mrs. Ganteaume-Farrell: Through you, Chair, thank you. I am the coordinator. I used to be the director of Land Administration before I became a Permanent Secretary. I am now retired. I have been brought back to put a structure in place and the structure that I have put in place relies largely on persons who have some training and/or aptitude for land administration. You first of all have to know what land administration is about. And we have with us a—reporting directly to me is the senior supervisor who has also been a director of Land Administration and who has a Master’s degree in planning and training in estate management from abroad. By the way, I also have training in land administration from the Land Tenure Centre in Wisconsin prior to becoming a Permanent Secretary.

So we understand what is required and what are the objectives of managing land and administering tenure on behalf of the State. What we have done is to seek to fill some—right now
we are using contract positions of land management assistants. The people must come in with at least a first degree in agriculture and/or surveying or some estate management, which is being taught at the University of the West Indies right now.

Those who we have brought with us, they may have the training, but we are actively training them. We hold daily training sessions, and as we go through the 3,000 files, we look at each file and say—particularly the senior supervisor, because I am more concerned with the policy and getting the processes right, the same process re-engineering that you are talking about. And we actually go through each file and identify what is the policy; what needs to be done; what stage is that and how it is to be treated with. So we are actively training these persons.

We have right now four persons and we have two technical assistants who support them in terms of doing the administrative kinds of things. We are doing that in collaboration with the Ministry that is filling the positions of Deputy Commissioner, Assistant Commissioner and so on, and—well, we walked with it. I believe we have the job descriptions of those positions which speak directly to building the capacity, for example, the Deputy Commissioner of State Lands and the distinguishing features of the job are identified here. We have the examples of work and we have the knowledge, skills and abilities that they must possess in order to be able to carry out these functions.

So that in collaboration with the Commissioner, the Land Administration Division is actively pursuing the development of the capacity for land administration that the Permanent Secretary has spoken to, as well as the process re-engineering. And might I add, through you, Chair, when the concept of the Land Management Authority was done in 2000, complete with a business plan, structure and everything, and it, in fact, went to Cabinet—and the new administration and distribution policy for land 1992 actually speaks to the Land Management Authority and it spoke to the formation of an agricultural land administration division as a prelude to the Land Management Authority, and it was also accompanied by three signature pieces of land legislation: the Land Tribunals Act; the Land Adjudication Act and the Registration of Titles to Land Act.

What that would have done would have enabled the Land Management Authority to take all action that was necessary to take to manage squatting and tenure and everything, because the Land Tribunal would have been in effect a land court. We would not have had to go to the magistrate. When we go to the Magistrates’ Court, land matters, squatting and evictions are not very high on the agenda of the magistrate, so that cases get put off. Mr. Watche said that we have about 60 or 70 cases pending. Even if we got hearing on those 60 to 70 matters, whenever—some of them are 10 years old because they are in backlog—well, I do not need to explain to you the backlog in the Judiciary, generally, let alone in the Magistracy and dealing with land matters. Even if we get a court order to evict a squatter or to deal with a person who has constructed illegal structures on an agricultural parcel, the question then becomes: how do we correct that by demolition? Demolition is not a very popular thing, certainly not politically. So that even if you were to be able to pursue that, then the question is: who will actually go and break?

This is why the Land Management Authority, accompanied by a Land Tribunal, would have put in place the quick court action. The tribunal would have heard those. Also, the adjudication would also have adjudicated on ownership so that once and for all you would have
known who has clear title to a parcel, and the tribunal would have settled any land disputes, and then the registration of titles would have brought all of those parcels into certificates of title which is similar to an RPO. It would not have been a deed of lease.

The point is that the Land Management Authority, if it is being considered, would have to be resourced and strengthened to be able to carry out the full range of activities that the Commissioner has to carry out under the State Lands Act and will also have to be resourced with persons who have the capacity to actually know what land administration and management is about and take the necessary actions, together with the process of engineering to reduce. And the Land Management Authority would have been able to execute their leases. So you would not have to go from—

I neglected to mention, Sir that we have in the Ministry of Agriculture, county lands offices. We have eight counties in the country. There is St. Patrick East and St. Patrick West, there is Nariva/Mayaro, there is Caroni, there is St. George and there is Victoria. So there are eight counties and within each county there are lands units with lands officers. These are primarily people trained in agriculture but who have worked with land matters. So that a lot of applications begin there and then they are processed now through the agriculture land administration to Cabinet for approval of leases, then to the Commissioner, then to Chief State to be executed, then to the Registrar General to be registered.

If you had a Land Management Authority with the proper Act, the proper court system and fully resourced, then all of that can be taken under one agency, and that one agency can be, as PS was speaking to, decentralized throughout the 14 regional corporations where, instead of having county lands units, you would have those regional lands units that would actually go out, and they will function to manage lands in their regions much like used to happen in the days long before when there were wardens. The wardens knew exactly who was on land and who was entitled and who was squatting and so on.

So that if you have that Land Management Authority that is decentralized in its operational ground units and feeding back into the centre where the leases could actually be executed, then you will have a much more robust land administration system—land management system and tenure management; you could quicker control squatting. Because right now, as we said in this document, it is dispersed through several agencies. Thank you.

Mr. Khan: Okay. You said a lot there. You really have not convinced me that your organization under land administration is robust and scientific enough to deliver. Okay? But I give you the benefit of the doubt. It is early days still. I wish this well. This could be a Commonwealth prototype so other countries will say, “Hey, Trinidad, you guys did it well. Let us look at your structure”. Your senior supervisor reporting to you, that more is a person you probably identified to assist you, not an organization, and then you just have land management assistants. But it is evolving. I “doh” want to be too critical about it. It is new, and I really wish you well. I think you are going in the right direction.

You made a big play for the Land Management Authority, but let me just put a pin on that. To show you how Trinidad suffers from inertia, the Municipal Corporations Act was implemented, or was proclaimed, in the year 1990. There is nothing called County Victoria in Trinidad and Tobago again, you know, nor County St. Patrick, nor County Nariva/Mayaro—
Mr. Chairman: You beat me to it, hon. Minister.

Mrs. Persad-Myers: Internal.

Mr. Khan: I know, but what I am saying is that the system should have transformed, because Education still has the same structure like you have, the Ministry of Works, to some extent, still has the same structure as you have. So I am just pegging you on the inertia. But you did, in fact, come now and said the 14 regional corporations could have its officers.

But let me just say one more thing before I close. The problem we are having as a society is how to deliver in a modern environment. Under the Manning administration we took the position that we will form special purpose companies to assist the Ministries in the delivery process. That had its shortcomings and what have you. There seems to be a thinking now that the formation of “Authority” could solve everything. You now have the Children’s Authority which has its own challenges but it seems to be moving in the right direction. There is a pending Motor Vehicle Authority to come on board; there is a Roads Authority that has been spoken about; this one here is a Land Management Authority.

I just make the point in terms that what this shows is that we are searching for delivery mechanisms to deliver the services that we want for the country. I think of all the Authorities that are listed here, I think you have really articulated to me a very good case for a Land Management Authority because when you look at the amount of agencies that are involved in this process, if you put it under an agency as a governance structure, it may well work. So I think you all should proceed and try to sell that to your Minister and see how it works. But I was impressed with your presentation.

Mrs. Persad-Myers: Mr. Chair, if you will indulge me— independent authorities.

Mr. Khan: No, it depends on what you mean by “independent” because under— when you form statutory authorities they are accountable to the Minister.

Mrs. Persad-Myers: Yes, they are. But what happens is that they do not get moved around as much. They stay as a whole. They stay as a whole—

Mr. Khan: Yeah, yeah, they stay as a whole but you can change the line Minister, but the entity remains as one.

Mrs. Persad-Myers: Yes, that is great. That is fine. And may I add that we, as a team, work under the direction of our Minister and all that we espouse here is his vision for the Ministry of Agriculture, Land and Fisheries.

Mr. Chairman: The Minister beat me to it on the question of alignment with the municipal system, because Act 21 of 1990, the MCA, made this a fundamental requirement and throughout the country, throughout all the other Ministries except local government, there has been absolutely no conformity. So it is like Ministry of Works has gone into the metric system and up and down the country you are seeing milestones. That is what it really amounted to. And it is not just yourselves, not just Education, not just Works, even the police carry these funny curious titles in terms of the divisional arrangements, which poses problems for the municipal authorities to collaborate, because there are three, four and five and a half police stations in one jurisdiction, and that same system continues, so it means the whole question of integrating things, you know.

And then the statistics that are crucial for particular regions to plan and coordinate their activities is skewed because if one side is lining up with county information and the other side
does not know the existence of counties, then the statistical basis for planning and research and development and so on, from a municipal level when they are doing their strat plans—good? And then if you see the link between—I think the Minister referred to the Town and Country, the new proposed Bill that requires a greater collaboration between various Ministries and that there should be one divisional arrangement, which is not happening.

Whatever may come of a Land Management Authority or an Agricultural Land Management Authority, the question still is: to what extent the Ministry is about to have itself realigned to the existing law of the day which is Act 21? Is there anything afoot that will assure us that at least that will be covered?

Mrs. Persad-Myers: No, but it is a point well taken and as you spoke, I was thinking that our land information system, the list, would also need to be aligned to those municipal boundaries, and if it is that we are looking down the line to the future of also liaising or having the municipal corporations involved—the municipalities—then, yes, we need to very carefully look at what we are doing with the land information system of Trinidad and Tobago—that database—and we would need to look internally as well. Although we have agricultural districts, I think the point is well taken. Thank you so much.

Mr. Chairman: On the question of the land tribunal—because remember the primary focus in on the whole question of land tenure, ownership and so on—how would you assess the land tribunal so far?

Mrs. Ganteaume-Farrell: Sir, the Act was passed and then it was revoked.

Mr. Chairman: So those matters you said that were before the court, it is the Magistrates’ Court you are referring to?

Mrs. Ganteaume-Farrell: The Magistrates’ Court, yes. The three pieces of legislation were passed and then they were—

Mr. Chairman: So your recommendation at this stage would be that those pieces of legislation should be put back on the books?

Mrs. Ganteaume-Farrell: Well, they cannot be just put back on the books by themselves. They came as part of a package of land reforms.

Mr. Chairman: Right. So I am asking whether that package—

Mrs. Ganteaume-Farrell: The package was the outcome of a series of studies undertaken between 1990 and 2000 with the Wisconsin Land Tenure Centre, funded by the IDB. It was a whole package. There was the Land Use Policy and Administration Project; there was the new Administration and Distribution Policy for Land—

Mr. Chairman: And what would be your recommendation with regard to that package?

Mrs. Ganteaume-Farrell: My recommendation is it needs to be reviewed in the modern context and the current situation, but the issues that it addressed are the same issues that have now escalated and unless we—those recommendations did not come lightly. They were a result of extensive studies and a lot of money was spent, a lot of people were involved. It encompassed the entire country, the THA, everybody was involved, and that is what had come out. It even came out with a business plan for implementation.

Mr. Chairman: Right, but you are still not telling me what is your recommendation?

Mrs. Ganteaume-Farrell: I thought—as Minister Khan said, I made a big plug for the review of
the concept of a Land Management Authority and the legislation that accompanied it.

Mr. Chairman: So you think that would resolve the problem that was being addressed back between 1990 and 2000—

Mrs. Ganteaume-Farrell: Which has since become 100 times worse.

Mr. Paray: I really believe that people and process are critical to the success in any business, and I heard Mrs. Farrell speak about bringing contract positions for specialist skills in the Ministry.

11.15 a.m.

Mr. Paray: I am wondering if, or perhaps from an HR perspective, a contract position, someone who holds a contract position, does the Ministry get a better buy-in in terms of ownership of the job, ownership of service delivery, when you have a contract officer versus an employee, a public servant, who can fill that position that would have long-term tenure and so on. And with that said, is it your view that the CPO is well-tooled to deliver these new classifications within the public service that may enable someone to come in the public service with that specialist classification, and they have buy-in to fill the people component where you have these officers who are now—I would not say obligated, but because of the passion of the job and the love for the industry and the love for country and they have tenure ship, we may be able to get better quality of service, better delivery and do not suffer from the administrative and managerial weakness that we seem to be getting right now? Any views on that?

Mrs. Persad-Myers: Well, I have to agree with you that our human resources is our most important asset and without the human resources, you cannot re-engineer anything. By the same token, I cannot speak to the office of the CPO and their ability to reclassify in a timely manner any positions. What I can speak to is that we need, as Minister Khan would have said, yes, we need to look at what are the specialized skills and capacities that are required to perform certain functions. The quickest fix for a Ministry is by way of contract employment because, you know, it is the quickest fix.

However, what we have realized in the land management division, it may not be necessarily the best fit to the extent that the assets of the State and even in the office of the Director of Surveys, all the assets of the State are being exposed to contract officers who at the end of three years can leave and you know, there is no obligation, currently, for confidentiality and those kinds of things. So that we really feel we have to take it one step at a time, while at the same time, we pursue a proper structure, establishment as they called it, for the land management division that would have a combination of tenure, dedication, commitment, integrity and the skills and capacities that are required. But we know that that may be a while in coming so the interim is the contract positions.

Mr. Chairman: We have both a sitting PS and a former PS before us. Right? Good. So to pursue the issue of the CPO and the CPO’s role in recruitment, has it been your joint experience that the recruitment of contract officers to work within the government system has been speedy and efficient?

Mrs. Persad-Myers: Chair, the CPO does not recruit, they classify.

Mr. Chairman: Okay, I will rephrase the question again, because the issue that I think the member was trying to get at is whether the CPO has been an efficient and effective tool in aiding in the recruitment of contract officers.

Mrs. Persad-Myers: I think that the function of the CPO’s office has, in fact, improved somewhat
and we are able to liaise with them. A lot of the initial work really stems from what the Ministry does, the Human Resource Division in terms of how you scope the skills and the job description. So if that is not done from the outset, it is going to have a filter-down problem in terms of how do you—these are the duties that are being called upon to be undertaken, that this is the skill set that you are ascribing to these duties and sometimes there is a mismatch.

**Mr. Chairman:** So your experience has been that CPO has assisted you very well in this regard?

**Mrs. Persad-Myers:** Well, you have put the adverbs very well.

**Mr. Chairman:** Well we have to put it on a rating scale. It is either poor, good, very good, excellent.

**Mrs. Persad-Myers:** I would say they are doing fairly well at this point.

**Mr. Chairman:** I notice you have not used any of the categories I suggested. [Laughter] Member, you want to continue?

**Mr. Paray:** Yes. I have a question for Mr. Abdul. Now, the constituency which I represent of Mayaro, it is a very heavy agricultural-based community in Navet and Ecclesville and so on and many people come to my office on a daily basis concerning the issues of their state leases and so on. And there is one common thread and that is a lot of the farmers keep saying, perhaps, if the Director of the Land and Surveys—and I am thinking it is that department who is responsible for actually going and do the mapping and surveying of these properties. As far as they think that there is a huge backlog of these activities that is bogging down the system which is adding to the length of time.

One of the suggestions that came to my office was perhaps, is there a list of agencies or private companies that can be authorized by the Director of Land and Surveys to come and do these things and we pay for it? And if we pay for it, we can get it done much faster and perhaps, release the load from the Director of Surveys office. Is that something that is feasible or would it work against you at the end of the day?

**Mr. Abdul:** First of all, at the Land and Surveys Division, we have no backlog of checking of plans; that is one. Secondly, if someone wants to have their property surveyed, according to the law, for a redefinition of a parcel that was previously surveyed, it is not required to have a survey order, so they could hire any land surveyor. We publish a list of registered surveyors every year and they could get anyone from the list. Sometimes, might want to get somebody from south who might be nearer to the parcel and they could hire a land surveyor, a private land surveyor and they could redefine the property for them.

**Mr. Paray:** So what you are saying, in this 36-month duration, Director of Surveys and that mapping and so on does not contribute to that delay at this time?

**Mr. Abdul:** Not at all. Most of the projects that were done and most of the big surveying—the areas that were surveyed to be leased were done privately so the Ministry would have hired surveyors, different companies and they would have done their surveys. Many times, they actually hired checkers and they check the plans also and then they submit it to the Land and Surveys for the directors to place their approval. So I do not have any backlog in my office at all concerning survey plans.

**Mr. Paray:** If I could just ask the Permanent Secretary, all things being equal and if every unit in the process was working optimally, instead of 36 months, what in your estimation would have
been a fair duration for the processing of a parcel of state land for a farmer?
**Mrs. Persad-Myers:** I am being advised by Jacqui three to six months.

**Mr. Chairman:** One of the issues that came up with discussions with the Merikin Society had to with the link between poor infrastructural development and willingness to advance or update tenancy and all the legal requirements, especially in cases where there has to be the inheritance factor of land moving through generations.

In that regard and most, of course, agricultural holdings are, except for Aranguez, in rural areas. Right? Is your Agricultural Access Roads Programme still on the table?

**Mrs. Persad-Myers:** Yes, the Agricultural Access Roads Programme is alive and the requirements for an agricultural access road, if you are a farmer in one of our—I am afraid to use the word “county”, so I do not know what—one of our agricultural districts—and you have an issue, it is with accessing your agricultural estate, the onus is on you to go into the regional office.

**Mr. Chairman:** The local office.

**Mrs. Persad-Myers:** To the local office. In the first instance, to the local office in the district that would be required and to make your—put in an application there because an officer will go out and they will look at it and they will make an assessment. Because invariably, the Agricultural Access Roads Programme is determined by a needs assessment coming out from both our regional office north and the regional office south which are fed into by their local offices, where farmers come in and indicate, well, we are having a problem with accessing our agricultural plot or whatever.

What has happened is that this year, we have had less funds to play with so that what we have done is, together with the Minister of Agriculture, Land and Fisheries, we sat and based on the amount, the availability of funds—from those two needs, priority listings that would have come from the regional offices, we have made a determination based on the number of farmers that would benefit from an access road, and that is the way we have been going this year, and the programme has been slow, somewhat slow but it is about to be rolled out. Well, we are about to start with that programme. But again, it is not everybody who asks for an access road will get an access road and it must come through the process in order for it to make—through your local office.

**Mr. Khan:** Let me change the topic slightly and go back to the renewal of leases. On the face of it, there are farmers in Trinidad and Tobago farming on state land. Do you have an idea how many it is? On or about.

**Mrs. Ganteaume-Farrell:** It will be upward of 50,000.

**Mr. Khan:** Upward of 50,000. And how many of them have leases? About 3,000, 4,000?

**Mrs. Ganteaume-Farrell:** No, a lot of farmers are holdover tenants in that they are initially and a long time ago, the instrument of a probationary tenancy agreement was given which was a three-year agreement and it was to be followed by a standard agricultural lease. Now, the issue of conversion of those PTAs to leases and even renewal of leases have been subjected to all of the issues that we have spoken about this morning. A lot of them are in holdover tenancy arrangement in that they continue to pay rent and therefore, they are not squatting in the full—they are squatting
from a legal point of view that they do not have an instrument, but they are not persons who are there without some probable tenure and expectation of being regularized.

**Mr. Khan:** Well, that leads to my real question which is, have there been—I know you may not have the statistics in detail but have there been instances of people giving up farming because they could not get their title?

**Mrs. Ganteaume-Farrell:** Yes, Sir.

**Mr. Khan:** Yes. And you think that is significant or small?

**Mrs. Ganteaume-Farrell:** Well, it would not only be because of title because a lot of people have farming without title and we have in the Ministry—and PS would better be able to speak to that—a sort of system where they can get a farmer registration. There are two kinds of cars that allow them to transport goods without being arrested, so there is a two-tier system when you have a full lease and when you do not. But people may have come out of agriculture because of lack of your tenancy documents and inability to use the farm as collateral, but there many more reasons why people come out of agriculture besides not having a lease.

**Mr. Khan:** Which leads me to the other question, what is the ADB’s policy in terms of funding farmers who do not have some semblance of legitimacy?

**Mrs. Ganteaume-Farrell:** I cannot speak definitively towards that but I know that there was a point where they would lend money based on if you had other collateral.

**Mr. Khan:** Like tractor and—

**Mrs. Ganteaume-Farrell:** Besides the land because ADB’s interest really is if you do not have other collaterals in forms of other financial resources, they would use the land as collateral. If they are using the land as collateral, they would want you to have a lease. But if you have other means of securing your loan, they would give you the loan. But like I say, I am not really familiar with what is their current policy.

**Mr. Khan:** Because at the end of the day, you want people involved in agriculture legitimately. So my final question on this point is, there are 3,000 files lingering somewhere in the system, will it be feasible to consider something like a letter of comfort pending their tenancy documents or their lease documents? Because at the end of the day, we have facilitated that with squatters, residential squatters and here are people who are productive in the economy and actually doing farming—I am just throwing out the idea, whether it will land on fertile ground or not, but is that something worthy of consideration?

**Mrs. Persad-Myers:** That is a matter that we will have to discuss with our Minister because that, in fact, would be a policy decision and I have no doubt that is a matter that would have to come before the Cabinet for determination.

**Mr. Khan:** And then I can determine what I would want to do there. [Laughter]

**Mr. Smith:** Mr. Chairman, through you, I mean, nothing under the sky, there is a saying, is new. In sport, and I always like to compare, in sport we look at benchmarks—countries that were in similar situations that have thrived and in some way come out. Right now, it is Cuba with the limited resources, Australia, we looked to China and stuff. What country that has had similar situations to us as we have been discussing, ventilating here, that have seemed to come out of it? I know you all will probably travel and go to all these conferences around the world and share with people their issues and stuff. But what country was similar to us? Whether it is in the Pan Africa
area or wherever that was able to come out of these challenges successfully that you all have been looking at as a case study?

**Mrs. Ganteaume-Farrell:** Well, Sir, through you, Chair, I recently concluded with the University of the West Indies a similar look at the OECS countries. Took us to about a nine-month study, they all have the same problems that we have and they are all moving towards—dare I say it? A management authority— independent management authority. They all have come out of a similar colonial system and they similarly have fractioning and fragmentation of their resources and authorities and administrative processes and they have a lot less qualified professionals than we do. They come to the university here when their countries could afford to send them. So that it is no comfort but we are somewhat better off than they are.

In Africa, there are different systems. They have different tenure systems in the first place so that it is not directly comparable. I had an attachment to—well, attended a few training and seminars in Australia where they have a lot of state lands. A lot of countries do not have a lot of state lands. In America, apart from federal lands, land is all privatized. So that the whole system of having a large portfolio of state lands is something that comes out of our colonial heritage and the State having a policy that it will not sell lands.

But, in Australia, where there are a lot of state lands, each state has its own management authority that does what it has to do and I posed the question to them once—well, while I was there: what do you do when you see squatters? Because Australia has a lot of coastline and they have a lot of hinterland and they have all the outback and so. What do you do when you see squatters? Well, in their case, they fly helicopters because it is so vast. They police their state property and when they see a squatter, they break it down. So once you start breaking and the message goes out that the State is serious, people desist. The message is that the State has to go through court, it will take 10 years. Even if they get a court order, they do not want to bring a bulldozer, then we squat. So that has been my experience.

**Mr. Solomon:** I am just reading from the document. They have 48,000 structures of squatters. Is that correct? In 2015?

**Mrs. Persad-Myers:** That is the LSA. We would have gotten those statistics from the LSA.

**Mr. Solomon:** Which leads me to the question and we have 60 cases in the courts, I mean it seems as though we are vastly behind.

**Mrs. Persad-Myers:** Well ours would be for agricultural squatters, LSA would be residential.

**Mr. Solomon:** Which you say you have 50,000 or so.

**Mrs. Persad-Myers:** No, no.

**Mrs. Ganteaume-Farrell:** Well, we would not call them squatters, Chair, those are people who have some probable tenancy claim on the land. They might be a holdover tenant or they might have inherited it from a previous tenant or legitimately asked to be transferred. People assign their interests. But on assignment, the assignee has to get a lease in his own name. So there are very many scenarios and that is why we do not call—there are out and out agricultural squatters, yes, people who have just gone and squatted. And then there is the State Land (Regularisation of Tenure) Act that has sought to regularize agricultural squatting but there are a lot of people who are not out and out squatters, they have some legitimate expectation of legal connection with the land.
**Mr. Paray:** To the Permanent Secretary, have there been any instances in the past where the State has had to expedite the processing of lands for agricultural purposes and if so, what would have been the circumstance that would have facilitated something like that?

**Mrs. Persad-Myers:** Well, I have only been Permanent Secretary at this Ministry since September of last year, but I recall that at one time, there was an accelerated land distribution policy that sought—what I will do, I will let Mrs. Ganteaume-Farrell speak more to it. I believe she was here at that time.

**Mrs. Ganteaume-Farrell:** Chair, thank you. There was the Accelerated Land Distribution Programme that took place in the late ’90s. It was done as part of the conditionalities of an IDB Ag sector reform loan and the conditionality was that we must execute 3,000 leases within the loan period—the project period which was three years. At the time, I was the director of land administration, and the concept that I came up with, in collaboration with other persons in the Ministry at the time, was to have an Accelerated Land Distribution Programme Unit. And in that unit, we actually brought in on contract, persons with delegated authority from the Commissioner of State Lands to actually draft the lease documents, a surveyor, a survey technician to prepare the survey plans, a valuation assistant—representatives of all the agencies that do things in sequence and they were housed in my office.

In that period, we were able to actually execute 1,500 leases. We had a lot of challenges. One of which the PS alluded to in that while we brought in a legal officer through the Commonwealth Secretariat to actually execute the leases, the Chief State Solicitor refused to delegate that authority because of the legal structure and the laws. But what we did, we actually prepared the leases so that all the Chief State had to do was sign. We actually prepared everything so all the Commissioner had to do was sign, similarly the Director of Surveys, so that we were able to accelerate. We did not do 3,000, we did 1,500 but it showed how it could be done. It showed what it took to get it done and what we needed to do to have the programme. When the project came to an end, we reverted to the sequential process through all the various agencies.

**Mr. Paray:** So what you are saying is that it is not impossible for an accelerated programme if consideration is taken from that experience and adopted in the 2016 version, which I am sure now in terms of our modern facilities in terms of computing and information systems that we may be able to catch the 3,000 mark that you were aiming for back then, which is good news. Because this is what I think this Committee has to get out of this meeting in that the understanding that to do this is not impossible, barring all the challenges with HR and processes and contract and CPO, if it could have been done back then, I think there is nothing stopping us from doing it now. More so now knowing the critical situation we are in as a country in getting our agricultural base going faster. So clearly that is good news to me.

And just as a follow-up to that, on page 8 of the document that you sent to us, item 6, you speak to the process for granting of leases in a fair and transparent manner, and that there would have been a multi-disciplinary committee to conduct these assessments. My question is: has this committee been put together as yet, and if so, are you in a position to identify the people or positions that are sitting on that committee?

**Mrs. Ganteaume-Farrell:** No, Sir, not as yet. We started in January, we are trying to through the backlog of persons who are already in the process. This speaks to when we advertise; when
we have fresh lands, fresh parcels, we actually advertise. People are requested to submit a programme of development which is assessed from its technical and financial viability and then a multi-disciplinary committee, and we did that in the Accelerated Land Distribution Programme.

There was also a special land distribution programme that took place subsequent to that, and when Caroni was first divesting some of its estates, we also followed this process, where we advertised. The technical and financial viability was assessed by one panel and then the persons were interviewed by another panel to see—so what that does, it allows you to really assess the person’s ability to carry out the programme because anybody could hire a person to write a good programme, but they actually do not know anything about farming. So that the scores would then be aggregated and a list sent to Cabinet, and after that, well the execution of the leases falls back to how fast we could re-engineer that process.

Mr. Khan: Okay, just two quick questions. What is the length of a standard agricultural lease in terms of time?

Mr. Smith: Thirty years.

Mr. Khan: Thirty years. So that means if you do not renew for 20 years, it means it is 50 years since you got your original lease. Okay, that is just for the record.

My main concern also was the IDB programme. IDB really comes in for institutional strengthening more often than not and here was a programme that even though you did not reach the 3,000 target, you did in fact make fairly good progress. You administered 1,500 leases and in a fast-tracking mechanism. And then lo and behold, the IDB loan agreement expired after three years and you just go back to ground zero and move again. So in a sense, as a country, we got actually no advantage from the institutional strengthening component of the loan, save and except you signed 1,500 leases, and that is the type of inertia I speak about in the public service and I mean, you know, something has to happen to improve that.

Because here was a good programme that you could have dovetailed into and if that was continued, because the IDB, it is institutions they are trying build because they know that once you build institutions, there is self-sustainability in the process. They did not come in here to give you a prescription and then walk away; they want continuity. So again, I think we fell on the job here; but again, as I say, I want to, again, put my endorsement of the Agricultural Land Administration Division and see if you could probably get a model like that implemented in your department.

11.45 a.m.

Mrs. Ganteaume-Farrell: Chair, through you, in response, it was not for the public servants to determine whether the programme continued or not.

Mr. Khan: All right, Ma’am, I take your comment in good faith.

Mr. Chairman: Tell me something, we have been focusing so far on the ease with which future leases could be granted, but what about enforcement for failure to perform? I remember at one time Wallerfield used to look more like a residential settlement rather than an agricultural settlement. What has been happening there and in similar places?

Mrs. Persad-Myers: I would let Mrs. Ganteaume-Farrell speak to the issue of enforcement. The Commissioner of State Lands would speak to the issue of enforcement because we have Inspectors of State Lands. We have an Assistant Inspector of State Lands, patrol men. So I would probably let him address that.
Mr. Watche: Chair, at each office in the regions and as mentioned, we have at Point, we have at San Fernando, we have at Caroni, at Sangre Grande Regional, the El Reposo district. We have patrol men, Inspector of State Lands whose job is to patrol and monitor all state lands, including forests. They go around, they observe and when they observe squatting or breach of tenancies—so you have instances where people would have leases but they would have breached the terms of the lease. They would submit a report to the Commissioner of State Lands office.

Further to that, the Commissioner of State Lands would then write and inform those persons who would have breached the leases and the agreement terms, with respect to what are the consequences, because if you issue leases for agriculture purposes—and as I speak here the Commissioner of State Lands has to have a broader outlook, a more national outlook. We have been focusing a lot on agriculture but the Commissioner of State Lands deals with residential, commercial, corporate, industrial, institutional, non-profit organizations. So there is a whole lot of public that we deal with for just state land office. Agriculture is just one.

Issues of portfolios, processing of leases for commercial, residential and agricultural community, industrial—the Commission office does renewal of leases; assignment through death, tenants, wills, transfers, deed of mortgage. The Commissioner of State Lands office deals with change of use: residential, commercial and state lands and it deals with mining, licences for mining, government and private; land development, acquisition, reclamation. Those are lengthy processes; vesting of state lands to other state agencies. It deals with relocation/eviction made by government agencies, resettlement programme. So there is a whole lot of portfolios that the Commissioner of State Lands office deals with, and as mentioned the resource issue and the technical capability needs enhancement.

Coming back to the question of, again, enforcement, so when you observe squatters, again, the Act allows you to serve a quit notice legally. And as mentioned previously it has to go to the court and we understand what happens at the court, the lengthy period and the steps in going through that process.

We can use self-help methods in some instances, verbal warnings. You talk to persons influencing them, trying to influence them to quit. Again, how well that works? I do not think it works well, but we do take action basically through the court system. So as mentioned, different mechanisms need to be adopted to improve that process.

Well, the quit notice that I mentioned, you quit, you have 20 days within which to leave. If that does not happen, again the process of taking legal action, going to the Magistrates’ Court, starts. Again, as we mentioned, it is lengthy. It is lengthy.

Mr. Chairman: We are about to close now. Madam PS, would you care to make any closing comments?

Mrs. Persad-Myers: Mr. Chairman and members of the committee, I want to thank you all for having us here. I think that there are a lot of issues that we have, but also there are a lot of ideas that have come from these discussions, particularly with regard to the idea of re-looking the accelerated land distribution programme. We also need to re-look how we treat with our county offices, in terms of having them properly aligned with modern-day 2016.

I think there a lot of learnings and things for thought, policies that we can probably look at, particularly we could probably look at the whole concept raised by Minister Khan about letters
of comfort or some sort of comfort for legitimate persons with tenure on lands, probably look at developing something in that regard.

I would say that it has been very fruitful for us because things that we may not have thought about, we are now thinking about. So, I wish to thank you for the opportunity for my team and I to have held this discussion with you.

Mr. Chairman: Thank you very much, Madam PS. I must admit that the information provided in the brief, as well what was provided today has been very, very helpful in our deliberations.

This meeting now stands adjourned.

11.52 a.m.: Meeting adjourned.
Mr. Chairman: Good morning and welcome to the sixth meeting of the Joint Select Committee on Land and Physical Infrastructure. I would like to take this opportunity to welcome the Land Settlement Agency as well to recognize both our viewers and listeners. I will like to also remind members and officials to turn off their cellphones or at least place them on silent and/or vibrate. The purpose of this meeting is to continue the examination into land tenure issues and to explore what might be some of the possible solutions to these challenges.

The role of the Committee is firstly to examine the issues that arose and your responses to questions that have been forwarded. Secondly, we are to aid in the improvement of the operations of entities with responsibility for land tenure, hopefully resulting in more efficient and effective organizations. I would like to advise that this hearing is being broadcast live on the Parliament Channel 11, Parliament Radio 105.5 FM, and the Parliament’s YouTube Channel ParlView. Members of the viewing and listening audience, of course are free to send comments via email at parl101@ttparliament.org or on our Facebook page at facebook.com/ttparliament or on twitter at ttparliament.

I would like to take this opportunity to welcome the officials of the Land Settlement
Agency and I now invite you to introduce yourselves.

[Officials introduce themselves]

Mr. Chairman: And my name of course is Stephen Creese and I am an Independent Senator and I will take this opportunity to invite our members starting on my immediate right to introduce themselves to you.

[Members of the Committee introduce themselves]

Mr. Chairman: The objectives of this enquiry are basically the following: To determine the land tenure issues affecting Trinidad and Tobago; to examine the management of the Office of the Commissioner of State Lands and assess how effective this management has been in the achievement of the policy directors related to land tenure issues and thirdly, to examine strategies to deal with the major challenges with respect to land tenure in Trinidad and Tobago.

I wish to now acknowledge the submission sent by the Land Settlement Agency and to invite the Chairman, Mr. Ossley Francis to make some brief opening remarks. Chairman.

Mr. Francis: Thank you very kindly, Chairman and members of the Committee. We are here this morning as you all have requested our presences to appear before you all, to response to questions and answers that most likely you will pose to us to assist the Parliament and the Committee in the good and proper functioning of the Land Settlement Agency. Chairman, I am accompanied by my technocrats and professionals who have been in the Land Settlement Agency for quite a long period of time and that most of the questions that will be posed I will invite the technocrats to respond accordingly. I thank you very much.

Mr. Paray: Good morning again. My first question will go to, I guess, Mr. Chairman, and you would have one of your technocrats answer. In your submission one of the measures the LSA implemented in an attempt to control squatting on State lands was, if I can quote:

Pursuing legislative amendment to its governing legislation as well as to the State Land Act.

What is the status of these legislative amendments to the State Land Act, if you can give us an idea of where you are with that up till then?

Mrs. Darbeau: Good morning once more, Mr. Vice-Chairman. The Chairman has indicated that I should respond. The Land Settlement Agency has very early on recognized that it is an implementation agency of work on state land so that during the course of amendments the Land Settlement Agency’s governing legislation we saw it necessary to recommend and propose that certain commensurate amendments be also done to the State Land Act. Again, with a view to looking at better measures to contain squatting.

The last Cabinet in 2014 approved a policy and a draft Bill was done by the Chief Parliamentary Counsel, CPC. In furtherance of that policy that Bill would have been submitted for ventilation before the Legislative Review Committee. However, the new Cabinet has to review that policy, it has to review that Bill and see whether there are additional amendments or
adjustments needed.

The current Minister that governs the Land Settlement Agency would be forwarding a note very soon to look at, to bring before the Parliament that existing mandate and Bill to see what adjustments may be needed. This would also have to be looked at in collaboration with the Minister responsible for the Commissioner of State Lands, because they fall under another Ministry. So it has to be done in part. That more or less is the status of those amendments.

Mr. Paray: Just a follow up. Could you identify to the viewing public which Ministry that the LSA now falls under and you identified that the Commissioner of State Lands now sits on another Ministry. In your view, is that a hindrance or do you think that the splitting would work towards the benefit of moving the LSA forward? Thank you.

Mrs. Darbeau: I am not sure if I am qualified to give my opinion on that but let me answer your first question. The LSA falls under the Ministry of Housing and Urban Development. The Commissioner of State Lands falls under the Ministry of Agriculture, Land and Fisheries. There are positives and negatives, member, and we have worked with that dichotomy, that split portfolio before. We just need to ensure that all parties are seeing in a uniform manner what is best way forward for dealing with state land and control of squatting on state land. Once we have that common view the different Ministries should not be a hindrance. So at this point I think it might be premature to suggest it is a hindrance at all. We have to test it and I am sure it would be productive.

Dr. Francis: Good morning. This hearing is going to be viewed by the public, many of whom might not know what the exact purview of the LSA is. I mean, it is clear that we have a number of entities that are concerned with the control or utilization of state land. So it might provide some useful context if you could just, someone could state briefly, what the specific purview of the LSA is.

Mr. Hosein: Good morning, Chairman and members. The main mandate of the LSA is the regularization of squatters in accordance with Act 25 of 1998, the State Land (Regularisation of Tenure) Act. Regularization of squatters involves many things. It involves tenure, it involves infrastructure, improvement to where squatters are. There are approximately 251 sites listed in the Act in Trinidad and three in Tobago. The LSA is responsible for sites listed in Trinidad, 251 sites listed. Apart from that, there are approximately another 100 sites, 100 sites that are not listed in the Act. The LSA was mandated to regularize squatters who applied in accordance with the Act. Squatters had until the year October 27, 2000 to apply for regularization and those who applied in accordance with the Act are the ones that we are processing now. That is the main mandate.

Apart from the mandate of regularization of squatters we are also responsible for provision of alternatives in the form of land under the Act for landless persons. We have a responsibility for community development and micro-enterprise so as to create sustainable communities that we are attempting to develop.

Dr. Francis: Mr. CEO, so the LSA is only concerned with state lands on which squatting is an issue.
Mr. Hosein: Exactly so, member.

Dr. Francis: Thank you.

Mrs. Jennings-Smith: Chairman, through you, in your policy document that you have submitted to us here, I am referring to page 29, question X. Can you tell this Committee, can you tell us what action has been taken by the LSA to improve or to resolve these issues? And at the same time, how successful were these measures?

Mr. Hosein: Chairman and members, again, as I said earlier, the LSA work is the regularization of squatters. Approximately 23,000 squatters applied for regularization in accordance with the Act. The work of the LSA over the years has been, we have been involved in developing squatting sites, improving squatting sites, putting in full infrastructure, that is, roads, drains, water systems, electricity, et cetera, and bringing these sites up to full standards so that at the end of the day we can grant the squatters tenure, one and also they can be granted leases, marketable leases when we get all the statutory approvals.

Now, we have been involved in developing squatting sites over these years. To date we have developed approximately 30 squatting sites out of the 251 sites. So generally that is what we have been doing. Apart from that, on the tenure side we have been processing the applicants who have applied for regularization under the Act, as I said before 23,000 applicants, we have been able to give approximately 8,000 certificates of comfort to date, but apart from that we have processed many others. We have approximately 4,500 persons who have applied, who lack in jurisdiction so cannot be processed any further and the balance of applicants are being processed at this time, approximately, 9,000.

Mrs. Jennings-Smith: Mr. Chair, I would like to continue. In my constituency, Toco/Sangre Grande is listed as one of areas with the highest amount of squatting. But we have seen through meetings with your agency, which we welcomed, that many of these people have been living on these sites for about 30 odd years. But most of these sites have been declared agricultural lands. Can you tell us what is your plan to do that or is there any hope of achieving any kind of headway with respect to those people, because they are living there for 30 years and, you know, I know it is not within the remit of the LSA. But can you tell me if some negotiations is taking place with the Ministry of Agriculture, Land and Fisheries, if we can so do at this point in time when we are looking at the diversification and the agenda, the governments agenda with respect to agriculture. So can you tell us what is in train with respect to those areas?

Mr. Hosein: Chairman and member, you are right. The area of Toco/Sangre Grande is one of the highest populated squatting areas in the country. There are a number of sites in that area that is listed under the Act. The LSA has done work in that particular area and I can call a couple of sites that have been developed. We have developed Pine Settlement, we have developed Picton, we have developed KP Lands and at this time we are developing an area called Kangalee. So that is one of the areas in the country that has seen out of the 30 sites or so that we have developed, the most development to date.

One of the issues in this area is that much of the land in the area is forestry reserve. So it
is reserves. And that is the area that we should not be encouraging squatters and we should try to protect as much as possible for our future. Yes, there are agriculture lands in the area and the Ministry of Agriculture, Land and Fisheries, the Commissioner of State Lands has the jurisdiction to assist in protecting those lands and for the allocations of those lands. But we are challenged in this area mainly because the lands are generally forest reserves and it includes a lot of the environmentally sensitive areas that should not be squatted upon.

Now, a lot of the new squatting that is happening has been occurring recently in this area, and I say recently, between the years 2010 to 2015 we have had a high growth of squatting in the particular area and that is a challenge to the LSA to control and for our development plans in the area. As we seek to come up with our development plans, land use, engineering designs, you have new squatters invading these areas which is a challenge for the LSA for future development. Because it is a continuous cycle. As we try to improve you have new persons invading these sites.

Mrs. Jennings-Smith: Mr. Chairman, I just want some more clarification. I really was referring, in particular, to those on those lands for 30 odd years, where permanent structures have been erected. I really want to know, what is your plan in dealing with those? Those are people on forested areas which we term forest reserve and this is a question that is being asked by my constituents on a daily basis. Could you give us some clarification on the way ahead?

Mrs. Darbeau: Thank you CEO and Chairman. Member, it is a process that we need to engage in terms of the various stakeholder agencies with responsibility. So for instance, Pine Settlement being a forest reserve we have gone ahead and we have gotten the Town and Country Planning approval for the outline and for the laying out of the lots and we have done as much as we could with the relevant approvals we have gotten so far. But the handle of being a forest reserve is still there. To do that, we have to engage the conservator forest. It is actually a very detailed process which we have had to also have meetings with the Attorney General’s office in terms of how you de-reserve an area to make it eligible for residential approval. Until that is done the persons here will not be able to receive a marketable lease. They might receive a lease, but it would not be one that they can now pass on to a third party purchaser or another party, because once they do that search it will show up as a forest reserve and we need to de-reserve it.

Apparently there are several policies in place with the forestry division that is coined, a no net loss policy, so that once you propose to de-reserve an area of forest you also have to identify a fresh area for reservation. So the forestry reserves of the country would not be depleted. We have been in discussions, active discussions with the relevant members of the Attorney General’s department, the conservator of forest and the EMA as recently as last week Tuesday. We would have had a meeting in terms of taking that process forward. We are doing as much as we could to drive that process because the work is already done, the infrastructure is done, the surveys are done, all the amenities are in, all we need to do is have that de-reservation take place.

It will follow the same pattern in the other areas including Kangalee which part is environmentally sensitive. I think what the CEO alluding to is that while we take these steps to bring relief to the members or the residents who have been there for so long we have to also not make the mistake of encouraging the spread because it will just make the problem even so much
larger. It will mean more areas to de-reserve, the spreading, it just means that when we have reached a certain point or boundary we have to now expand and look at the process again from start.

So, we are looking at it but we have to be very careful about what area is being de-reserved, what area is change of users is being looked at. We have to work in sync with these regulatory approval agencies and we are following every guidance we have gotten we are pushing for that to happen. But it has to be done with a mindful approach that we cannot allow this to spread.

**Mr. Francis:** Mr. Chairman, let me assist my technocrats and to respond to the question posed by the member, Glenda Jennings-Smith. In particular, Valencia, Sangre Grande, that is a forest reserve. And that prior to 2010 the LSA gave no certificate of comfort to squatters in the scientific reserves, in the forest reserves and on the river banks. Simply to contain squatting and the Act says, it is clearly written that the scientific reserves, squatting must not be encouraged and we must do everything, the Act said that, to discourage it.

What happened since 2010, 2011, 2015, the records are there to prove. The outgoing Land Settlement Agency Board took a decision and it is on record, to give squatters certificates of comfort as long as they live on state lands, regardless whether they live on the river banks or in the scientific reserve, on the TGR, on the recreation grounds just give it to them and that has happened. It has put us, this new board, at a great dilemma to find a place and a space to accommodate the squatters who were handed certificates of comfort. So when we make one step forward, in one year, in the second year it is 10 steps backwards. That is a dilemma that we in the LSA have to grapple with. It is not easy.

10.25 a.m.

**Mr. Chairman:** What have you proposed by way of response to that? You have stated what the problem is, but what proposals are on the table to deal with that now?

**Mr. Francis:** Chairman, this new Board that I head, we are now reviewing it and we are going to apply the law as it exists under Act 25 of 1998. That is the proposal.

Chairman, it is the law, but what you find is that the Board that left took up unto themselves and introduced a policy. A policy is not the law. They issued a policy to just give people Certificate of Comfort as long as they are on state land.

**Mr. Chairman:** Do you anticipate that relocation will now be an option?

**Mr. Francis:** Well the Act says that. The Act says that we must find a place and a space in a designated area, in accordance with the Act, to accommodate those persons who were granted or given Certificate of Comfort. We cannot now withdraw it, Chairman. It is already in their possession, and Valencia/Sangre Grande is not the only place. You have it rampant in Trinidad.

**Mr. Chairman:** But within the context of Valencia/Sangre Grande and the question of relocation, is it physically, geographically possible given that this is one of our forest reserve areas? When I look at the map, most of what I see, that area is forest reserve.
Mr. Francis: Yes, Chairman, it is possible.

Mr. Paray: Mr. Chairman, I hear you in terms of the previous board making decisions that you clearly claimed that did not fall within the ambit of the law. The legal representation on the board at that time, who would have given—because I am sure no sitting board should ask any agency to break the law and who would have been the person sitting there that allowed this to happen, Mr. Chairman?

Mr. Francis: Chairman, do you really want me in the public view to identify the name? I do not think it is proper for me to do that. I beg to withhold my silence on that, Member of Parliament for Mayaro.

Mr. Solomon: Chair, if I may? Just from a legal perspective, a Certificate of Comfort is not a lease in itself. Am I right in that?

Mr. Francis: You are correct, Mr. Solomon.

Mr. Solomon: A Certificate of Comfort, from my understanding a bit, is merely that you will not be evicted or removed forcefully, and it provides a certain level of comfort for the person holding the certificate.

Mr. Francis: You are correct.

Mr. Solomon: It is not a lease.

Mr. Francis: No, it is not.

Mr. Solomon: Alright. And is it that your end game is to provide a lease?

Mr. Francis: You got that one right.

Mr. Solomon: So it maybe a short-term measure that the previous Board may have utilized to provide comfort is what I am asking.

Mr. Hosein: May be if I can help here, Chairman and member? When someone gets a Certificate of Comfort, traditionally that person sees that, he views this as a permanent document, and that is the misconception. And naturally so, people tend to improve the quality of their lives once they get this document in their hands. So they think they have a Certificate of Comfort, and what they do is to improve the quality of their housing. They probably convert from a wooden structure to a concrete structure. Then it becomes must more difficult in the future to remove that person if even you have to make that decision.

Mrs. Jennings-Smith: Mr. Chairman, hence the reason why I asked the question about persons there who have been for 30 years and build concrete structure. I really wanted to know what was the position, where we are heading?

Mr. Chairman: I think the Chairman said the law is the law and they cannot change the law.
Mr. Smith: Thank you, Chairman, through you. In the capacity before I was Member of Parliament for Diego Martin, I was the Chairman of the Diego Martin Regional Corporation and just like Sangre Grande we also have a big issue in the Diego Martin area with regard to squatters and so on. But a number of people who live in the Diego Martin area and throughout ask about in terms of how we enforce and educate the public with regard to squatting. I read in your submission you mentioned public advertising where you all try and control squatting through billboards, newspapers and so on—because I have not seen it, and a number of the public ask me why we do not do it and I saw it in the submission—but how often is it done; during what period of time; and how do we calibrate the success with regards to the money spent to educate and show in the media that we are doing something?

Mr. Francis: Member Smith, you are so very correct. You ask: how do we measure the expenditure as against success? There is not much that we can show. We do it as a matter of course to sensitize the public that squatting is illegal. And I will say here and to you, members, the public is well aware of the role and function of the LSA and our authority, and the powers that we have with respect to squatting and the powers we do not have because there is a court judgment delivered by—and it is in the public domain so I can call the name publicly—Justice Carol Gobin, and that judgment was delivered in the year 2011, January 2011, and it is in the public domain. That judgment says that the Land Settlement Agency does not have the power or the authority to go unto state lands and demolish squatters’ houses. Chairman, members of the Committee, that is the law.

We in the LSA, between the period 2002 and 2010, made a brilliant attempt to contain squatting, and it was a policy that we adopted from a Cabinet Note—a Cabinet Minute and we were challenged in court that a policy is not law and we lost the matter, and having lost that matter squatting became rampant in Trinidad. There is no letting up. So that Member Smith asked the question what is the end result of the moneys spent in advertising and sensitizing the public. The public knows very well that the LSA cannot break nor demolish their houses. That is not within our remit. It may surprise you, members, but that is the role and function of the Commissioner of State Lands in accordance with the law.

Dr. Francis: Mr. Chairman, through you, two questions. I was going to ask this one second, but I will ask it first. Seeing that you have just mentioned the role of the Commissioner of State Lands, what is the nature of the operational relationship between the LSA and that office; how effective is it; how efficient is it? That is one. And just for my curiosity, as a state agency, does the LSA know where all the state lands are? Is there a reliable registry of state lands in this country that can be verified? Thank you.

Mr. Francis: Chairman, I respond to my namesake, Member of Parliament for Moruga. We do have close monitoring with respect to squatters on state lands and we do advise the Commissioner of State Lands on a regular basis, continuously, of all the squatters that we pick up in Trinidad who are on state land, we bring it to their attention. Not only the Commissioner of State Lands, we go one step further and we advise the regional corporations throughout Trinidad, all in an attempt to get a buy-in from these two agencies who have the power. They have the power, we do not have
the power, to take the squatters to the court of Trinidad and Tobago to get them to desist from squatting.

As I said earlier on, we made an attempt under Cabinet directive in 2006, but we were challenged—and I will not call the name of the lawyer who challenged us because it is in the public domain—and we lost the matter. That is the answer to member Lovell’s question. And if we know where all the state lands are—

Dr. Francis: No, no. I am asking about effectiveness. Is the LSA—how should I phrase this correctly? When you bring matters to the Commissioner of State Lands, do you see the requisite action at the rate that the LSA would like to see it? I am asking the contentious question.

Mr. Hosein: Chairman, member, maybe I can help with that. Maybe the numbers could bring some clarity to that. Since 2013—and we will go back to 2013—for the last two and half years we have sent notices to the Commissioner of State Lands on a weekly basis. We have sent approximately 4,000 notices of illegal structures, brand new illegal structures on state lands since 2013 to now—4,000. We send this on a weekly basis. And as my Chairman said, it is also sent to the regional corporations.

The records are there to prove. How many of these out of that 4,000 has been dealt with? I cannot count any of them. We have sent the same notices to the regional corporations who have the powers under their legislation to deal with illegal structures that are constructed in their regions, and we have not been informed of any action that has been taken against any illegal structure, any show cause notice, we are not aware of it for the ones that we have sent to them. So if that can help in telling you—the relationship is there. We submit on a weekly basis. We have now put a system in place where this is sent electronically as well on a weekly basis to the Commissioner of State Lands and we attempted to do the same thing to the regional corporations. So they have real time information on which to act, but whether or not action is being taken is another question.

Mr. Chairman: Tell me something. Do you all do any kind of follow-up communication with either agency; the corporations or—

Mr. Hosein: We have regular follow-up, we have regular meetings, we have—

Mr. Chairman: And still no action?

Mr. Hosein: And there is still little or no action. I just want to draw an example of what is happening. We are presently developing an area called Sunries Ramlal in Penal as we speak, and as we speak we have brazen members of the public who are constructing where we are developing. Now the Drainage Department has earmarked a particular area for a detention pond—a vacant area for a detention pond—and the area has been overtaken by squatters who are claiming as their lands. So we have asked the Commissioner of State Lands and the regional corporation to intervene because on the one hand the state is spending millions of dollars to develop that particular area. An area has been earmarked for a detention pond so that we could complete this development and at the end of the day give leases to all the residents in the area because that is what we are attempting, but you have members of the public who are constructing as we speak. Just last week I was told another one is constructing in the middle of road where we are developing. But we send
these notices to the Commissioner of State Lands and the regional corporation and there is little or no action.

Mr. Ali: Through you, Chair, could you indicate to me—there are about three questions here so I will pose all one time—with your records how many squatters do we have in total across the country on state lands? You also in your submission state that you have 4,469 lots that have been developed by the LSA and they are awaiting leases, how long will it take for those individuals to get the leases? And do these individuals, when you finish develop and issue leases, do they pay any sums of money to the state for those parcels of lands?

Mr. Hosein: Chairman, member, estimates of squatters. As I said earlier, we have approximately 23,000 squatters who applied for regularization under the Act and that was as at October 27th in the year 2000. As of today’s date our best estimate puts the number of squatters at approximately 55,000 families—estimated 55,000 families—and if we multiply by four we are looking at well over 200,000 persons in Trinidad who are squatting. So that is our best estimate that we have. During the years 2009—2012 we conducted a comprehensive social survey and we were able to ascertain these numbers, and the numbers have grown over the years.

With respect to leases, your question on leases, yes we have developed approximately 4,400 lots and what we are attempting to do at this time is to get all the statutory approvals so we can move persons from the stage where they are in, whether at the Certificate of Comfort stage, they can move from that stage to the next one, which is getting their leases. Not every person who are on those 4,400 lots have applied for Certificates of Comfort. That is another issue. On those 4,400 lots we may just have about one-third of the persons who have applied for Certificates of Comfort. There are other persons on those lots who have not applied and not covered under our legislation. So that has to be dealt with by the Commissioner of State Lands as well.

Now what we have done over the years to get towards leases, we have put in full infrastructure, we are working with the regulatory bodies to get all the statutory approvals and we now have a pricing policy in place for persons to pay for these lots. Now the LSA is getting you to the point where we are saying we are offering you a marketable lease. Now it is up to the squatter, who is entitled under the law, to make that payment. We have put all the structures into place. The squatter now has to make that payment and has to buy-in to the idea that if he makes this payment he can have a marketable lease, one that he can take to the bank, he can use for collateral, et cetera, at the end of the day. But we have put all the necessary steps in place.

Mr. Chairman: What has the response been like in terms of paying?

Mr. Hosein: Now, we aggressively started this process in 2014/2015 moving towards the lease stage because we have been able to get full approvals on approximately five sites to date. We have written to and communicated with the persons on these sites, the Certificate of Comfort holders and the persons who do not have Certificates of Comfort as well through the Commissioner of State Lands office, and the response so far has been moderate to the best. Persons, of course, are claiming that they do not have the finances to pay. We have even put things in place through institutions such as the TTMF, where we have negotiated with the TTMF to put soft loans in
place—2 per cent loans—where they can now borrow from the TTMF at 2 per cent interest rate to pay for the land and even to construct new houses if they wish, but it is work in progress with the squatters.

Mr. Ali: Let me just follow-up with one question. I do not know if you will be able to answer, but at an average what is the cost a squatter have to pay on one of these lots? An average cost.

Mr. Hosein: The cost is based on a pricing formula. The lands are valued by the Commissioner of Valuations. It is on that basis the pricing formula works. The agreed price according to the pricing formula is five dollars per square foot for a squatter who is eligible under the Act, plus a premium of 20 per cent. That premium is based on the difference between the open market value and the five dollars a square foot. So lands situated for instance in Moruga where we have developed, because of market forces the price would be less than lands situated in Port of Spain. But an average from what we have calculated—and I can give you the example of Moruga again—the average price for a lot of land for a squatter who is entitled under the Act in Moruga would be between $60,000 and $80,000 for a lot of land.

Now that lot of land cost the State approximately between $130,000 to $160,000 to develop. So the squatter is getting a subsidized price at the end of the day for that lot of land. The open market value of that said lot of land would be much more than the $160,000. We have been given open market values for some of the lands that we have developed in difference parts of the country as much as $300,000 and $400,000 for the lot of land.

Mr. Ali: And this lot of land is usually the 5,000 square feet, right?

Mr. Hosein: The Act says that it is 5,000 square feet more or less.

Mr. Paray: Mr. Chairman, does there exist in Trinidad and Tobago a land use policy? Has one been developed over the years in terms of a policy document as to land use?

Mr. Francis: Member for Mayaro, that question that you have posed should really be answered by the Town and Country Planning Division. They set the policy and the guidelines for agricultural lands, residential lands, commercial lands, industrial lands, they should have that policy. We deal and treat with in accordance with the remit of the Act, residential squatters on state lands. And may I, as a follow-up to my CEO’s response to the question about the land pricing. We are an agent of the Government and the Government role, as you all are Government MPs, is to assist the citizens. Whether the poorer citizens, it is to assist the citizens in general, and that the $5 per square foot is subsidized, grossly subsidized. It is a loan that the State engaged the IDB and it is the IDB money that the Land Settlement Agency utilized to develop those squatter sites, and that we take our cue from the Government of the day. I repeat, we take our cue from the Government of the day.

Mr. Hosein: Chairman, if we could just go back to the question on land use planning? For all sites that the LSA has developed to date we have engaged with Town and Country Planning as my Chairman says. They have a responsibility and we have engaged all the other agencies such as the EMA before we do any sort of development. We have been very proactive. For instance, we are presently engaged in land use studies in three particular areas in the country—the greater Valencia
area, the Point Fortin area and the Couva area. Large tracts of lands all over, close to 2,000 hectares, where we are developing a land use plan, not only for where the squatters are, but looking at the entire area and we are working with the Town and Country department, the EMA, the Ministry of Planning in coming up with a proper land use plan for these areas.

**Mr. Chairman:** I noticed that you made reference in your submission to two other state agencies that have some similar responsibilities. I am talking here about PSAEL, and I think it is the other state agency with responsibility for former Caroni lands. To what extent do these agencies represent any sort of difficulty for you in terms of applications you have received?

**Mr. Hosein:** In our Act there are approximately 65 sites that are listed in the Act that are on lands of either Petrotrin or PSAEL, and there are thousands of squatters on these sites. We have been working with and we have engaged these institutions over the years with a plan to developing and regularizing persons on those lands. But these agencies have the responsibility because the lands are vested in them and they have rights to the lands. We are constrained in our approach in regularizing squatters on these because they have a responsibility as well.

Now for former Caroni (1975) Limited lands, the responsibility lies with the Commissioner of State Lands and to a lesser extent with the EMBD.

**Mr. Paray:** I noticed in your submission, the last couple pages, you listed a lot of the challenges that the LSA experiences in terms of all the various bureaucracies involved. If you were to give me an idea, if all things being equal and all the different agencies of state were doing what they were supposed to be doing in a very effective manners, what would you estimate to be the time lag between, when an application is made for one of these pieces of land to the issuing of the deed? That is the first part.

The second part. In your experience so far, in my understanding, it is the Commissioner of State Lands that actually gives the final sign off on these deeds, do you see that being a hindrance in terms of the speed of the processing? You and your agency may be working as fast and as best as you can, but when it goes across to the Commissioner of State Lands, has it been your experience that some of your bottle neck may be in that area?

**Mr. Hosein:** Now the question on time lag, Chairman and members, for processing of applicants, from application to tenure. Now that has a number of parts. One, it is the actual processing in terms of the legal documentation, a person who has applied for a Certificate of Comfort and then processing them in order to have that Certificate of Comfort, and eventually towards getting a deed of lease at the end of the day.

That is a long process, primarily because the issue of state lands, we have to be very clear whether the lands are indeed state lands or not state lands. Many persons have applied for Certificates of Comfort, they are on private lands, they are on lands of other state entities, and because we do not have—I do not think there is anywhere, in any of the organizations, any proper records which can clearly say Mr. X who has applied in this particular area in Sangre Grande is on state land or is on a forestry reserve. So we have to check every applicant to make sure where there application is. That is one.
The other part of the process involves the development works. Now development works, from taking a raw site to bring it up to the full standard takes approximately four years because you are engaged in the initial planning, land use planning, engineering designs, working with the different regulatory agencies, engaging of contractors, et cetera. The actual works itself will take approximately four years from start to finish. Now all of that can happen if you have the finances to do it. Now we are also hamstrung by that as well because if you do not have finances you cannot engage in development.

Over the last five or six years, the LSA has been hamstrung for money for development. Our biggest budget over the last five years might have been about $40 million in any one year. It is only in this particular financial year we got the largest budget over the last six years, we got $70 million for development works. So that, and as I said before, the cost of development for one lot is approximately $130,000 to $160,000. So a lot of what we would like to achieve in terms of fast-tracking the process is dependent on financial resources.

Your other question dealt with the issue of leases. Yes, we work with the Commissioner of State Lands with respect to leases and the other agencies that have the responsibility, the Commissioner of State Lands works with the Chief State Solicitor’s Department. And their administrative processes which, in our opinion, can move a lot faster but that is beyond our remit.

10.55 a.m.

Mr. Paray: Following up that, in the report on page 17 of your submission, under designation of sites and declaration of sites as designated areas, the report states that the LSA cannot issue leases for the Land for Landless Programme because none of the sites has been declared as settlement areas. The question is, do you think that if the LSA were given the autonomy to issue deeds of leases, that would improve on your delivery time for these deeds and so on?

Mr. Hosein: Certainly, if you have a one-stop shop where you have all the authority to do so, it would improve the time frame for issuing of leases.

Mr. Paray: Now, that being said, the legislation, under sections 16(1) and (2) of the regularization of State Act, where the President has the powers to give the Chairman a certain amount of authority to do that, has that ever been considered as probably one of the changes that we can look at in the legislation?

Mr. Hosein: Under the legislation, the Chairman of the LSA has the power to sign leases for squatters who are protected by the Act and who have been granted a Certificate of Comfort, and those are the only ones that the Chairman of the LSA can sign leases for. All other leases have to be signed by the Commissioner of State Lands.

Mr. Paray: Okay.

Mr. Chairman: You were referring just now to the disparity between the cost of development as undertaken by your agency and what the pricing structure is, in terms of what you could recover from the resident. You also indicated that there is a time gap between when works are initiated and delivery time. I think you suggested as much as four years, if I am correct. What I was
wondering is if within that time frame, would it be unreasonable to have a fee structure because any other situation, people would have been paying land taxes as it were or rentals, you know, if they were on private lands, good, they would be paying a rental fee to the substantive owner. What do you think about the possibility of charging rates to such occupants in the intervening period so as to provide basis for funding of your agency?

Mr. Hosein: The basis of applying the pricing policy is really based on the person having a lease.

Mr. Chairman: I am not talking here about price of the land, you know, I am talking about there is a disparity between the cost, the moneys which you would eventually recover, good, and what it cost to develop, and given that there is a time frame in-between the two—you indicated that there may be up to four years to get the development works organized and therefore get all the lease arrangements in place, if it is possible. So I am suggesting, I am asking you, what you think about having a fee structure. We are not talking here about the sale price of the land, we are talking here that these people are occupying lands and if they were on a private situation, they would have been rate payers, land tenants. You follow me?

Mr. Hosein: Yeah. I will pass over to Ms. Darbeau for this question.

Mrs. Darbeau: Thank you, CEO. Mr. Chairman, I hear you and I think there are several ifs or conditions I would have to suggest would have to be lined up or be aligned for that proposal to be practical. For instance, we are dealing with squatters who have not yet defined or acquired an interest in the lands. Once you engage someone to start a payment, it may have the effect of that person acquiring an interest or being able to say in the future but I have invested by making these payments. At the point at which someone is a squatter or even the holder of a Certificate of Comfort, as Member Solomon said earlier, it is a licence; it is permission, it is protection, it is no interest. We are taking it a step further where the person is actually offering some form of consideration or some sort of rate for being in occupation. That might be building an interest.

Secondly, if the lands have not yet been developed to the stage where there are boundaries or defined designated area of occupation, they are paying in a vacuum. You are not sure if they are paying for 4,500 square feet or 5,000.

The last issue is probably the most challenging one. Very often we realize that the persons in occupation may not even be the persons who applied for the Certificate of Comfort. So we go on the site today, we find John Doe, but we find out, when we do our checks and our surveys and we look at all our documentary evidence, that it is Mary who is the Certificate of Comfort applicant but Mary may have migrated or deceased or moved to the lot next door. We have to be clear as to who we are engaging, who we are creating a relationship with, a contractual one and payment takes us into the realm of a contractual arrangement. So I think that can work if—

Mr. Chairman: A tenant at will is a contractual arrangement, you know.

Mrs. Darbeau: Yeah but these are the tenants. They do not have any legal relationship yet. By definition, a squatter has no legal relationship yet with the landlord—there is no landlord. So that we have to be careful. I think it could work, Chairman, if in fact we are liaising with the parties who we are clear are the bona fide recipients of Certificates of Comfort who are within designated
areas, who we are certain may move forward to the deed of lease stage. So like I said earlier, if all those ifs line up, we could probably deal with those. The persons who are on the lands who have no record of any application or whatsoever with the LSA, or we have no application from them to draw an inference that this is the person who has applied for this spot, it will be very difficult, I think. We will have to look at it very carefully.

Mr. Solomon: Through the Chair, you mentioned earlier on the regional corporations. I wonder if you could tell us which regional corporation has the most submissions from yourselves out of all the corporations.

Mr. Paray: Chair, Member, the regional corporations that have the most submissions would be the Sangre Grande area and the Point Fortin area. Those are the two that have the most submissions from the LSA.

Mr. Chairman: Are you all invited to the regional coordinating committee meetings at those corporations?

Mr. Hosein: A member of staff attends each one of those.

Mr. Smith: Chairman, and they would have attended the Diego Martin ones quite frequently and they were very helpful in helping deal with it in Diego Martin.

Mr. Hosein: Chairman, we attend, we make a case that we need assistance from the regional corporations but it is not reciprocated. Again, we also invite the regional corporations, Chairmen and CEOs, to our regular meetings, which are held monthly at our office where we invite all the regional corporations to come together with us, together with the Commissioner of State Lands office. It is a coordinating meeting really where we try to come up with strategies to deal with this new squatting, unfortunately, not much action.

Dr. Francis: Mr. CEO, do they actually attend the meeting?

Mr. Hosein: Yes, it is well attended, but you do not have much action after that. So what we have done recently, Member, we have written to the Ministry responsible for the regional corporations asking for clarity with respect to the law and how the law should be applied. Because what you find is that each corporation that attends the meeting has a different perspective on the way action should be taken. So we have now written to the Ministry, the Permanent Secretary, asking for clarity and asking that if the Permanent Secretary could come and address the meeting when next we meet, to let the regional corporations, let the CEOs and the Chairmen know, this is the course of action that should be taken.

Mrs. Jennings-Smith: Chairman, I want to refer to page 1 in the submission by the LSA, item (h), monitoring and patrolling of sites, they say in Act 25 of 1998. And I want to say, in your submission, you indicated that the measures implemented to attempt and to control squatting were monitoring and patrolling. Do you have a special unit there to engage in patrolling of the sites?

Mr. Hosein: Chairman, Member, yes, we have a unit called our Containment Unit that monitors and patrols and reports each new incidents of squatting. Of course, it is a small unit in terms of the numbers. The total number of patrol officers, from my recollection, it is about 32 in total. It
is all of Trinidad that is to be patrolled. There are 32 listed on this structure but we do not have a full complement at this time.

But I can also say that at the Commissioner of State Lands office, there are hundreds of officers there who are employed for patrolling of these sites. At the forestry department, they have hundreds of forestry officers who are employed, who also have a responsibility for patrolling and reporting incidents of squatting, et cetera, and the destruction of the forest that is taking place. So we are very small in the scheme of things but we do monitor and patrol and we do report, as you see it from the numbers that we have presented, over 4,000 reports of new squatting over the last two and half years, three years.

Dr. Francis: Which lends itself to the obvious question, is there any level of coordination between these bodies in terms of that monitoring?

Mr. Hosein: Member, as we indicated before, our regular meetings are the means by which we are attempting to coordinate. We provide information on a weekly basis in writing and, as I said before, also we are attempting to do it electronically to these institutions so that they can take the necessary action and use the powers that they have, you know, to deal with the new squatting.

Mr. Chairman: I think we should cut to the chase in the sense that in terms of your actual recommendations, good, you indicated that land management authority will be the direction to go. Do you want to elaborate a bit on that?

Mr. Hosein: I will pass to Ms. Darbeau.

Mrs. Darbeau: Thank you, Chairman, thank you, CEO. I have been at the LSA for 10 years and I have been looking at the legislation for as many years. In the most recent version of my recommendations, I always start with identifying all state land clearly and having a designated authority. I am not going to take that term you used, land management authority, whatever it is called, a place which can be considered the repository of all information on state land. Not just physical records but electronic records and not just records that are coloured pink saying it is state because those records may be from 1847.

We have to look at the current jurisdictional use. Certain lands may have been allocated for early childhood centres, for sporting complexes, for petition by farmers. There are so many things. They may have been the subject of a licence for mining and exploration, quarrying. There is no one place with all of this information. So in terms of recommendations and a body to take care of that, yes. We need to have that place because I live that headache of a Clerk doing a search and piecing together a puzzle. Sometimes doing a research for surrounding parcels of land to try to determine what the middle one is. So by the process of elimination, we determine, well it means this is probably so. Unfortunately, there is no one place which all of that information resides. That is a major, major constraint.

We also have to be mindful about transactions and the administration of state land in terms of allocations, assignments, any form of dispensing of state land, it needs to be done in a timely manner. Yes, I know Cabinet Minutes usually contain a lot of information but does that reach to the record holder to be reflected in the records; that hardly ever happens. And I have had to look
at Cabinet Minutes as well to determine whether this land has changed jurisdiction. Has the process been completed? No. So it needs to have a review of that process in terms of any going forward.

We need to look at the administration in terms of the officeholders with responsibility for enforcement. I cannot ignore the need for legislative review, comprehensive legislative review—not just between the LSA and the state lands Act which governs the Commissioner’s office but all offices and entities that deal with state lands. Persons must know where their responsibility lie, identify where there are overlaps, where there may be duplicitous actions, agricultural and whatsoever.

And the recommendations would surround those two key factors: harmonizing policy with the law and making sure that we complete the process so that the layman or the technocrat or the politician or anybody, could get real-time information on the status of a parcel of land and know what they are entitled to, what can be done with it.

Mr. Chairman: Tell me something, from the information available to you, is there any state agency right now that at least from the electronic perspective has a repository of the state of occupation of lands, whether it is as squatters or as bona fide residents because you know now we are talking about electronic scanning. Is there any single state agency that has that kind of real-time information?

Mrs. Darbeau: Well, singly, the LSA has information. Now, when we provide information and we do our patrols, we take up the GPS coordinates of the structures that we pick up and we plot it. I would allow the CEO to indicate in terms of which agency may have the most, but I know Land and Surveys has information, the Ministry with responsibility for lands would have information, the LSA would have information on squatting. I do not know if there is anything additional.

Mr. Hosein: The Ministry for agriculture has a—there is a programme, List the Parcel Viewer, which they have attempted to incorporate all the different uses of state land and all the parcels of state land that have been given out. That is an on-going process where they are trying to update that. We are also part of that process, updating all squatters as Ms. Darbeau said, on to that and all the sites that we are developing, that information is put on to the list as well.

Mr. Chairman: Okay. I have noted the recommendations you have made in terms of possible revision for your governing legislation and I am also taking alongside, as you indicated, whatever they may call it, but an agency dealing with what we would expect a land management authority to handle. But do you feel that the mere revision of your legislation, the creation of an umbrella body, a land management authority, for want of a better term at this stage, would be sufficient? I know it is necessary but would that be sufficient? Or is there need for something other than redrafting your legislation, creation of an umbrella authority? Would those two things be sufficient to get to the bottom?

Mr. Hosein: Well Chairman that would be a start in moving in the right direction, the creation of some authority that has overall control. Not to say that the Commissioner of State Lands office does not have that at this time. It probably just mean getting all the administrative process in place
and of course, giving an agency like the LSA the power to deal with new squatting and that is what is needed at this time.

Because if we continue with the rate of new squatting that is happening, we will be forever regularizing, we will be forever trying to develop areas, and this will be a cycle that we will not be able to stop.

**Mr. Chairman:** I was trying not to put words in your mouth but I will come to my point. With the creation of a designated land court, do you see that as having relevance to this situation?

**Mr. Hosein:** Ms. Darbeau.

**Mrs. Darbeau:** Thank you. Most definitely, Chairman. Actually, during the course of our recommendations, that was one of them. We have even looked at stretching the boundaries of existing tribunals or commissions, like perhaps the Environmental Commission, to expand to deal with designated matters of lands. It would not just serve the Land Settlement Agency or state land, there other pieces of legislation out there that affect private land that refer to tribunals to deal with any disputes and they have never been created.

For instance, the Land Tenants (Security of Tenure) Act, it refers to tribunals that have to address the disputes under that Act and those tribunals do not exist. So persons with claims under that legislation have no other redress but to go before the High Court, and the High Court has a lot of matters to deal with. So extracting some matters that could be dealt with otherwise would be a step in the right direction.

**Mr. Chairman:** Okay. As you hinted at it and as your Chairman, I think, had raised it earlier, I will go there because—and I think the CEO lamented the fact that forest reserves, aquifers and so on are endangered by these squatting situations and, from my experience in the regional corporations, I am aware that hillside squatting has an impact on irrigation systems, drainage systems, across the entire east west corridor. The EMA, Environmental Management Authority, what has been your experience of their efficacy in all of this?

**Mr. Hosein:** Chairman, we have been working with all the agents. As Ms. Darbeau pointed out, this was only last week, and I think it was last week Friday or so, we met with the EMA together with the Ministry of planning.

**Mr. Chairman:** But you have meeting with the regional corporations.

**Mr. Hosein:** A nd we have been meeting all of these agencies.

**Mr. Chairman:** To no avail.

**Mr. Hosein:** The most we can do, Chairman, is to point out what we think their powers are and what they should be doing to assist with the situation. And you are right, we are in danger, our forest reserves are being destroyed, our aquifers are being destroyed with new squatting. Hillside development, it is going to pose a threat to all of us in the future. It is posing a threat now to us and it will continue to pose a threat to us in the future if we do not deal with this situation.

**Mr. Francis:** Chairman, let me embellish the point that my CEO has raised in response to your
question. Chairman, for instance, Farm Road in St. Joseph opposite to WASA, if you dig four feet, water springs. It is an aquifer, it is. And over the years, Chairman, last administration—not the previous one between 2010 and 2015 I am talking about, prior to that—we refused to give CoCs to squatters in Farm Road because of the aquifer, four feet, water springs. The whole of Mount Lambert is within the same belt.

Chairman, the last—2010—2015, big ceremony, all in La Joya Complex, all about the place, CoCs handed out to squatters in Farm Road and they all have it. What does an administration do thereafter when Farm Road residents have Certificate of Comfort? We have to found a place to house them. Find a place because the Act says that and the last board did it with the consent and authority and with the powers that be at that time. It begs the question, where are we going? We make three steps to do the right thing and five years after, we make 10 steps to do the wrong thing.

**Mr. Chairman:** Are there any other questions?

**Mr. Paray:** Yes, Mr. Chairman. Are you satisfied with the current levels of manpower that you have at the LSA? That is one. Do you think that the LSA requires specialist positions that are not currently available to smoothen or to make better use of your manpower? And lastly, is there adequate use of technology in the delivering of your services at the LSA. And the reason why I am asking these questions is that part of our mandate really here is to make the appropriate recommendations to fix some of the issues that are challenging you at this time. So if you could answer those three questions, I would be happy.

**Mr. Hosein:** The LSA has an organization structure of approximately 193 staff. It is all on contract. At this time, we have about 90 persons who are on contract at this time out of that. The structure in our mind is adequate to deal with our work, but we need the financial resources if we are going to have all the manpower in place to effectively deal with our mandate. So that is what is required. For instance, if we are to full the entire, we would require approximately $35 million to full the entire structure for one particular year to meet payments for contracts’ salaries. We are way below that in what we are given so we cannot full the structure as it should be to deal with it.

In terms of technology, we have improved quite a bit. As Ms. Darbeau pointed out, we have been engaging at the use of technology over the years. We have improved in terms of the technology. We now have GPS equipment, et cetera, where we have be able to get the coordinates of every structure that is out there, be it existing squatters who are protected under the Act or new structures that are going up, we have that technology in place, so we have improved a lot. So we are okay with respect to technology. It is the linkages that need to be formed with the other institutions that need to be improved.

**Mr. Ali:** Chairman, CEO, you indicated early about the—approximately about 55,000 families squatting and out of that 55,000, you also indicated in the submission here that you have about 23,000 to 28,000 that applied for Certificate of Comfort. How is the LSA treating with these rest of families noting that we understand that housing is a necessity for each and everyone one of us? And do you have any information with these squatters? Have they applied for housing through
the NHA? Is it a duplication that they are applying to Certificate of Comfort and housing at the same time? So we could eliminate some of these, you know.

Mr. Hosein: Chair, Member, as I said before, approximately 23,000 persons applied for Certificate of Comfort and you are right, the numbers—we estimate there are 55,000 squatters now on state lands alone. What is happening with the others, they are not protected under our governing legislation. Many of those squatters live in sites listed in the Act, did not apply, came long after the Act was passed, long after the date for applying for a Certificate of Comfort.

How are they to be dealt with? Now, they can only be dealt with in accordance with the law. The Commissioner of State Lands has the power under the state land Act to create villages but that has to be a policy that is carefully thought out because you have many persons who are now coming onto state lands who would expect to be regularized and they are entering onto protected areas and should not be regularized, so we have to be very careful how that policy is administered.

Mr. Chairman: Okay. I want to take this opportunity to invite the Chair—

Mr. Paray: Just following up from what Sen. Ali said that there is a desire to have a home by every single citizen in this country and you know I hear, Chairman, clearly in terms of the law has to be followed, it must be followed. But how do we, as a country, deal with those people who does not fall into all the requirements, the ability to get the loans, the ability to get soft mortgages and so on? Has the LSA thought or put any thought into what do we do with that batch of folks? Do we evict them? Where do they go? Because at the end of day, I cannot see that we are going to knock homes down, knock these squatting homes down, because they do not fall within the confines of the law or they do not have the financial wherewithal to apply to the home mortgage banks to get these 2 per cent loans. What is outside there? What is available for that section of our citizenry who will not fall into those categories?

11.25 a.m.

Mr. Hosein: Chairman and member, the State has a responsibility in our view, to an extent, to provide solutions and of course that is being done through the Housing Development Corporation, under the Ministry of Housing and Urban Development. The LSA has a responsibility under the Act for regularizing squatters and for providing alternatives in the form of land and we have the programme, the Residential Lots Programme, Land for the Landless, which is a programme which is meant to do that, to provide alternatives for persons.

Coming back to the earlier question: whether many of those persons who are residing in squatting sites have applied to different institutions like the HDC for houses as well? Of course. We share a common database. We are aware that persons who are squatting have also applied for houses under the different programmes. Many persons who are squatting have also applied under the Residential Lots Programme, Land for the Landless, for alternatives as well. So, you are right. There is a responsibility to provide alternatives, so that we can help to house our people.

Mrs. Darbeau: Member, if I may just speak after the CEO. I think if it is the policy directive is to address those persons who are not covered and who may not qualify for housing schemes that
require mortgages and what have you, there would have to be a legislative amendment to deal with those persons, in the sense that the date would have to be looked at. Every aspect of regularization would have to be re-examined. It may not be in the current format. It could be another format. It could be via the Commissioner of State Lands Office, the custodian of state lands. But it would have to be looked at or else it would always be outside of the Act. Unless there is some legislative policy or provision in place to address those persons, they would be outside.

In terms of the persons who may coexist in different applications or databases, at some point there would have to be a choice made. In the legislative review amendments that I have been working on, we have catered for those scenarios of persons who, after many years, may have inherited property or otherwise come into ownership of property, as well as applied under other land programmes, state land programmes as well. We have to look at a choice. We have to look at what is the supervening policy, whether a person would be entitled to benefit from two housing solutions offered by the State.

Perhaps, there may be room for nominating a landless relative without compromising the landlessness element of why is the State intervening in housing in the first place, it is to assist the landless. It is not for profit or for speculation. So once those parameters are kept and the elements are put in place, it may be possible to address that group, address a person who got an HDC house but has a COC, but it must be looked at very carefully to ensure that who the benefits redounds to is not someone who is going to be profiting from a state subsidized programme. That would be my view.

Mr. Paray: My final comment. I did some research under an Act called the Homestead Act in the United States and, perhaps, if you get some time you can take a look at it. They looked at finding a solution to similar problems where you have three, four or five people who may be having these squatting homes on one lot of land in the United States, of about 10,000 square feet. And under the Homestead Act, they gave a legal authority, through the Act, to have them stay in those spots. They gave them their 1,200 square feet, or 900 square feet as the case maybe. But there was a squatter tax that was paid. It was very, very minimal and the agencies were using these funds. So, one, they were not going to break these homes down because they were already settled there. There is a roof over their heads. They have children and so on. But they were asked to pay a very minimal tax and some of that revenue was used to put into the infrastructure of designated areas. And eventually the understanding was that they would move into these areas. So, with probably a little bit of research as to what they are doing in other parts of the world, because I know there are areas where persons are suffering the same challenges as we have. We might be able to find some alternative solutions that you can put into the legislation for your recommendation and really, really not take the approach of going and knocking down these homes.

I am fully aware of following the law. We all sought to do that here in this Parliament. But we must have compassion, at the end of the day. As to how far that compassion goes, that is another question. But, really, we must find a way to treat with those that really do not fit under where the legislation would drop. So I ask you to do a bit of research on that matter.

Mr. Chairman: Chairman, I think you indicated that Justice Gobin’s decision—[Interruption]
Mr. Francis: True and correct.

Mr. Chairman:—have made it clear that you are not in the business of demolition.

Mr. Francis: We do not have the powers. Let me respond to member Paray, Chairman. A classic example, in the year 2009, the LSA had developed 703 first-grade squatter sites in Carapo Race Course. For those who had applied for Certificate of Comfort, we had approximately 300 squatters on that site and we put down first-class road, water reticulation. You got it right. And Chairman, member Paray, by July 2010, we lost 400-plus lots that were developed within that site and the HDC had promised faithfully to build duplex houses on those 400 additional sites to assist the housing population. Chairman, they all moved in, the same squatters that Mr. Paray is empathizing with. They have seized three lots, 15,000 square feet. Some have seized 10,000 lots. Some have seized the 5,000 square feet and they are there at present. There is no legislation. We dare not touch them. They have chased out the patrol that the LSA has on its staff. They dare not enter.

Mr. Chairman and members of the Committee, all the moneys that the State spent in Carapo Race Course, the LSA staff dare not enter. So with all the empathy and sympathy, Mr. Paray, do not do this, do not do that, we are following the law, we are not entering.

Mr. Paray: Okay.

Mr. Chairman: Before we close, I would invite the Chairman to make your closing remarks unless that was your closing remarks. I would allow you to end on a better note, Mr. Francis.

Mr. Francis: Chairman, thank you very, very kindly and members of the Committee for inviting us. We appreciate very much the request and to share with you the frustration that the public officers, even putting our better foot forward on a continuous basis, it is the frustration that we endure. We endure frustration with our good effort, our commitment, our dedication and our loyalty to State and to the Government of the day. We are hamstrung on a continuous basis.

You would have heard us, Chairman, the CEO, Mrs. Darbeau and myself, we speak to you all with a certain form of passion and emotion. We ought not to, really. We ought to behave as others behave, without any emotion and passion but we do too much in the LSA to assist the downtrodden and if not the downtrodden, the society at large, and we are not being given the kind of support. If we were not made up of stronger steel we would just throw our hands in the air in surrender and walk away. But we have not done that, Chairman. Once again, thank you all very, very much. Thank you.

Mr. Chairman: Mr. Chairman, I want to take this opportunity, in closing, to really compliment yourself and your staff for this document, this submission which you all gave to us. It was quite detailed and I am satisfied that between yourself and your staff that a lot of hard work went into answering the questions we raised, and from the conversation we just had, I am satisfied that the Land Settlement Agency is in fact one which we as residents of this country can be proud of the work that you all do and the seriousness in which your engage yourselves. So I want to thank you for the effort that went into this submission and to assure you that this Committee has taken seriously your recommendations and your intimations over the last hour and a half. Because it is not every day that you are in a position to compliment those who serve the public for doing so
well. And I think that is the common feeling here this morning. So, again, thank you for your submission and for the passion with which you presented and represented your organization this morning. Good.

I now wish to thank our viewers and our listeners, good, for sharing their time with us over the past hour and a half on the Parliament Channel and on the FM channel, good and, of course, to thank the fellow members of my Committee for their questions and their contributions to this session. This meeting now stands adjourned.

11.37 a.m.: Meeting adjourned.
APPENDIX III

MEMBERS’ ATTENDANCE
## Members Attendance Sheet

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APPENDIX IV

STEPS TO EFFECT THE ALLOCATION OF PARCELS OF STATE AGRICULTURAL LANDS
The following are the steps in place (pre-2013, and post-2015) to effect the allocation of parcels of State agricultural lands by the instrument of a Standard Agricultural Lease, in accordance with the NADPL, 1992. It is to be noted that where possible, steps are carried out concurrently.

a) Land parcels for distribution/regularization are identified by the County Lands Units and verified by the Regional Administrations' Lands Units (RAN/S); The Agricultural Land Administration Division (ALAD) is informed;

b) Provision for funding is made under the Public Sector Investment Programme (PSIP);

c) Region requests the Tenure Status of the parcels from the Commissioner of State Lands (COSL) to verify whether the parcel(s) are available for tenanting and a Survey Order from the Surveys and Mapping Division (S&M) is requested

d) Survey Order is approved by S&M and forwarded to the Region

- Region hires a firm to carry out the survey and sub-division of the block of land into parcels Surveying firm conducts the survey and submits the Draft Survey Plan to S&M for approval
- S&M checks the Draft Survey Plan and orders corrections, if necessary
- If corrections are necessary, the Survey Plan (SP) is returned to the surveying firm
- Surveying firm makes corrections and re-submits Survey Plan to S&M for approval;

e) Survey Plan is approved and signed by Director of Surveys

- Survey firm sends copies of approved Survey Plan to Region;

f) Region undertakes to do all necessary infrastructural works to make land ready for leasing (roads, drainage, etc.);

g) ALAD is informed by Region when land is physically ready for allocation;

A) If a regularization:

- Region carries out an Occupancy Survey to verify occupiers to be regularized
- Region ensures that each occupier completes a Programme of Development form for approval by the Regional Agricultural Officer (State Lands)
- Region verifies the tenure status of each parcel and informs ALAD if a termination of a previous lease/agreement is necessary
- ALAD requests termination by COSL.

B) If a distribution:

- ALAD makes arrangements for advertisement of the parcels for distribution:
- Parcels are advertised with a deadline for submission of applications
- Application forms and Programme of Development (POD) forms are printed and distributed at the Regional and County Offices
- Regions collects all Applications with PODs and registers each one
- Registered Application forms with PODs are forwarded to ALAD
- ALAD sets up a multi-disciplinary panel to interview applicants and assess all PODs in accordance with established criteria
- Applications are scored on the aggregate of marks awarded on the POD and at the interview
- Score sheets are collated for recommendation to Cabinet for approval;

h) ALAD prepares a Draft Note for Cabinet (DNC):
   - DNC is forwarded to the Permanent Secretary (PS) for review
   - DNC is forwarded to the Minister, if approved by PS
   - DNC is returned to ALAD for final preparation for Cabinet
   - Cabinet Note is submitted to Cabinet.

i) If Note is approved by Cabinet:
   a. Minute is received by COSL and ALAD from Head Office

j) ALAD informs Region:
   A) If Regularization:
      Region informs occupants that they will be regularized in situ on assigned plots
   B) If Distribution:
      - Region arranges for successful applicants to draw for plots
      - Region informs ALAD of plot assignments;

k) ALAD forwards documents to COSL together with Cabinet Minute and request that COSL make a formal Letter of Offer to prospective Lessees for a Standard Agricultural Lease (SAL);

l) COSL makes formal Letter of Offer to prospective Lessees and invites them to agree to the rents, terms and conditions of the SAL;

m) Upon acceptance by prospective Lessees, COSL gives instructions to the Chief State Solicitor (CSS) to prepare SALs in their favour. These instructions must include a copy of the Cabinet Minute giving approval, the Lessees' agreement to the charges and rents for the parcel, the signed POD, the SP, termination of any old Agreement or Lease, if applicable;

n) CSS executes the SAL in quadruplicate with the Lessees and a Commissioner of Affidavits, upon payment of fees and charges;

o) Leases and copies are sent to COSL for signature and registration;

p) COSL forwards SALs to Registrar General's Department (RGD) for registration

q) RGD sends registered SALs with copies to COSL for its records, delivery to Lessee and the Regional and County files.
APPENDIX V

LIMITATIONS AND SUGGESTED AMENDMENTS BY THE LSA TO THE STATE LAND (REGULARISATION OF TENURE) ACT
After approximately 15 years in operation, modifications are required in the following areas if the LSA is to successfully execute its mandate:

WHAT IS THE OBJECTIVE OF THE ACT?

The objective of the State Land (Regularisation of Tenure) Act, of the Laws of Trinidad and Tobago, Chapter 57:05 (“the Act”), is captured in its Long Title as follows:

“An Act to protect certain squatters from ejectment from State Land; to facilitate the acquisition of leasehold title by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas.”

WHAT IS THE CURRENT APPLICATION OF THE ACT?

In summary, the Act applies to the following:

1. SQUATTERS- in occupation of State Land generally, who have submitted an application to the LSA for protection from ejectment and may be eligible to receive a Certificate of Comfort;

2. SQUATTERS AND TENANTS- in occupation of certain State Land designated areas and Land Settlement Areas who may be entitled to or become eligible for a Statutory Lease and Deed of Lease;

2 “Designated Area” is defined as an area of State Land set out in the Schedule of the Act which is occupied by squatters and tenants, approved by the Minister for regularisation, surveyed and for which plans are kept at the LSA and on which a squatter or tenant is entitled to a Statutory Lease or a Deed of Lease. “Land Settlement Area” is defined as an area of State Land identified and declared by the Minister to provide shelter for landless citizens and to relocate squatters who cannot be regularized where they are situated, which lands must also be surveyed with plans kept at the LSA.
3. SQUATTERS AND TENANTS- in occupation of lands belonging to state agencies which are listed in the Schedule. Lands of a State Agency MUST first be transferred to the State, in order for its occupants to become eligible for the Statutory Lease and Deed of Lease.

In Section 3 of the Act, under the rubric, “Application of the Act”, it is clearly stated in more detail, as follows:

“This Act applies to-

(a) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed day;
(b) a squatter or tenant within a Designated Area and to a person within a Land Settlement Area;
(c) a squatter or tenant in respect of his actual occupation or tenancy of lands owned by a State Agency listed in the Schedule, and on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or a Deed of Lease until such time as the land is designated and legally transferred to the State.”

In some regard the LSA has also conducted a review of its governing Act with a view to suggested amendments to same which are relevant but to a large extent amendment and re-alignment is required. This review is still ongoing.

WHAT ARE THE LIMITATIONS IN THE APPLICATION OF THE ACT?

There are several jurisdictional and operational limitations in the application of the Act and in meeting the objectives of the Act.

According to the Act, only squatters and tenants in occupation of a Designated Area or a Land Settlement Area who have met the stipulations of the Act and who are covered by the provisions of the Act, can become eligible for a Statutory Lease or a Deed of Lease. A Statutory Lease or Deed of Lease, is the tangible product of regularisation, being title to the parcel of land occupied.

Below are the broad limitations to the application of the Act in respect of squatters, tenants and State Land generally.
LIMITATIONS IN THE APPLICATION OF THE ACT AS IT PERTAINS TO SQUATTERS:

a. The Act only applies to squatters who applied for protection from ejectment in accordance with the provisions of the Act. In order for a squatter to be eligible under the Act, he had to:

   i. apply for protection from ejectment by the “appointed day” being October 27, 2000. In total there was a two (2) year period for squatters to apply - the first year expired on 27th October 1999 and the Act provided for a late period of an additional year, until 27th October 2000, by which to apply;

   ii. apply using the prescribed form, being a statutory declaration of the Applicant Squatter i.e. 1 “Form A”, together with two (2) supporting declarations of 2 non-relatives i.e. 2 “Forms B”.

   iii. The prescribed form of application was a statutory declaration and it MUST have been properly sworn, signed, dated by the Applicant Squatter and by the two (2) supporting Declarants before a Commissioner of Affidavits or Justice of the Peace;

   iv. demonstrate that he was in occupation of a dwelling house on State Land on or before 1st January 1998;

   v. submit reliable documentary proof showing the date when he commenced his occupation of State Land and at what address e.g. Utility bills, receipts, official health or education records, to name a few.

b. The Act DOES NOT address the following occupants of State Land:

   - Squatters who applied for the COC after October 27, 2000 deadline date but have been residing on State Lands before January 1, 1998;

   - Squatters who applied for the COC after October 27, 2000 deadline date and commenced occupation of State Lands after January 1, 1998;

   - Squatters who did not apply at all for the COC but were in occupation of State Lands prior to 1998;

   - Squatters who did not apply for the COC and commenced occupation of State Lands after January 1, 1998;

   - Squatters who applied but were unsuccessful in their application;

   - Squatters who applied and have since died, whether before or after the issuance of a COC;
- Squatters with non-residential, commercial and industrial structures;
- Squatters in occupation/ ownership/ management of other types of structures e.g. Churches (religious buildings), Humanitarian Homes (e.g. Homes for the ill and/or aged, Orphanages, for victims of Domestic Violence), Nursery Schools, etc.;
- Squatters with multi-family residential structures. Sometimes what seems to be a single dwelling house is not and may house different applicant squatters and households;
- Squatters with semi-residential and semi-commercial structures (rental apartments);
- Squatters who reside on State Lands of different types of jurisdiction e.g. Agriculture and Forest Reserve;
- Persons who applied for regularisation under other housing or land settlement programmes prior to the Act or the establishment of the LSA or outside of the current scope of Act 25 of 1998;
- Persons who occupy lands vested in other State entities, whether as squatter, tenant, licensee, or otherwise, where such entities may have had other programmes of regularization and may have made representations to the occupants accordingly or are unwilling to transfer the lands to the State. E.g. key entities such as PSAEL, Petrotrin, Caroni (1975) Ltd., Ministry of Agriculture, other Ministries, etc.;
- Persons directed to be relocated onto State land for various reasons e.g. by LSA or HDC/ NHA, some of whom would have applied for the COC and others did not.

LIMITATIONS IN THE APPLICATION OF THE ACT AS IT PERTAINS TO TENANTS:

Tenants are not squatters. Tenants on State land have pre-existing legal arrangements with terms and conditions that were negotiated with an arm of the State and not the LSA. The LSA cannot “regularize” a tenant in the way prescribed by the Act for a squatter.

LIMITATIONS OF THE APPLICATION OF THE ACT AS IT PERTAINS TO STATE LAND and LAND OF STATE AGENCIES:

1. Under the Act the LSA was established as a body corporate to implement the provisions of the Act but LSA was not legally vested with title to any State
Lands or otherwise. All lands to be regularized under the Act are State Lands. This poses several administrative and legal challenges as the LSA must largely depend and wait on the Commissioner of State Lands to make lands available to be surveyed, etc. and to become Designated Areas and Land Settlement Areas in order for the Act to apply.

2. In order for a squatter or tenant to move to a Statutory Lease or a Deed of Lease under the Act he must be in occupation of a Designated Area or Land Settlement Area.
   i. The Schedule of the Act did not include defined boundaries of or even describe the 251 Designated Areas listed;
   ii. There were no legal title searches done on Designated Areas before they were added to the Schedule;
   iii. Some Designated Areas listed in the Schedule, turn out to be private land and therefore must be removed from the Schedule;
   iv. Some new areas need to be added as Designated Areas to the Schedule;
   v. Some Designated Areas may need to be combined and/or re-named because of the physical proximity to each other and location.
   vi. Some Designated Areas are vested in/under the jurisdiction/control or management of another State entity for a particular purpose and though listed as Designated Areas must be transferred to the State or converted to residential State Land for the Act to apply. This may not be possible in some cases e.g. squatters residing in a forest reserve or an aquifer;
   vii. Some Designated Areas, though listed in the Schedule do not meet the approval of the regulatory and statutory authorities and should not have been listed as Designated Areas. These need to be removed from the Schedule.
   viii. Some areas are so densely populated that only part of a Designated Area may be able to be regularized or only some occupants may benefit from regularization. It would necessitate relocation of occupants unto other State Land or expansion of the State Land parcel to be regularised;
   ix. Relocation is not always permissible within the same site, or close by, which brings its own challenges if communities are to be separated.

3. The application of the Act depends on the actual process of conducting title searches to determine the status and jurisdiction of land as State or otherwise. This is a very long and difficult process.

There exist several gaps and inconsistencies in the existing legislation that impede the LSA from effectively achieving all of its objectives.
Furthermore, the expanded and revised mandate of the LSA has grown exponentially over the years and by policy mandate that translates into operational mandate but is not reflected and grounded legislatively.

As early as 2003, a Cabinet made certain recommendations and the issue of the review has been worked on consistently, aggressively and extensively since 2005.

Should the decision be that Act 25 of 1998 be amended, these are some of the requiring amendment:

- The purpose of the Act may be amended to read as follows: “An Act to protect eligible squatters from ejectment from State land and to facilitate the acquisition of Statutory Leases and/or Deeds of Lease by squatters in designated areas”.

- In the interpretation section a definition of the word “premium” should be included as well as other terminology used in the approved Pricing Policy which will find its way into the legislation.

- At Section 3 of the Act all references to the term “tenant” should be deleted.

- Section 4(4) of the Act should be deleted in its entirety. Pursuant to this the Regulations contained in Legal Notice No. 36 of 2000 should also be amended to delete Section 4 of the Regulations in its entirety. The aforementioned Section 4 of the Regulations contain procedural requirements for the determination of a quasi-contractual relationship as is referred to in Section 4(4) of the Act.

- Section 4(5) of the Act should be deleted in its entirety, with all its references to “tenants” and “settlement areas”.

- Consideration should be given to the deletion of the one-year time constraint given for the application of a Certificate of Comfort, imposed at Section 12 of the Act. This will allow squatters to whom the Act applies, who have failed to make the necessary application, to commence the process of regularization.

- Part IV of the Act should be amended to delete all references to the words “tenant or tenants”, and “Land Settlement Area”, and should be further amended to delete in its entirety Section 14(2) (b).

- Part IV of the Act should further be amended at Section 15 to assist the Minister in the exercise of his power in the setting of a premium at Subsection (2) by making that power subject to the advice of the Commissioner of Valuations. This will
enable the Minister to have the guidance of the Commissioner of Valuations in the setting of premiums payable. The particulars of the Pricing policy are to be included.

- Part VI of the Act should be amended to remove the time constraint of 28 days for the publication of notices indicated at Section 22(1) and further delete Section 22(2) (b) in its entirety and the word “tenant” at Section 23(5).

- Part VII of the Act should be deleted having regard to the new mandate of the LSA. Programmes commenced under the LSA which involved Land Settlement may possibly be continued under the relevant Ministry.

- References contained in Sections 27 and 28 of the Act to “Land Settlement Areas” should be deleted.

- Section 29 of the Act indicates that “A State Agency may permit the Agency or the Assembly to enter upon its land to carry out any work referred to in Section 10 for the purpose of regularization under this Act”. It is desirable that the word “may” be replaced on amendment with the word “shall” thereby making the desired cooperation imperative, once the area identified is deemed eligible for regularization and is being excised for that purpose.

- Existing Regulations must be amended to include procedures for the containment of squatters.
- The LSC/ Board should in addition to the disciplines set out in the current Act include the COSL, representatives of various State Land Agencies, Utility Companies, Town and Country Planning Division and even National Security.

- Amendments must be made to the Schedule of the Act to achieve the following:
  1. Greater accuracy in the description of the Designated Areas listed.
  2. The elimination of areas being listed that are not State Lands.

Should the decision be that Act 25 of 1998 be repealed and a new Act be prepared, these are some of the key areas requiring examination and attention:

1. State Land. The new legislation must be premised upon a clear process to define, upgrade, and modify what is State Land.
2. Legislation and Policy Coordination
3. LSA to be Implementation Arm of Office of Commissioner of State Land (COSL)
4. The LSA should undergo a rebranding- for instance The State Land Regularization and Containment Corporation/ Authority.
5. LSA to conduct Regularization of Squatters
6. Adverse Possession on State Land
7. The Extended Regularization Process
8. Other Regularization
9. Squatter Containment
10. Deceased Applicants/ Beneficiaries
11. Tobago
12. Tenants
13. Relocations/ Other Housing solutions
14. Compensation
15. Designated Areas
17. Legislative review for more comprehensive and effective legislation. More resources/ finance/budget. More autonomy and deeper collaboration and coordination with stakeholders for effective containment.