

Benefits and Pitfalls of Global Indicators for Tracking Cadastral Information in SIDs Progress in SDGs

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SUMMARY

Global indicators are useful to benchmark national systems against others internationally to monitor progress and development, horizontally across countries, or to evaluate individual systems, vertically, for attainment of specific political goals. The Global Land Governance Index or LANDex is a group of indicators promoted by the International Land Coalition (ILC) that can be used for benchmarking in this way as well as for evaluation of countries' achievements toward the Sustainable Development Goals (SDGs). This would be particularly useful for countries with committed programmes of intervention toward achieving the SDGs. These indicators are, however, standardised to be used for all countries and may have issues of applicability to some less developed countries with cultural and social idiosyncrasies. The aim of this work was to explore the individual indicators of the LANDex for compatibility to Trinidad and Tobago and, by providing data for populating the indicators analyse how well the cadastral information is progressing toward supporting the achievement of the SDGs.

Results from the case study indicated that many of the indicators could not easily be populated or maintained and could only be suggested based on the perceptions of professional surveyors in the field. In some instances, gaps and shortfalls could be highlighted by the indicators in the country's cadastral information structure. Proposals can be made for revision of the cadastral information system. In other instances, it was noted that the indicator did not account for scale and culture differences and considerable additional information was required to fully elaborate on the indicator as it provided only limited information on the complex situation.

The findings were significant for identifying where indicators can be adapted to account for differences in country size, and culture. New indicators or adaptations of the current set were selected. It is also surmised that many similar SIDs may also benefit from this exploration and design of alternatives.

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1. INTRODUCTION

Global land indicators seek to benchmark the existing situations across a range of land related characteristics of a country with other countries. This is used as a method of determining whether the land governance in general and the land administration systems, specifically, support social, economic, and environmental development in a country. The Global Land Governance Index (LANDex) indicators are a group of indicators collated by a group of global partners to allow for collection, and dissemination of data on land governance. Its website, found at URL <https://www.landexglobal.org/>, provides the ecosystem to standardise land governance related data. Among other uses, these data and the indicators can be used to track the position and the movement of a country toward achieving the Sustainable Development Goals (SDGs). This paper reviews some of the indicators related to land governance and the role of cadastral information for informing the data. Trinidad and Tobago is used as the case study.

2. BACKGROUND

There are several frameworks on land governance available globally, such as the Land Governance Assessment Framework (LGAF) (Deininger, Selod, and Burns 2012), and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) (FAO 2012). Some of these frameworks are linked to indicators to monitor the success of development programmes and projects. Land and land-related indicators include Land Governance Indicators (LGI) (Deininger, Selod, and Burns 2012), and Global Housing Policy Indicators (GHI) (Habitat for Humanity International 2012). LANDex indicators incorporate existing indicators such as these as well as PRindex of the Global Land Alliance and Overseas Development Institute. Instead of operating at cross purposes, the LANDex makes use of existing indicators, adapting where necessary.

Trinidad and Tobago, which is being discussed in this case study, is a small archipelagic country of 5,500 sq. km. in area, with a population of some 1.4 million citizens. This relatively densely populated country requires responsible land governance to ensure equitable, transparent allocation of land and land resources.

3. METHODS

The paper reviews the existing status of indicators based on data obtained from published documents on Trinidad and Tobago. An analysis is done on the indicator to elaborate on where an incomplete perception can be arrived at based on the indicator alone. The LANDex

indicators run from 1 to 10 with levels A, B, and C on each indicator to reflect the status of: the legislation, implementation, and outcomes, respectively. The 10 indicator groups relate to:

- 1. Secure tenure rights
- 2. Small scale farming
- 3. Diverse tenure systems
- 4. Equal land rights for women
- 5. Secure territorial rights for indigenous people
- 6. Locally managed ecosystems
- 7. Inclusive decision-making
- 8. Transparent and accessible information
- 9. Effective actions against land grabbing
- 10. Protection of land rights defenders

The findings on only some of them were perceived to be illustrative of the status of the country and the use of the indicators. Indicator groups 1, 3, 4, and 8 are most closely related to the existence of and maintenance and development of a cadastre and are focused on here. The detailed indicators for these four groups are as follows:

1. Secure tenure rights

- 1A. Legal and institutional framework in place at national level for securing tenure rights, for different types of tenure and by sex
- 1B. Women and men with legally recognized documentation or secure rights to land, disaggregated by type of tenure
- 1C. Women and men who perceive their rights to land protected against dispossession or eviction, disaggregated by type of tenure

3. Diverse tenure systems

- 3A. Legal and institutional framework in place at national level recognizes a continuum of individual and communal land rights, including secondary rights of tenants, sharecroppers, and pastoralists
- 3B. Implementation of diverse tenure rights and regimes, including secondary rights of tenants, sharecroppers, and pastoralists
- 3C. Those living on community land perceive their rights to land protected against dispossession or eviction, disaggregated by sex

4. Equal land rights for women

- 4A. Legal and institutional framework regarding land, in place at national level, is gender-responsive
- 4B. Share of women among owners or rights-bearers of agricultural land, by type of tenure
- 4C. Women who perceive their rights to land protected against dispossession or eviction, disaggregated by tenure

8. Transparent and accessible information

- 8A. Legal and institutional framework in place at national level calls for timely, reliable and accessible data on land and land-related issues
- 8B. National information on public land deals are made publicly available

8C. Corruption in the land sector

Questionnaires are used in the LANDex methodologies which, when fully completed compute a value which can then be benchmarked with other countries. Only details of the responses to the questionnaire for indicator group 8 are described and elaborated on for the purposes of this discussion.

4. DATA

An abbreviated Land Governance Assessment was performed in 2016 on Trinidad and Tobago supported by the Inter-American Development Bank. By collating the limited hard statistical data available on land issues and combining this with perceptions of experienced land administrators and management ratings according to the LGAF were arrived at (Griffith-Charles and Rajack 2017). These and other data were used to complete the questionnaires. Table 1 shows an excerpt of the filled questionnaire for indicator group 8A Transparent and Accessible Information.

Table 1. Questionnaire for indicator group 8A Transparent and Accessible Information – Q1 and Q2.

1.	Total cost of recording a property transfer is low.	
	The cost for registering a property transfer is equal to or greater than 5% of the property value.	0
	The cost for registering a property transfer is between 2% and less than 5% of the property value.	1
	The cost for registering a property transfer is between 1% and less than 2% of the property value.	2
	The cost for registering a property transfer is less than 1% of the property value.	3
	Enter the appropriate score:	Score 1 3
2.	Information held in records is linked to maps that reflect current reality.	
	Less than 50% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.	0
	Between 50% and 70% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.	1
	Between 70% and 90% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.	2
	More than 90% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.	3
	Enter the appropriate score:	Score 2 1

As indicated in Table 1 with respect to question 1, the cost to register a transaction at the public land registry is relatively low at between TT\$50 and TT\$500, while median house prices can be TT\$1.25 million (<http://www.globalpropertyguide.com/Caribbean/Trinidad-and-Tobago>). However, frequently the attendant components required to get to the point of registration are much more expensive such as the survey of the land and preparation of the survey plan to accompany the deed document for registration. The legal searches and professional legal input required is also costly.

To elaborate on question 2, many older deeds have schedules that describe the parcel verbally only as the parcel may not have been surveyed. Some redefined parcels also have plans that are kept in the cadaster but cannot be linked to the deed in the land registry as there is no unique parcel that is consistently used across institutions.

Table 2 shows an excerpt of the filled questionnaire for indicator group 8A Transparent and Accessible Information for questions 3 and 4.

Table 2. Questionnaire for indicator group 8A Transparent and Accessible Information – Q3 and Q4.

3.	All relevant private encumbrances are recorded.	
	Relevant private encumbrances are not recorded.	0
	Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner.	1
	Relevant private encumbrances are recorded consistently and in a reliable fashion but the cost of accessing them is high.	2
	Relevant private encumbrances are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party.	3
	Enter the appropriate score:	Score 3 2
4.	All relevant public restrictions or charges are recorded.	
	Relevant public restrictions or charges are not recorded.	0
	Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner.	1
	Relevant public restrictions or charges are recorded consistently and in a reliable fashion but the cost of accessing them is high.	2
	Relevant public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at a low cost by any interested party.	3
	Enter the appropriate score:	Score 4 1

The responses at Table 2 also require elaboration as mortgages are recorded on land titles but for land held in the deed system mortgages may not be linked to the deed again because of the lack of a unique parcel identifier. Not all public restrictions such as reserves and use restrictions are recorded nor is the information easily or readily accessible to the public.

The legal framework for securing tenure comprises of legislation to support both deed and title registration. There is as well, legislation to support long-standing informal occupation on state lands under specific conditions (Government of the Republic of Trinidad and Tobago 1998). However, there is no legislation to support existing communal tenure in family land.

5. ANALYSIS

Since the abridged LGAF conducted in 2016, four years ago (Griffith-Charles and Rajack 2017), there have been further amendments to the Land Adjudication Act to modify the instances when title would be granted. These were passed in 2018 (Government of the Republic of Trinidad and Tobago 2018). However, notwithstanding this progress, it still remains that 20 years after the passage of the suite of land legislation, required to provide transparent and accessible information; namely the Land Adjudication Act 2000, The Registration of Titles to

Land Act 2000, and the Land Tribunal Act 2000, the programme has not yet commenced. The LGAF elicited the perception that the legislative framework for land administration was adequate so much so that it was given high grades (Griffith-Charles and Rajack 2017). The score achieved for indicator group 8A on Transparent and Accessible Information was 44 while the LANDex publishes that the global average for submitted data on this criterion is 59, placing Trinidad and Tobago below the average.

6. CONCLUSION

Land legislation continues to garner high marks for land governance in the country for its mere presence, while the implementation and enforcement continues to fall short of the ideal. Having high scores on individual indicators do not therefore give the complete picture as an elaboration of the context within which the characteristic operates is necessary to gain an understanding of what occurs in practice. Comparison of individual developing countries with developed ones on the basis of indicators may lead to aspirations to attain a number when it is the context and the well-being of the citizens that is a preferable goal.

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BIOGRAPHICAL NOTES

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