

17th September 2015

Our Land – The Review

“...A small State such as Trinidad & Tobago must accord a very high priority to the judicious management and utilization of its land resources or perish. All elements of land policy must be designed to ensure that these finite resources are efficiently utilized and husbanded in such a manner as to serve the long term interests of the national community...”

—Conclusion of “A New Administration and Policy for Land” (19 November, 1992)

The PNM won national elections on 7 September 2015 by 23-18.

Two key themes emerged during the PNM’s successful campaign –

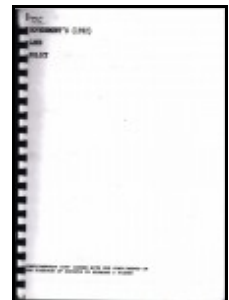
1. Firstly, there was a strong emphasis on the critical need to restore proper standards of Accountability, Transparency and Good Governance;
2. Secondly, a commitment was given to ‘keep the various promises made by the PP government’.
- 3.

When one considers the various promises, policy changes and actions of the PP in relation to land and property, it seems clear to me that those two campaign commitments made by the PNM are entirely incompatible.

Our country has a very high population density and the previous Minister of Land and Marine Resources estimated that some 63% of our country’s land belongs to the State. It is therefore a cardinal State responsibility to properly manage those critical resources so that short and long term interests can be reconciled in a sustainable manner. *The present situation is so serious and damaging to our collective interests that I am calling for a halt to any attempt to keep promises with respect to land and property while a fact-finding and policy review is conducted.*

The opening quotation is from the [National Land Policy 1992](#), which is now a virtually unknown document since its very existence is denied by all the relevant agencies. This Policy provides critical guidance for how this scarce resource should be best managed in the Public Interest.

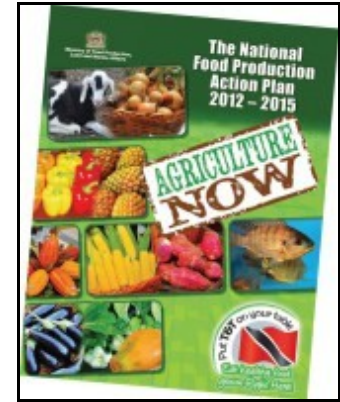
The severe crisis now evident in relation to our State Lands resembles a ‘[Tragedy of the Commons](#)’ in which this crucial resource which should offer long-term collective benefits is effectively abused by self-seeking individuals. The pattern of abuse is facilitated by gross mismanagement, in profitable partnership with deliberate obscurity in how the State Land system actually operates.



Food Security

This remains elusive since in March 2012 the Ministry of Agriculture, Land & Marine Resources published its [*Food Production Action Plan 2012-2015*](#). The major goal of that Action Plan was to halve the country's annual \$4.0 Billion food import bill. Yet in March 2014, the Food Production Minister, Senator Devant Maharaj, stated that the food import bill had been reduced by only 2% since 2010.

The significant reduction of our food import bill will require a flexible plan, with dedicated implementation and continuous monitoring. *The one inescapable requirement is for farmers to have access to land of suitable quantity, quality and location. Without a good supply of land, no food security plan can succeed.*



Land for the Landless

The proposed revisions to the State Lands Act 1998 were approved by the Lower House of Parliament on 3 June 2015 and withdrawn after the JCC raised certain objections. The proposed change in the 'Land for the Landless' policy were approved by Cabinet on 19 March 2015 with these main elements

- **Occupation Date** – Was moved from January 1998 to June 2014, which means many more persons would qualify.
- **Income Limits** – Previously the maximum monthly family income was \$8,000, this was now revised to \$30,000.
- **Definition** – the 1998 Act defined a landless person as one who was 'disadvantaged' according to the Ministry of Social Development, that word was deleted from the revised proposals.
- **Designated Areas** – these were specified in an extensive list of over 400 areas covering the entire country.
- **The Numbers** – The total number of persons identified was 250,000 and a commitment was given to regularise some 60,000 of those.

A policy which was originally intended to alleviate the plight of our poorest citizens has now effectively been extended to offer 'Land for Everybody'. The existing commitment in respect of 60,000 lots will consume about 8,000 acres of land.

The EMBD website states that it is responsible for the development of the former Caroni lands – [some 7,500 residential lots are being prepared for ex-Caroni workers as part of their retrenchment package](#), with a further 8,400 agricultural leases of 2-acre parcels reportedly being processed. That means about 940 acres are to be used for the residential lots, with at further 18,500 additional acres for the agricultural plots. The total land area to be used would be about 19,420 acres, which is about a quarter (26%) of the estimated area of the Caroni lands.

Caroni Lands

Caroni Lands were leased to ex-Caroni workers as part of their [retrenchment compensation](#) – they were entitled to one residential lot and a two-acre parcel for food-crop farming. The use of those lands for those purposes was intended to be controlled by the restrictive covenants in those leases. For instance, the residential lots were to be developed by a residential building within three years and the agricultural lots were to be held by the ex-workers for food-crop farming.



In the 2015 budget, the restriction on sale of those agricultural lands was removed (pg 14). In addition, Cabinet Minute 3093 of 6 November 2014 approved the removal of the restrictive covenants in the leases to ex-Caroni workers – both agricultural and residential. No restriction on sale and no requirement to build on the lots.

This is tantamount to the State entirely gifting the development and transactional rights to these lessees, with no effective means of ensuring the originally desired results.

Housing Development Corporation (HDC)

The HDC sells new homes at heavily-subsided rates to middle-income families, subject to restrictive covenants which prohibit open-market sale within the first ten years. Under the terms of that clause, the owner of one of these homes is required to offer the property to the HDC at the original price. It now seems that the HDC has relinquished those restrictive covenants. I have seen



several letters signed by the HDC which authorise the open-market sale of those homes within the ten-year embargo period. I am not aware of any policy decision which supports that pattern of approvals and none of the vendors I have spoken with have paid any penalties of profit-share to the HDC.

This is yet another example of the State or its agents abandoning its fundamental duty to properly manage the public property rights within its remit.

Property Tax

The proposed Property Tax would require a live, open-access database which would allow anyone to examine the details of any property in the country. Those details would include land area, building area, number of bedrooms/bathrooms and other facilities, transaction history, ownership and assessed taxes. One of the strongest sources of opposition to the Property Tax is persons who would wish to keep the details of their property holdings and dealings as secret as possible.

The new Property Tax system and the modern database is in fact a key element in unearthing the facts of our country's property ownership and occupation.

Property Tax must therefore be a priority in this arena.

The unrealistic policy of homes with gardens consumes too much land and will jeopardise our country's sustainable future.