



Saint Lucia

NATIONAL LAND POLICY

Green Paper



December 2003

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Presentation

1. Land is one of the most important resources in any country, it is a key to economic growth, and it plays a central role in national and community development. The management of land is a critical requirement for sustainable development. Current and emerging land development and management issues are pressing, and urgent decisions and actions are needed to take advantage of opportunities and to reverse negative trends, in order to optimise the contribution of land to sustainable development.

Many of the issues that affect land development and management impact, ultimately, on economic, financial and environmental sustainability at the national and community levels. Patterns of land use lead to degradation and loss of natural capital, including critical watershed areas. Patterns of urbanisation and land development are placing unsustainable financial burdens on the State and its agencies. Current trends in land development, if they are not reversed, will inevitably lead to a crisis of multiple proportions, with land markets that will be inaccessible to the majority of people, especially the poor, with the conversion of prime agricultural lands to other uses, with the radical transformation of many landscapes, and with unavoidable consequences on food security, agriculture and tourism development, social cohesion and quality of life.

2. The Government of Saint Lucia is aware of these issues and is committed to the management of land. Over the past few years, it has introduced a number of policy instruments aimed at improving and rationalising the use, management and administration of this critical resource. The recent initiation of a land policy formulation process is a further testimony of its commitment to addressing land issues in a comprehensive and progressive manner.
3. This Green Paper aims at summarising issues of land development, use, management, and administration in Saint Lucia, at proposing a broad policy framework, and at identifying preliminary policy directions and options. It is intended to serve as a platform for broad-based debate and consultation within government, the private sector and civil society, towards the formulation and eventual adoption of a full-fledged National Land Policy¹. This National Land Policy will be presented in the form of a White Paper to the Cabinet of Ministers, and will, in turn, provide the basis for the development of specific land use plans and management programmes.
4. The preparation of this Green Paper has benefited from a review of available literature and data, and from the inputs of a wide range of knowledgeable individuals. It is however recognised that there are major gaps in the information base available at this time, and that the completion of this process of policy formulation may require additional research and analysis, in order to ensure that policy decisions are based on complete and credible

¹ The concept of “policy” encompasses all formal and informal rules, agreements, measures, guidelines and programmes to govern behaviour in a given society. In the context of this document, the terms “National Land Policy” refer more specifically to a statement that is formulated and approved by the State, on behalf of the nation, to provide specific direction to the use, management and development of land in the country.

data and on a thorough understanding of issues and trends. The purpose of this paper, therefore, is also to identify some of the priorities for further research.

5. This Green Paper recognises that several important policy instruments have been put in place or activated in the past few years, and that there are a number of organisations involved in land development, management and administration. A new National Land Policy should build upon these various instruments. A complete list of current policy instruments is provided in annex 1. A new National Land Policy should also be fully consistent with other on-going national policy and planning processes and initiatives, and should contribute to the fulfilment of Saint Lucia's regional and global obligations. A list of relevant policies and agreements is provided in annex 2.
6. This policy formulation process began in February 2000, when the Ministry of Planning, Development, Environment and Housing convened a National Land Policy Symposium that brought together representatives of all institutions, organisations and social actors involved in, or concerned with, land development and management. The Symposium identified key issues and policy directions, and agreed to proceed with the formulation of a National Land Policy. It also established a National Land Policy Committee to guide the policy process, as well as a number of Sub-Committees that would be responsible for data collection and analysis and for the formulation of policy recommendations in all sectors.
7. Between March 2000 and February 2002, the Committee and its Sub-Committees met on several occasions, and a small number of discussion papers were produced. This work was however impeded by the lack of human and financial resources available to facilitate and support research, analysis and policy formulation activities. In March 2002, in order to revive the process, a national workshop was convened, at which the results obtained were presented and discussed, and which developed the outline of a draft green paper on a national land policy. Following this workshop, a number of resource persons have been consulted and documents have been reviewed, leading to the preparation and submission of a first draft outline of a Green Paper. This outline was then reviewed by a number of agencies and resource persons, and served as the basis for consultation workshops held on 11 March, 20 June and 23 September 2003 for the purpose of analysing information, formulating recommendations and guiding the completion of this Green Paper.
8. This Green Paper was commissioned by the Ministry of Physical Development, Environment and Housing on behalf of the National Land Policy Committee. Gratitude is hereby expressed to all those members of the Committee and its various sub-committees who contributed information, ideas and recommendations, and who assisted, in one way or another, in the preparation of this Green Paper. Gratitude is also expressed to the staff of the Sustainable Development and Environment Unit at the Ministry of Physical Development, Environment and Housing for facilitating and coordinating this process.

Figure 1: Location and topography



Definitions

9. The concept of land is complex, and has many interpretations. Land is a resource (in terms of the space it provides, the environmental resources it contains and supports, and the capital that it represents and generates), it is a commercial asset that can be used and traded, it is a critical factor of production, it is an essential part of the national patrimony, and it is a key factor in shaping individual and collective identity, through its history, the cultural expressions with which it is associated, and the influence that it has on spirituality and aesthetic values. A land policy must embrace all these dimensions, and must appreciate that land is one of the essential pillars of national development.

Land holds a unique and pivotal position in social, political, environmental and economic theory. Land supports all life and stands at the centre of human culture and institutions. All people, at all times, must make use of land. Land has no cost of production. It is nature's gift to mankind, which enables life to continue and prosper. Land's uniqueness stems from its fixed supply and immobility. Land cannot be manufactured or reproduced. Land is required directly or indirectly in the production of all goods and services. Land is our most basic resource and the source of all wealth.

Ted Gwartney
Estimating land values

10. A national land policy must be concerned with both terrestrial and marine space, including territorial waters, within the broader context of the nation's Exclusive Economic Zone.

is de land, de land, de land

*cause anyhow you check it
eat food raw or open a can
is from the land you get it.
you paper and pencil, pot and pan
calabash, coalpot, everyt'ing we got
is from de land we make it
is from de land we take it.*

is de land, de land, de land

....

*it eh he-land, or she-land or me-land
is we-land, is we-land, is we-land*

.....

Kendel Hippolyte
de land – a Caribbean nursery rhyme

11. A land policy must be a nation's policy. It must, to the fullest extent possible, reflect a consensus among all sectors of society, including the State, the private sector, civil society, and owners and users of the land. As the nation's policy, it should be formally accepted and endorsed by the Government, and it should reflect the views and aspirations of the people. Following its formal acceptance, the National Land Policy for Saint Lucia should become a guide for decision-making by individuals and organisations within the public and private sectors, and it should be translated into specific policy instruments and measures.

The rationale for an integrated policy

12. Land is one of the most important assets a country possesses, and it is critically needed to support all economic and social sectors and to achieve all development objectives, including economic growth, poverty eradication, social integration and environmental sustainability. Land management and development are critical to food security, water management, the growth and sustainability of the tourism, agriculture and fisheries sectors, and the general quality of life of the population.
13. There are a multitude of factors that affect land management and development in Saint Lucia. Past failures to adopt, implement or enforce appropriate land policies and management practices are at the root of environmental degradation, inequity and poverty. Land use and development require complex systems of management, because of the competing demands for a scarce resource, the impacts of these uses on soils and land resources, population growth, and changing demands and use patterns in recent times as a result of a shift from agriculture to services and as a result of cultural change. Fragmented and sectoral approaches to land policy are no longer capable of meeting needs, and an integrated, coherent and comprehensive framework is now needed to arrest negative trends, address current and emerging issues, and guide all relevant sectoral policies and programmes.
14. Saint Lucia's land resources, including its territorial waters and Exclusive Economic Zone, could contribute more than they currently do to economic growth and development. For a number of reasons, land is not being utilised optimally, good agricultural lands are being converted to other uses, and critical coastal areas are being lost to uses that restrict their economic potential. Resource use conflicts and inadequate practices impact negatively on the productivity of key sectors. There is a need for a policy framework that realises the full potential of land capital.
15. Land resources could also contribute more to social development, in a number of ways. At present, most poor people do not have easy access to land, and land resources are not easily mobilised in support of local investment and small business development, either for productive activities, or as collateral in the credit market. Patterns of urban development promote social segregation, and current forms of land use as well as dominant patterns of urbanisation result in exclusion and conflicts. A new policy must ensure that land contributes fully to social organisation and personal development.

Land, land use and land management in Saint Lucia, an overview

The environment

16. Patterns of land use and land management are determined, to a large extent, by bio-physical and environmental factors, and by the impacts of these factors on land capability. The main characteristics of land in Saint Lucia are a rugged terrain and a limited land space. In several parts of the island, the agricultural potential is limited, because of risks of erosion, low fertility, stoniness and acidity of soils, and dangers of land slippage. In many areas, steep slopes and drainage patterns also render access and infrastructural development difficult.

More than 90% of Saint Lucia's terrestrial areas occur on slopes of more than five degrees. Two thirds of Saint Lucia's best agricultural lands are located in four valleys: Canelles, Cul de Sac, Mabouya and Roseau.

17. Saint Lucia's natural environment is also characterised by the fragility and small size of ecosystems, and by the high level of inter-connectivity among these ecosystems and their natural functions. This means that activities occurring in one area can have negative environmental impacts on surrounding ecosystems. This is particularly true for environmental changes occurring in upper watershed areas, which can impact negatively on all ecosystems in the lower watershed and coastal zones. At the same time, topographic and environmental factors increase Saint Lucia's predisposition to risks associated with the impacts of natural disasters.

18. Saint Lucia's terrestrial and marine areas support a rich biological diversity, with over 1,300 known species of plants, over 150 species of birds and approximately 250 reef fish species. Ecosystem diversity is also high, with tropical rain forests, dry forests and scrubs, mangroves and other coastal woodlands, reefs and seagrass beds. Most natural habitats have been transformed as a result of the expansion of human activities, and there remain only small areas where natural ecosystems have not been disturbed. Some of these are home to endemic, endangered and locally important species.

19. As a result of deforestation and the removal of vegetation cover, there have been noticeable reductions in the productivity of watersheds, coupled with erosion, sedimentation in lower river channels, and increases in flood risks. At the same time, population growth and the concentration of settlements and tourism development in the north of the island have resulted in a high demand for water for domestic, industrial and commercial uses, while transformations in the agricultural production systems and the need to increase yields have augmented

Water is one of the country's most precious natural resources, and there is strong relationship between water and land management. Water conservation and management are directly dependent on the use and management of the land, while water use and availability influence land use and suitability. Land policy must also be concerned with water management in all its aspects, including the management of water bodies and of the interface between land and water.

demands for water for irrigation. Inappropriate land uses and land use practices, and incidences of abuse of agrochemical pollutants, are responsible for water pollution and contamination. Urban development and changes in land use have provoked changes in drainage patterns and increased risks of flooding. All these factors contribute to increases in the costs of water collection and distribution.

20. There is a direct link between land use and the conditions of near shore resources, including ecosystem health, coastal water quality and habitat productivity. Sedimentation impacts negatively on tourism and fisheries through the destruction of reef habitats and the reduction of water quality. Pollution coming from human settlements, agriculture and industry also affects water quality, posing a threat to human health and tourism development.

21. There is also a direct link between land use and management on the one hand, and the dangers of natural disasters on the other. In some areas, inappropriate land uses have increased vulnerability to disasters, and especially to the impacts of flooding and landslides. In the past, disaster planning has focused more on post-disaster mitigation than on prevention and minimisation of impacts, and there is now a need for closer linkages between disaster management and the national land policy framework, and for the use of specific disaster management tools, such as hazard mapping.

The degradation of coastal habitats such as fringing reefs and mangrove wetlands, and a lack of appropriate setbacks for coastal developments have increased the island's vulnerability to storms and wave action, resulting in an increase in government expenditure to mitigate these negative impacts. Tropical Storm Debbie cost St. Lucia EC\$230 million, while the Tropical Wave of 1996 cost EC\$12 million in damages. In 1999, coastal infrastructure at the Soufriere Marine Management Area (SMMA) sustained damages as a result of Hurricane Lenny, which was estimated at a total cost of half a million EC dollars.

22. A range of instruments are currently being used to conserve land resources and include environmental considerations in land management and development. These include planning instruments and regulations, including the compulsory conduct of Environmental Impact Assessments and the establishment and management of protected areas such as Forest Reserves, Marine Reserves and Wildlife Sanctuaries.

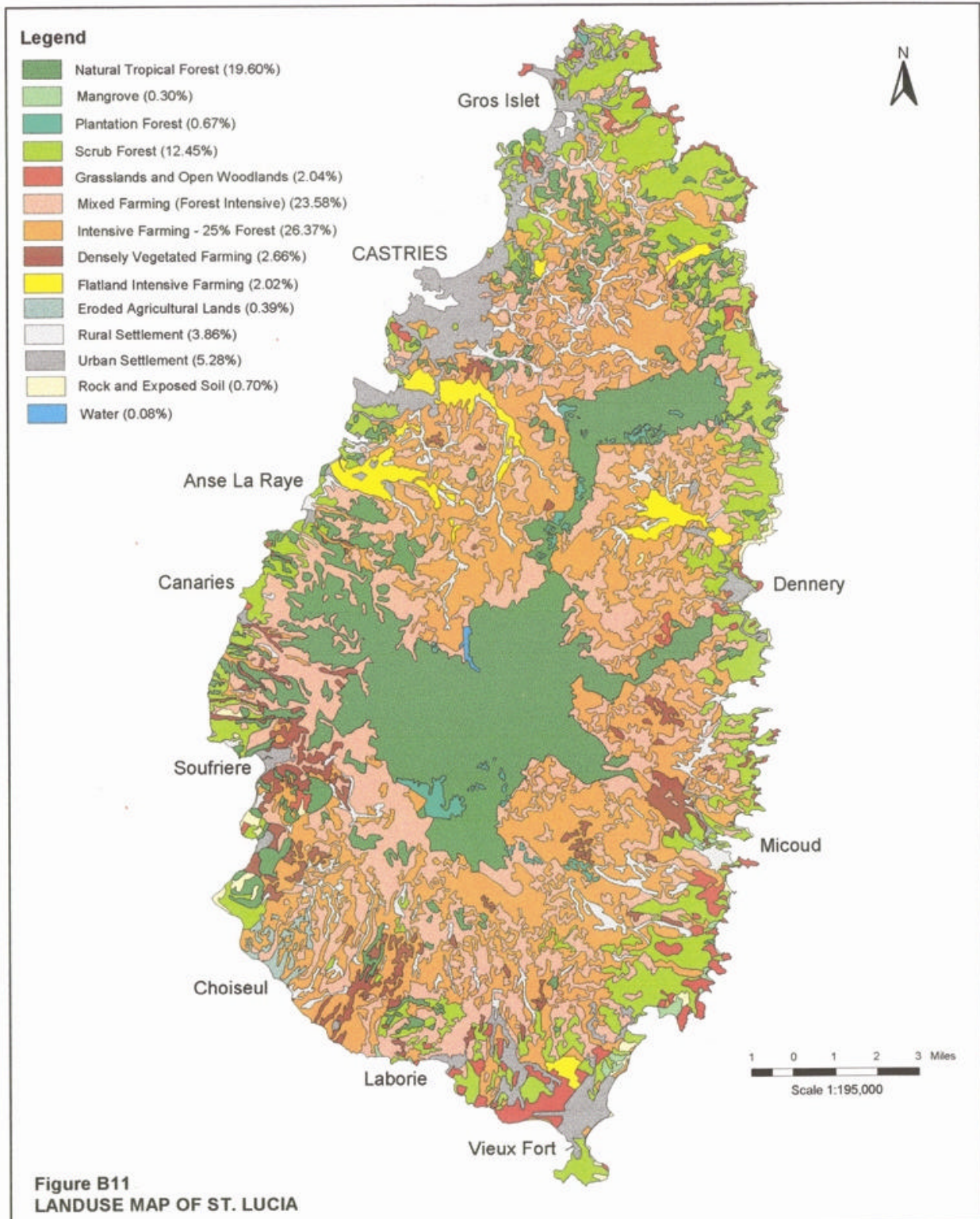
Land use and land tenure

23. Patterns of land tenure, use and management are also, and to a very large extent, the direct product of history. It is the land, and its capacity to produce crops, goods and services in demand in metropolitan markets, that has shaped the landscape, the society and the economy of Saint Lucia over the past four centuries. From this past, the country has inherited highly unequal patterns of land distribution. In 1974, for example, holdings of more than

Approximately 27% of the total of terrestrial areas is owned by the State.

500 acres (approx. 200 hectares) still covered more than one third of the total area of holdings.

Figure 2: Land use



24. Historical factors also explain the cultural relationship that currently exists between people and land resources in Saint Lucia. History and culture are responsible, in many respects, for the peculiar patterns of land tenure, ownership and property rights that currently prevail in Saint Lucia.
25. As a result of the early expansion of plantation agriculture in many parts of the island, much of the original vegetation cover has been removed. Table 1 provides an overview of land use in 1996. Over the past three decades, a number of changes have occurred with respect to land use, with significant reductions in vegetation cover and a significant expansion in areas under agriculture, especially mixed farming (see Table 2). Data from the 1996 Census of Agriculture indicate that there have not been significant changes in land use between the late 1980s and 1996. Field observations suggest that areas under agriculture have reduced slightly, and that earlier patterns of deforestation have been arrested since the mid 1990s, as a result of the contraction in the banana industry.
26. Recent and current data and observed trends in agricultural land tenure (see Table 3) indicate that family land continues to be the dominant form of agricultural land tenure, but with a small increase in the number of parcels under private ownership (from 3,611 parcels in 1986 to 4,701 parcels in 1996).

Table 1: Land use, 1996

Type of land use	% of total land area
Natural tropical forest	19.60
Mangrove	0.30
Plantation forest	0.67
Scrub forest	12.45
Grasslands and open woodlands	2.04
Mixed farming	23.58
Intensive farming	26.37
Other farming	4.68
Rural settlements	3.86
Urban settlements	5.28
Rocks and exposed soils	0.70
Water	0.08
TOTAL	100.00

Source: GOSL 1996.

Table 2: Land use changes, 1977 and 1989

Type of land use	Area (in hectares)		Difference (%)
	1977	1989	
Forest	16,737	12,572	- 24.88
Scrub forest	12,677	7,515	- 40.72
Grasslands and open woodlands	1,302	2,666	+ 104.76
Sub-total	30,716	22,753	- 25.92

Type of land use	Area (in hectares)		Difference (%)
	1977	1989	
Intensive agriculture	14,498	17,576	+ 21.23
Mixed agriculture	6,306	16,205	+ 157.69
Sub-total	20,804	33,781	+ 62.38

Source: GOSL 1996.

Table 3: Agricultural land tenure, 1996

Tenure	# parcels	% parcels	Area (acres)	Area (%)
Owned	4,701	30.40	26,723.09	52.07
Family land	7,094	45.90	15,272.73	29.76
Rented private	1,558	10.10	4,424.67	8.62
Rented government	682	4.30	2,516.55	4.90
Squatting private	399	2.60	709.86	1.38
Squatting government	614	4.00	776.28	1.52
Other	420	2.70	899.92	1.75
Total	15,468	100.00	51,323.10	100.00

Source: GOSL 1996.

27. The importance of family lands (45.90% of parcels and 29.76% of total agricultural area in 1996) is highly significant. It is a form of communal ownership among members of a family and, as such, it presents a number of advantages, allowing a number of heirs to have access to land, providing security to all co-owners while retaining

The strategy of voluntary non-use throughout the [Caribbean] region is the corollary of the essential theme of family land: namely, that its primary purpose is to provide freehold land rights to generations in perpetuity, and that such rights should provide security in time of dire need.

Jean Besson
A paradox in Caribbean attitudes to land
(Besson and Momsen 1987)

flexibility in land use, and providing a buffer as well as a number of non-monetary welfare benefits that would otherwise not be available to the weakest and poorest among the heirs. Family land tenure in Saint Lucia is an important institution, and it is one to which people are consciously and unconsciously attached. While family land tenure offers some benefits, it also creates constraints and problems, particularly in cases of disputes, or when land is needed as collateral for access to credit. In this sense, family land tenure can be seen as an obstacle to social mobility and economic empowerment in rural areas. Communal ownership may also be an obstacle to land conservation and to the use of good agricultural practices.

28. Two additional trends and phenomena related to rural land tenure should be highlighted. One is the incidence of land speculation, which appears to impact negatively on production (some rural properties are maintained at very low levels of production, and their owners are not concerned with farm production), while contributing to increases in land prices above what their productive capacity would justify. The other is the continued

fragmentation of small parcels at the expense of agricultural production, down to a size which often becomes no longer viable, especially in light of recent changes in the banana industry and of the need to diversify production.

29. There have been a number of initiatives aimed at promoting land reform and making land available to poor farmers in Saint Lucia over the past three decades, but these experiences have not been entirely successful. In many instances, farmers have not respected the terms of their lease-purchase agreements, and only a small number of intended beneficiaries have actually become owners. These and other experiences suggest that:
- Land reform initiatives need to include a range of accompanying measures and substantial long-term investments in education, cultural change, extension and technical assistance, capacity-building and training, access to credit, access to markets and grant financing whenever necessary.
 - Conditions of land purchase must be directly favourable to poor people.
 - Persons previously employed as farm workers may not necessarily become farm owners and managers.
 - Freehold tenure is not necessarily the preferred option, and more attention should be given to the development of lease agreements and to progressive transitions towards freehold tenure.
 - Agreements and other arrangements governing access to agricultural lands must be designed and managed by institutions that are dedicated to and experienced in rural development and agricultural production, within broad rural development frameworks.
30. Trends over the past ten years reveal increases in freehold ownership of dwellings and of the land on which these dwellings are placed. There however remains a significant gap between private ownership of houses and private ownership of land, with a significant number of houses located on land that is not owned by the owner of the house. The demand for housing exacerbates this situation, and has encouraged some people to build houses on lands that are unsafe and prone to disasters, especially floods and landslides.
31. Land resources are increasingly affected by the practice of improper and excessive land clearing prior to housing development, resulting in erosion and sedimentation as well as landscape degradation. Landscape and vegetation conservation and management requirements are usually not taken into consideration in the review of planning applications. This problem is particularly acute in peri-urban land subdivisions, where developers, contractors and owners all contribute to the removal of vegetation cover and the consequent land erosion and landscape degradation.
32. The past three decades have witnessed the rapid expansion of urban and semi-urban land uses, with the concentration of urban development in the north-west corridor, the creation of industrial estates in

Urban planning and urban design must be at the centre of land policy. There are a number of ways in which the State and Local Government Agencies can intervene to guide and influence the trends of urban development, and to enhance the functionality and aesthetic quality of urban centres.

several areas, the proliferation of housing subdivisions and the conversion of land from agriculture to housing in many parts of the country, the growth of unplanned settlements in and around Castries, new forms of traffic congestion and communication problems in and near urban areas, and changes in the functions and uses of urban centres (Castries and Vieux Fort). At the same time, many settlements and communities have become dysfunctional, either because they have lost critical public functions, or because they have been created without due attention being paid to necessary services, infrastructures and networks, especially in the case of housing subdivisions. Demands created by these developments on public services and utilities are very costly and taxing on government agencies and utility companies.

33. The coastal zone experiences special problems caused by the high concentration of uses, activities and impacts. The majority of human settlements and all main transportation infrastructures in the country are located on the coast. In addition, coastal areas have over the past four decades witnessed the expansion of tourism-related developments, while they continue to support a range of other economic activities, especially in the fisheries sector. The coastal zone is an area where the land use conflicts are the most acute, and where there is a need for the harmonisation of a wide range of functions and for the mitigation of negative impacts. Furthermore, it is in the coastal zone that the impacts of global warming and sea level rise are likely to be felt most severely in the medium and long terms.

Culture and attitudes

34. Values and attitudes associated with land ownership and use are characterised by a somewhat ambiguous relationship. On the one hand, as a direct result of the country's colonial history, there is a weak sense of collective ownership of the landscape and of the land, and this reality is responsible, in part, for the absence of traditional systems of stewardship of common property resources. At the same time, a very strong cultural and social value is attached to land ownership, as a right and as an expression of identity, autonomy and personal achievement. Land has high cultural significance and symbolic value in Saint Lucia. It is a source of prestige, social status, security and power.

35. The landscape is a critical factor in cultural identity and in the quality of the life of all citizens. A peaceful, attractive and harmonious landscape can provide a source of recreation, enjoyment, spirituality and artistic inspiration. At the same time, a hostile and unattractive physical environment can be a source of instability, conflict and unhappiness. Landscape management must therefore be an integral part of land policy.

“How could he own land? What you mean by owning? A man cyan own land! He can take care of it and if he take care of it, it come to him like is his sister and mother and him woman / if he love it. But how he goin’ own it? You have education; tell me!”

Kendel Hippolyte
The Drum Maker

36. Agricultural practices often impact negatively on land and soil resources. Of primary concern are the continued use of slash and burn techniques, cultivation on steep slopes, the abuse and misuse of agricultural inputs, the destruction of critical habitats such as wetlands, and the removal of vegetation cover along river banks. While some farmers have a good understanding of farm ecology and use good agricultural practices, others do not give sufficient consideration to management issues, or find themselves forced to use practices that are detrimental to the land and to other natural resources, while threatening the sustainability of their own farming activity.
37. Land development and management are also affected by an insufficient knowledge and understanding of the legal dimensions of land management among land owners and other stakeholders. Concepts such as easement, right of way, way leave, servitude and appurtenance need to be understood by all, and especially by land owners. In this way, all stakeholders could become more directly involved in land management, and they could benefit from better informed decisions and actions, while avoiding conflicts and failures in development initiatives.
38. More generally, there is a growing lack of appreciation of and respect for land as a resource among various sectors of society. In many ways, there remains a paradox in the attitudes of many people, as the land is clearly perceived as a scarce resource, but many patterns of behaviour continue to impact negatively on that resource, as if it was inexhaustible.
39. The relationship between culture and land management can also be found in the value and importance of historical and archaeological sites, and of the need to incorporate their protection and sustainable use in land management institutions and procedures. This requires that capacities in specialised fields be developed and enhanced, and that strict procedures be adopted and adhered to, especially as it relates to Impact Assessment and to emergency protection of threatened sites and resources.
40. The Constitution of Saint Lucia protects the citizens from deprivation of property, including land. It stipulates that “no property shall be taken possession of”, and that “no interest in or right over property ... shall be compulsorily acquired”, except if it is done for a public purpose, in accordance with the law, and with “the prompt payment of full compensation”.

Economic and social development

Land development and management require a holistic approach, but they also require that considerations of land management be integrated into all relevant sectoral policies and programmes, particularly in agriculture, tourism, housing and transportation.

41. Land is needed to provide basic social services and to support economic activities in all sectors. While there has been significant progress over the past three decades, land ownership and use patterns still contribute to poverty

and inequality, as there are inadequate opportunities for poor people to access land. At the same time, good agricultural lands continue to be converted to other uses, threatening the country's productive capacity as well as its long-term food security. Patterns of land use and ownership also cause large areas of land to remain as "dead capital", as these lands are not placed into productive use, and are not used as capital in the financial markets.

42. The availability of land for housing, and especially for the benefit of low-income households, is a priority concern. This is reflected in a number of recent initiatives, among which the Programme for the Regularisation of Unplanned Developments (PROUD), which was established in April 2000 for an initial period of five years. The Programme seeks to upgrade existing squatter settlements on public lands, to transfer land title to occupants whenever possible, and to build entrepreneurship within target communities. PROUD is one of the components of the Shelter Development Project that is funded, in part, through a loan from the Caribbean Development Bank. Its overall purpose is to improve the shelter conditions of low-income households by facilitating access to affordable credit and technical assistance, serviced plots, improved housing and upgraded facilities in squatter settlements.

Housing has direct and significant impacts on land use. Policies and practices in the housing sector are driven by economic factors, but also, and perhaps even more so, by social and cultural factors. The choices that people and families make are largely determined by social patterns – for example the structure and size of the family – and by cultural attitudes – such as taste and values. Housing policy is therefore determined, to some extent, by cultural and social policy, not only because housing is a primary social need, but also because it is in social and cultural change that new patterns of housing development, and consequently land use, are developed, promoted and implemented.

43. Government, through the Ministry of Physical Development, Environment and Housing, is involved in the development of housing policies and programmes. It is within this policy framework that the National Housing Corporation (NHC) has been established, as the amalgamation of three previous entities, namely the Saint Lucia Housing Authority, Nationwide Properties Limited and the Housing and Urban Development Corporation, and as an expression of greater public sector commitment to housing development. The NHC is implementing a number of housing projects.

44. There is a slow but general trend towards the privatisation of land rights (i.e. changes from public or family ownership to private ownership). Recent years have also witnessed dramatic increases in land prices in some areas, as a result of changes in land use and increases in demand for land, especially in the coastal zone and near urban centres. Increases in land prices impact negatively on the ability of many people, especially the poor, to acquire property and to use land as a basis for economic empowerment.

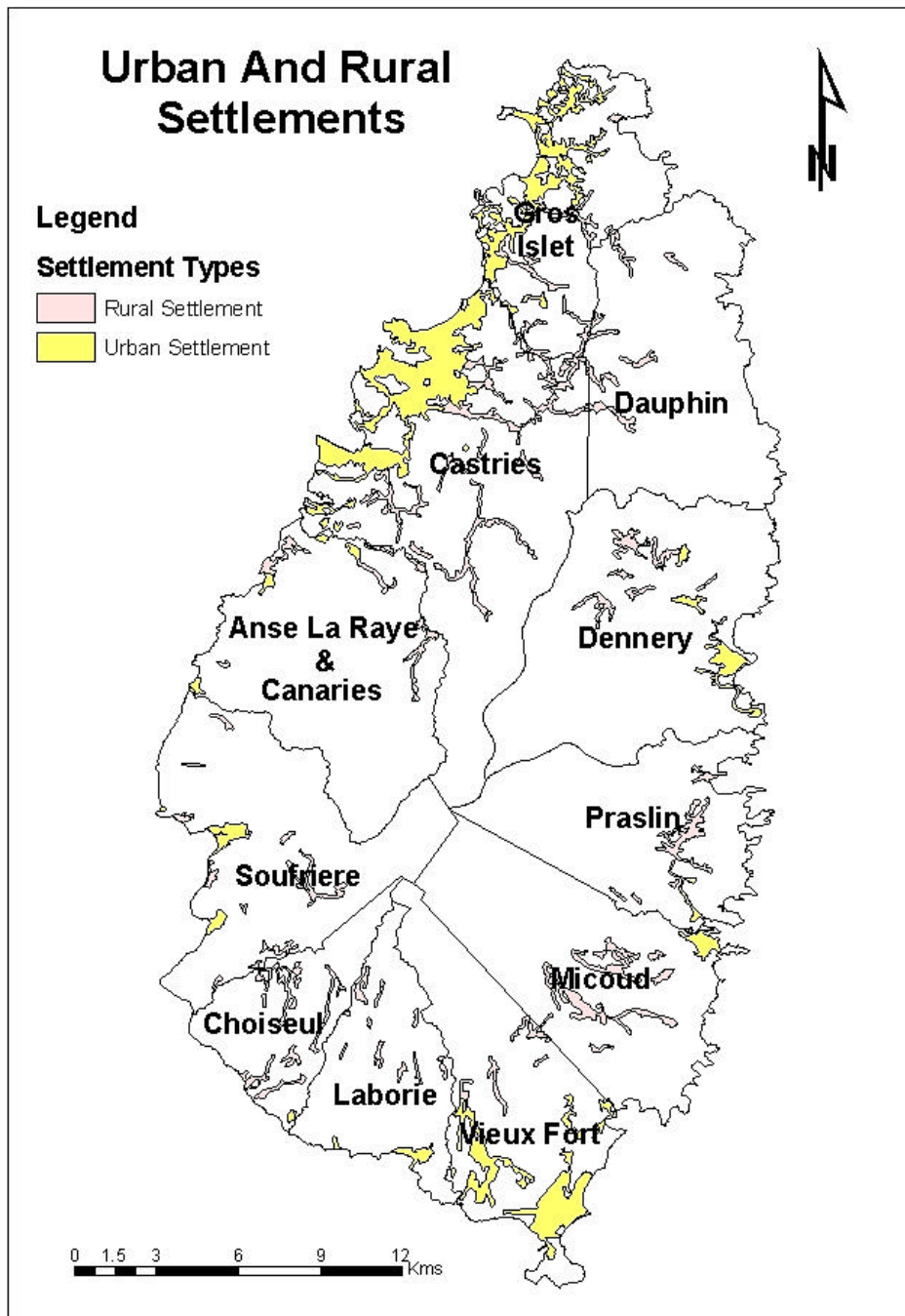
45. Speculative investments may have a negative impact on land use and land markets, since large tracts of land are held for speculative purposes, reducing the stock of available

lands and driving the price of land up. This could be one of the factors responsible for a noticeable distortion between demand and supply. At present, there is no mechanism to prevent or reduce the concentration of land ownership. Of particular concern are incidences of “active” speculation, i.e. instances of purchases of land when it is known that their value will increase, often as a result of a public sector investment.

There are several factors that contribute to the value of land, including physical attributes (e.g. location or fertility), legal factors such as taxation or zoning restrictions, social considerations and economic forces, including the ability or potential of the land to generate revenue. Land markets can be influenced by changes in any of these factors. In recent times, new economic forces as well as the cultural values attached to private land ownership and housing have been major factors in the escalation of land prices.

46. The growth of tourism in recent years has created new demands for land, especially in coastal areas, generating conflicts in land use and impacting significantly on prices, land markets and land speculation. There has been a geographic concentration of tourism activity in the north-west corridor and in the Soufriere area, resulting in the absence of opportunities for many people and communities in the island to participate in and benefit from the sector. The tourism sector generates high demands for water, solid waste management, and other environmental resources and services. Sustainable tourism development could be threatened by the general degradation of landscape and seascape quality caused by poorly-designed urbanisation, deforestation, erosion and ineffective waste management.
47. The industrial, commercial and communications sectors place specific demands on land resources, especially for industrial zones and plants. The location of industrial developments places demands on waste management services. There are potential conflicts between industrial and commercial uses on the one hand, and other uses on the other. Industrial development requires that special attention be paid to environmental impacts, especially with respect to waste management. Another environmental concern relates to mining activities, as quarries may impact negatively on landscapes, and on aquifers and coastal waters through sedimentation. Experience however shows that these impacts can be reduced and mitigated, and that quarrying activities can be carried out without significant damage to the environment.
48. Air and sea ports require land infrastructure and the use of prime lands, all in the coastal zone. With two main airports and two main sea ports, as well as one energy port at Cul de Sac and several Ports of Call along the west coast, there is now a need to rationalise air and sea ports in the country. Such a rationalisation process would have to take into account current and future trends in air and sea transportation (e.g. security requirements, the need for longer airport runways, the implications of technological change on land use around airports) and in energy production (e.g. the need for efficient energy ports that are linked to electricity plants, and the demands for storage space for fuel).

Figure 3: Urban and rural settlements



Institutional and political considerations

49. There exists a broad and complex set of policies that govern land use, management and development, as presented in Annex 1. In order to implement these policies, there are a number of public sector agencies involved in various aspects of land management. Over the past few years, there have been important processes of rationalisation and capacity-building within and among these various agencies. In several key areas of land management, the Government of Saint Lucia has established sophisticated management systems and procedures, and has allocated significant human, technical and financial resources towards their implementation and operation.

A key obstacle to effective land management in Saint Lucia is the lack of enforcement of existing legislation, and the frequent disregard for established procedures. Land issues require the commitment of all sectors of society, especially policy makers and enforcement agencies. Such a commitment demands that these agencies be equipped with adequate resources and capacities.

50. There remain however a number of issues that impact negatively on land development, management and administration. In particular, there are critical gaps and overlaps in institutional responsibilities, there is insufficient collaboration among public sector agencies, and there is some degree of fragmentation of land management authority and roles among a range of agencies, including ministries and statutory corporations. This reality tends to be an obstacle to the rational, effective and efficient management of all land resources.

The role of taxation in land management and development is critical and complex. Beyond its function as a source of fiscal revenue, it serves as a means to protect and legitimise ownership, and it should help to achieve land management objectives. There is a need for a review of current taxation policies, with a view to turn them into instruments of land management and development. This implies that land development and management objectives, and not simply land value, should become one of the bases of taxation.

51. There is very little public sector intervention in the management and operation of land markets. In particular, taxation is not being used intentionally to guide these land markets and land uses in any significant way. Land and property taxes, which used to be payable only to local government authorities, are now collected by the Inland Revenue Department and by Village and Town Councils, in accordance with the provisions of the Land and House Tax (Amendment) Act 2001. Levels of taxation are determined by the land area, not by the value of the land. While it has increased significantly since the introduction of the Act (from XCD 0.946 million in 1999/2000 to 4.673

million in 2001/2002), tax revenue from both land and house taxes still represents less than 1% of all tax revenue.

52. One major legal instrument, the Land Conservation and Improvement Act of 1992, has not yet been activated. It provides for the establishment of a Land Conservation Board, and gives it extensive powers in matters of land development and management, including the issuance of protection orders, the establishment on conservation areas, the compulsory acquisition and vesting of lands, and the provision of advice to the Minister of Agriculture. As such, it could be a useful and powerful tool of land management, but it appears that there is no real “ownership” of this instrument within relevant institutions.

53. In the field of protected area planning and management, there are scattered management responsibilities, with five agencies legally and formally vested with planning and management responsibility for national parks, reserves and other protected areas in the country, but without any formal co-ordinating framework or mechanism among these agencies. A national System of Protected Areas was prepared by a range of organisations involved in physical planning and natural resource management over ten years ago, and it has been used by many as a planning guide, but it has not been formally approved by the government.

Planning is needed at various levels and scales. In areas with existing or potential land use conflicts, planning instruments must provide solutions at the micro level. The example of a highly developed area such as Rodney Bay, where some tourism uses conflict with other tourism activities, illustrates the need for local level planning that can distinguish between land uses within the same economic sector.

54. Generally, there is a lack of an articulated national development plan and strategy, and of a comprehensive physical development framework and strategy. In practice, and in spite of the significant progress that has been made in recent years, government is not assuming a lead role in defining critical land development objectives, processes and directions, as in the case of the proliferation of human settlements. At the same time, there have been inadequate public sector responses to private sector-led urban expansion, particularly in relation to housing and infrastructure, and there remains a tendency for the public sector to follow private sector land development trends.

Land policy cannot be isolated from policy in all social and economic sectors. In particular, there is a need to articulate land policy with national policy in those sectors and areas that have direct implications for infrastructural development, namely: energy (type of energy sources, location of power plants and other facilities), housing (types of housing, human settlements, utilities), mining (conditions of exploitation, restoration of mining sites) and transportation (public versus private, types of transports, location and extent of facilities).

55. More generally, there is too much of a focus on development control, at the expense of development planning. In the past three decades, approaches to land use planning have been more reactive than proactive, but there have been important exceptions to this rule. In the 1970s, there was a period of active involvement in forward planning exercises at national and local levels, through a

project supported by the United Nations Development Programme (UNDP). In the late 1980s and early 1990s, the United Nations supported forward planning activities that resulted in the formulation of plans for Gros Islet, Soufriere and Vieux Fort, and the Organisation of American States supported a Castries Urban Renewal Plan. The recent adoption of the Physical Planning and Development Act should lead to the strengthening of proactive approaches to physical planning.

56. In many respects, land development and management decisions are highly sensitive, and remain directly and significantly influenced by political considerations. Important land use decisions are still sometimes being made outside established management procedures, in order to accommodate investors or to satisfy local demands from particular interest groups. In many respects, there is a need to move land development, management and administration from the realm of politics to the realm of policy. It is the purpose of this Green Paper to assist in this process.
57. As processes of globalisation and regionalisation accelerate, international policies and policy instruments will have more direct implications on land development and management, and especially on land markets. National land policy must be informed by this reality, and must put in place, to the maximum extent possible, the mechanisms that will allow Saint Lucia to participate in regional and global institutions, while preserving national interest.

Land administration and management

58. Land administration is a complex process that requires effective and efficient systems and organisations. While there have been significant improvements in recent years, land management systems remain inefficient, resulting in the distortion of property markets, the degradation of land resources, and the failure of land development schemes to live up to the expectations of developers and users. Land speculation, land ownership structure, conflicts created by family lands and the absence of tenure individualisation, and the frequent absence of physical demarcation are among the many issues that need to be addressed through improved land administration systems. The importance of these issues is reflected in the current escalation in the number of disputes, and in the negative impacts that conflicts often have on land development.

59. In 1984, the Government of Saint Lucia initiated a major project, known as the Land Titling and Registration Project (LRTP), which resulted in the demarcation, mapping, registration and recording of 33,287 parcels, and in the creation of a Land Registry. While there are few accessible data on the impact of this project on investment and land markets, there are good reasons to believe that it has

Land markets remain generally inefficient, because of bottlenecks in administrative arrangements, because of obstacles to the flow of information, and because of the high cost of purchase. Specific measures are needed to improve these markets.

been one of the main factors responsible for the economic growth of the 1980s and 1990s. Two decades later, it would be useful to conduct a detailed assessment of the impacts of this project, and to extract the lessons learned from its implementation.

60. Land administration is currently governed by a range of legal instruments. One of the issues that need to be addressed is the fact that succession law creates potential conflicts. Laws and attitudes related to family land also make conflict resolution difficult, and do not permit the use of communal property as collateral to facilitate access to credit, as most commercial banks require partitioning as a pre-condition to granting loans.
61. Other specific issues that affect the good operations of land administration systems include: the high costs of land transfers and land development (including legal fees); the problems created by squatting on private lands and by unsubstantiated claims; the problems created by squatting on public lands, including constraints to the provision of services and infrastructure to squatting communities; the incomplete or poor identification and recording of property rights during transfer, resulting in disputes, and expensive and lengthy litigation; the need for the Crown to be able to claim vacant lands whenever legitimate and desirable.
62. There are a number of issues surrounding the use and management of public lands, and many publicly owned properties, including the Queen's Chain, do not benefit from active management. Issues of right of access to beaches and to the Queen's Chain are also critical in some areas. Generally, there is a lack of a policy on land acquisition and divestment by the State, at times resulting in *ad hoc* decisions. Indeed, demands for land acquisition are often caused by immediate and specific crises, not in accordance with long-term plans. In addition, procedures of land acquisition often generate conflicts between the State and private land owners, and between private concerns.

Squatting is one of the key land management issues that need to be addressed. It occurs on both public and private lands. Significant progress has been made, over the past few years, with the implementation of the PROUD programme. Squatting issues can only be addressed through effective enforcement by all responsible agencies.
63. Formal and informal policies and dominant cultural attitudes in Saint Lucia strongly favour freehold tenure, but there appears to be a need and an opportunity to strengthen rental markets. Such rental markets could present several advantages over sales markets, as their transaction costs are significantly lower, they provide flexibility, they require limited capital outlay (thus making access to the markets easier for poor people, while leaving financial resources available for investments in equipment and other productive aspects), they can represent a transition stage towards full land ownership, and they can be better adapted to situations where labour, insurance and credit markets as well as supporting institutions are weak.

64. New approaches to land policy and administration also need to address problems coming from the fact that the public sector is investing significant resources in infrastructural development, especially for land subdivisions and housing developments, but that there are no clear mechanisms to allow the State to recoup the costs of these investments. Government is also often forced to assume responsibility for the maintenance of roads in housing subdivisions, because the original developers have not assumed their responsibilities.
65. Land administration can only be effective if it is served by accurate, reliable and up-to-date information. At present, information required for land management is not readily available to relevant agencies, for example the information on infrastructures and reserves that would be needed from utility companies. There is also an urgent and critical need for up-to-date digital maps that can serve as a base for updated land ownership and land use data. At the same time, there is a need for integrated information management systems that allow for the much-needed sharing of information among agencies in an effective and efficient manner.

Policy framework

66. The National Land Policy should be guided by a clear vision of the role and place of land in national development.
67. In this vision, people would show respect for the land as a national resource, people and organisations would understand the value and importance of land and the extent to which they depend on it, and everyone would assume a full sense of responsibility and readiness to contribute to land management.
68. This vision should incorporate the multiple social, economic, ecological and cultural functions of land, with the understanding that they should all be performed on a sustainable and equitable basis, and that there should be harmony among these functions:
- land for economic development in agriculture, tourism, trade, manufacturing and other sectors.
 - land for shelter for all.
 - land for food security and nutrition.
 - land as a critical asset for poverty reduction and elimination.
 - land as a factor of social cohesion.
 - land as a factor of cultural identity.
 - land as the support of biological diversity, environmental quality and bio-physical processes.
69. In the governance and management of land, the vision should assume that:
- there would remain a diversity of rights and management regimes.
 - property and use rights would all be well-defined, secure and transferable.

- there would be efficient mechanisms for arbitration and effective and equitable ways of managing land conflicts.
- there would be efficiency in land management and administration.
- there would be active participation and partnerships among State, private sector, civil society and individuals.
- transparent and reliable information would be available to all as the basis of good decisions.
- there would be flexibility and adaptation in management, and future options would be preserved whenever possible (precautionary principle).
- there would be strong political will and popular commitment to tackle difficult land management issues.

70. Against this background, the goal of a National Land Policy should be *to optimise the contribution of land to sustainable development*.

71. The strategic objectives of a National Land Policy should be to:

- Enhance the contribution of land to food security and to the development of economic activities, including the provision of employment and revenue generation opportunities for all citizens.
- Provide opportunities for all citizens to have access to adequate shelter.
- Establish and maintain patterns of land use and development that are responsible and sustainable, and that maintain options for future uses.
- Secure access to adequate public services, notably in health, education, public utilities, recreation and transportation.
- Foster a mode of land use that reduces the loss of life, land and other assets from hazards, and that facilitates response to such events.
- Support the rehabilitation, restoration and management of degraded lands, and the conservation of the country's biological diversity.
- Maximize the effectiveness and efficiency of land management institutions, systems and procedures.
- Provide a framework for the management, resolution or avoidance of conflicts related to land and its uses.
- Develop and promote a positive cultural relationship between people and the land.

72. To achieve these strategic objectives, specific policies, measures and actions will be needed in four complementary domains:

- Development planning and human settlements.
- Land use and development in key economic sectors.
- Environment and natural resource management, including disaster management.
- Legal framework, institutional arrangements and organisational capacity.

Approach

73. In order for Saint Lucia to optimise the use of land and to ensure that this resource is managed in a sustainable and equitable manner, there will be need for a number of fundamental paradigm shifts:

- A radical transformation of attitudes towards housing, land development and land ownership, with a greater acceptance of the concept of common good.
- The adoption of a mixed approach to land management, increasing the efficiency and fairness of the land markets while maintaining social objectives.
- A tighter and more effective system of management of public lands and assets.
- The rationalisation of all land administration systems and procedures.
- The use of Geographic Information Systems (GIS) as part of an integrated approach to spatial management, using available techniques and technologies.
- The development, within land management and physical planning and development agencies in the public sector, of a culture of advice and technical assistance, to replace a dominant culture of control and regulation.

74. The formulation and implementation of land policy in Saint Lucia should be guided by a number of principles:

- *Equity*: the policy should recognise and preserve the rights of all citizens, and should ensure that access to land resources and to the benefits derived from these resources is equitable.
- *Rights*: the policy should recognise and respect the rights associated with land ownership, and should ensure that rights are secure, well-defined and transferable.
- *Stewardship*: the policy should instil a sense of responsibility in all stakeholders and should lead to a sharing of management responsibility among the State, civil society, individuals and the private sector. All stakeholders should recognise that land ownership also comes with responsibility (to keep the land in adequate and productive condition, to pay taxes and services, to keep good neighbourly practices, to avoid hindering the efficiency of the property market).
- *Leadership*: it is the responsibility of the State to establish and manage a policy framework for land management and development, and government must therefore assume and retain the leadership role in policy formulation and implementation.
- *Accountability*: there is a need for fairness, transparency and accountability in the formulation, adoption and implementation of all public policy, including a national land policy.
- *Collaboration and participation*: the policy should promote the participation of stakeholders, should develop collaboration and partnerships among relevant actors, and should encourage community involvement in management whenever desirable and practical. It should rely as much as possible on voluntary compliance.

- *Enforcement*: the policy should however provide for the effective and efficient enforcement of legislation, and for the fair resolution and arbitration of disputes whenever they arise.
- *Legitimacy*: enforcement measures should be acceptable to and accepted by all stakeholders, thanks to the transparency of decisions and to stakeholder participation in decision-making processes.
- *Capacity-building*: the policy should contribute to building the capacity of all partners to participate in land development and management, and should further develop human resource capacity through training and technical assistance.
- *Coordination and integration*: the policy should ensure that there is proper co-ordination among all actors, and that policy objectives and instruments remain coherent, compatible and mutually-reinforcing.
- *Protection of common property*: the policy should aim at securing and enhancing the assets that are owned in common property for the benefit of all citizens.
- *Precaution*: whenever necessary, the policy should adopt the precautionary principle, i.e. the decision not to proceed with significant changes in land use in the absence of an adequate assessment of the potential impacts of these changes.
- *Provision of incentives and disincentives*: the policy should aim at the promotion of sustainable activities, using suitable financial and socio-economic instruments.
- *Public awareness*: the quality and success of the policy should rest on an informed public, aware of issues and their causes, and informed of needs and requirements.
- *Knowledge*: the policy should be based on sound research and information management, with appropriate monitoring of issues, trends and impacts of management.

75. The National Land Policy, when it is developed, should make use of a wide range of instruments, using them creatively and effectively, and recognising the value of both formal and informal measures and mechanisms. A listing of available instruments is provided in annex 3.

Policy options and directions

Development planning and human settlements

76. Land development and management require effective, integrated and comprehensive approaches to development planning, in order to achieve a number of specific objectives:

- Strengthen national and local development planning mechanisms and processes.
- Decentralise urban, commercial and industrial development.
- Increase the efficiency of space utilisation and encourage the efficient distribution of land among competing uses.
- Revitalise urban centres (Castries and Vieux Fort) through the maintenance of residential uses and the development of commercial and touristic enterprises.

- Ensure that all housing and commercial developments have access to essential infrastructure and public utilities, and transform subdivisions into complete and fully-serviced residential neighbourhoods.
- Transform public sector housing initiatives into more complete and integrated communities and neighbourhood development schemes.
- Increase residential densities in urban and peri-urban areas through the promotion of alternative types of construction (condominiums, apartment buildings, etc.).
- Discourage and reduce squatting.
- Providing adequate space and facilitate land acquisition for all transportation infrastructure, including roads and ports, while improving road safety and enhancing travel opportunities for the less mobile.
- Minimise the negative environmental impacts of transportation, including infrastructure construction.
- Involve all relevant stakeholders in policy-formulation and planning processes related to land use and development.

77. Key instruments available or proposed to achieve these objectives include:

- Development and introduction of an integrated framework for development planning at national and local levels, and use of this framework to guide development control and all forms of physical development.
- Formulation of an integrated national development plan.
- Preparation of regional and local development plans, statutorily approved and regularly updated.
- Development and adoption of a policy on housing and resettlements, on the basis of a detailed and up-to-date assessment of needs and demand.
- Strengthening of the role of local government agencies and community organisations in local development planning.
- Development of regulations under the Physical Planning and Development Act, to include specific provisions such as the establishment and maintenance of green spaces in subdivisions and other types of developments, the increase of housing densities where desirable, and the allocation of lands for multi-storied buildings and amalgamated lots.
- Creation of nodes of development to optimise the delivery of services, to reduce traffic and congestion in the north western corridor, and to provide more affordable access to housing areas and commercial centres.
- Redevelopment of mature housing areas now showing signs of economic and physical obsolescence to allow for more intensive housing.
- Continuation and expansion of the PROUD programme to regularise all squatter settlements on public lands.
- Expansion of social and low-income housing programmes.
- Establishment of a Land Bank, and of a suitable institutional arrangement to manage it.
- Adoption of a policy on cemeteries.

Land use and development in key economic sectors

78. In this domain, specific policy objectives are to:

- Preserve land use options.
- Protect and enhance the productive potential of agricultural lands.
- Secure land tenure in support of agricultural production.
- Improve farming techniques to minimise land degradation.
- Prevent further absorption of prime agricultural lands by other forms of development.
- Meet demands for coastal space for critical uses, notably transportation, tourism and fisheries infrastructure and related activities, including berthing of fishing boats and access to nearshore fishing areas.
- Meet new demands for space for and promote the development of aquaculture (nearshore areas for mariculture, flat lands for freshwater aquaculture)
- Protect and enhance the productive potential of marine habitats.
- Minimise coastal and marine pollution resulting from run-off and contamination from human settlements, agriculture, tourism and industry.
- Manage existing and potential conflicts between fishing and other resource uses.
- Maintain and enhance overall landscape and seascape quality in support of tourism, especially in areas used by visitors.
- Diversify the tourism product and ensure a more even geographic distribution of tourism-related activities.
- Promote industrial development in suitable areas.

79. Key instruments, measures and actions available or proposed to achieve these objectives include:

- Promotion of integrated approaches to rural development, including new and creative initiatives in land reform.
- Development of statutory rural land zoning and coastal zone management plans.
- Continued promotion and adoption of good agricultural practices.
- Promotion of more intensive use of land where appropriate, through extension, market access and fiscal incentives.
- Creation and management of buffer zones along river banks.
- Provision of continued education and training of key groups of resource users, including farmers.
- Rehabilitation of degraded agricultural lands.
- Management of lands on the basis of land capability.
- Facilitation of access to credit, especially for low and middle income persons and households willing to establish or expand businesses in areas such as agriculture, tourism or manufacturing.
- Establishment and management of marine reserves and fishing priority areas.
- Provision of security of tenure for all established coastal aquaculture farms, through the provisions of the Fisheries Act.

- Formulation and implementation of a National Tourism Investment Strategy that incorporates land management and development issues, including the geographic distribution and types of tourism developments.
- Development and enforcement of guidelines and standards for beach use and coastal water quality.

Environment and natural resource management, including disaster management

80. In this area, specific policy objectives should include:

- Reduce, minimize and mitigate the impacts of developments on land and other natural and environmental resources.
- Improve environmental quality in urban areas, and provide universal access to water and sanitation.
- Preserve important sites, ecosystems and wildlife habitats.
- Promote integrated water resources management, and encourage water conservation and water storage.
- Protect rivers, buffers and critical watershed areas, and establish riparian buffer zones.
- Preserve land use options and promote sustainable uses in all areas, including the coastal zone.
- Manage existing and potential conflicts among activities and resource uses in the coastal zone.
- Maintain the environmental quality and natural productivity of leased government lands and other public lands.

81. Instruments, measures and actions available and recommended to achieve these objectives include:

- Use of integrated approaches to the management of watersheds and coastal zones.
- Assessment of critical watershed areas and establishment of protected status for such areas.
- Establishment of special conservation areas for rivers, e.g. buffer zones and water catchments.
- Development of local coastal zone development and use plans, based on national vision for coastal zone management and development..
- Review and possible revision of the System of Protected Areas, and preparation of an indicative list of areas requiring statutory protection.
- Establishment and provision of incentives for conservation activities on private lands.
- More systematic conduct and use of environmental impact assessments and statements, with an effective system to monitor, evaluate and enforce the application of impact mitigation measures.
- Establishment of monitoring systems to determine levels of degradation in key areas such as watersheds.
- Education of developers, contractors and other key actors in land development.

- Provision of technical assistance to all planning and construction professionals, including engineers, architects and contractors, in aspects of project design.
- Improvement of the design of infrastructural framework to control waste disposal in waterways.
- Adoption of measures ensuring that landfills and other sites and facilities required for solid waste management are adequately located and managed.
- Enhancement of institutional collaboration in disaster planning and management.
- Preservation and expansion of green spaces and trees in urban areas.
- Modification of provisions that restrict tree planting on rented Crown Lands.
- Inclusion of landscaping considerations and tree planting requirements in planning regulations.
- Provision of fiscal incentives towards increased use of water storage, including roof catches and cisterns.
- Conduct of broad public education and awareness programmes.

Legal framework, institutional arrangements and organisational capacity

82. In this broad area, a range of specific policy objectives need to be achieved:

- Strengthen the role and capacity of the State and its agencies with mandates related to land management, and improve the efficiency, effectiveness and co-ordination of the overall land management system.
- Ensure full accountability of all governmental and statutory agencies vested with land management authority.
- Ensure cost recovery of public sector investment projects and initiatives.
- Ensure that public agencies have the skills and competencies required to provide quality technical assistance and advice to developers.
- Diversify ownership types, including opportunities for co-management and partnerships, and encourage leaseholds.
- Facilitate access to land, especially for the rural poor.
- Ensure that land rights are secure, well-defined and transferable (except in very specific cases where rights should not be transferable, as in the case of recipients of lifetime entitlements under the PROUD programme).
- Ensure that lands that are developed have adequate access.
- Provide fair and efficient mechanisms for settling land-related disputes.
- Improve information systems, facilitate access to information and integrate spatial Geographic Information Systems (GIS), as well as their use in land management policies and procedures.
- Promote fairness in speculative land investments.
- Encourage the equitable and efficient distribution of land among competing uses.
- Encourage investments, and remove possible barriers to desirable and legitimate investments in land.
- Reduce transaction costs for land acquisition .
- Use land taxation as a mechanism to influence land use and land markets, while increasing the contribution of land taxes to public sector revenue.
- Minimise and manage conflicts.

- Promote strategic ownership (acquisition and divestment) of public lands, in ways that maximise the benefits generated by the State.

83. These objectives can be achieved through a number of measures and interventions, including:

- Rationalisation of legislation to govern land development and management, including the issuance of protection orders, the establishment of conservation areas and the compulsory acquisition and vesting of lands.
- Inclusion of information on land rights (e.g. rights of way) in land registration system.
- Improvement of overall system at Land Registry.
- Development of a culture of development promotion within the public sector agencies involved in land management and development control.
- Improvement of recording of land rights in deeds prepared by attorneys.
- Provision of a mechanism for settling and adjudicating disputes.
- Improvement of recording and management of property rights.
- Development of a comprehensive programme towards the rationalisation of land tenure.
- Encouragement of registration and reduction of costs involved in the process.
- Promotion of leaseholds for alien landholding whenever possible.
- Promotion of the formal registration of leases and of their use as financing instruments.
- Definition of mechanisms through which family lands could be used as collateral in the credit markets.
- Conduct of a feasibility study for the establishment of a Land Bank.
- Conduct of a systematic review of status of Queen's Chain and formulation of a Queen's Chain policy that confirms current policies on public access, defines priorities, guidelines and options for improved management, provides specific land use and development regulations, and allocates management authority according to primary land functions.
- Guarantee of prompt, efficient and fair collection of land and property taxes
- Introduction of capital gains tax to help government recoup investments made on infrastructure at the time of land development.
- Introduction of betterment legislation.
- Use of market values rather than nominal value for fees on property transfers.
- Use of market values and land use objectives and capabilities rather than nominal value for taxation rates.
- Introduction of taxation on vacant land holdings.
- Establishment of standards for all professions and services involved in land administration.
- Introduction of fairness in speculation by facilitating access to information on future public sector investments and developments.
- Recognition of the right public sector agencies to seek land information and, if necessary, to enter private property for that purpose.

- Conduct of a systematic review of public policy on acquisition and divestment of lands by the State.
- Guarantee of adequate public consultation in land acquisition processes.
- Facilitation of transfer of State lands for housing purposes.
- Coordination of the management of lands owned and managed by the State.
- Establishment of integrated national policy and set of procedures for (i) data sharing (ii) data updating, (iii) data pricing, and (iv) copyrighting.
- Integration of all GIS systems and improvement of their use in policy and decision making.
- Building of the capacity of all agencies involved in land management and administration, and training of personnel in key aspects, such as land valuation techniques.
- Enhancement of public awareness and conduct of campaigns, in order to inform and educate the public on all relevant land issues, rights and responsibilities.

Annex 1: policy analysis

This analysis examines the contents of formal policy documents, and identifies some of the key issues that should be considered in the process of policy review. In particular, it seeks to identify gaps, overlaps and potential conflicts in the provisions of formal policy documents.

Policy instrument (legislation and policy initiatives)	Main provisions relevant to land policy	Issues and comments
Saint Lucia Constitution Order	Protection from deprivation of property rights and provision of compensation in cases of compulsory acquisition of property or curtailment of right	
Physical Planning and Development Act 2001, No. 29	Its objects and purposes include, <i>inter alia</i> , (a) ensuring that appropriate and sustainable use is made of all land, (b) providing for the orderly sub-division of land, and (c) protecting and conserving the natural and cultural heritage of Saint Lucia. It governs (i) the preparation of physical plans, (ii) development control and regulation, (iii) environmental impact assessment and (iv) miscellaneous matters related to land management and development.	<p>The Act has been passed by Parliament, but has not yet been proclaimed. It is expected that it will come into force in September 2002.</p> <p>One area of possible overlap concerns the protection of natural areas, as this Act confers to the Ministry of Planning responsibilities and authorities already assigned under five other pieces of legislation, namely the National Conservation Authority Act, The Wildlife Protection Act, the Forest, Soil and Water Conservation Ordinance, the Fisheries Act and the Saint Lucia National Trust Act. The main issue here is the absence of a co-ordinating mechanism among these various instruments.</p>
Crown Lands Ordinance Cap 108	This Act governs the management of Crown Lands, including unallocated Crown lands and vacant lands. It also governs acquisition and divestment.	
Land Registration Act 1984, No. 12, Land Registration (Amendment) Act 1986, No. 7, Land Adjudication Act 1984, and Land Adjudication (Amendment) Act 1986, No.8	These instruments govern the land registration and adjudication processes, and create a Land Registry. They provide guarantee of title to land owners, and set mechanisms for settlement of boundary and other disputes.	
Agricultural Small Tenancies Act 1983, No. 22	Provides for the adoption of regulations to conserve soil and water on land leased for agricultural purposes.	

Policy instrument (legislation and policy initiatives)	Main provisions relevant to land policy	Issues and comments
Land Conservation and Improvement Act 1992, No. 10	This Act provides for the establishment of a Land Conservation Board, and gives it extensive powers in matters of land development and management, including the issuance of protection orders, the establishment on conservation areas, the compulsory acquisition and vesting of lands, and the provision of advice to the Minister of Agriculture.	The Board has not become operational, and the provisions of the Act are not being enforced.
Land Acquisition Ordinance	This legislation governs procedures for land acquisition by the Crown, and makes provisions for compensation. The Authorised Officer responsible for acquisition procedures is the Chief Surveyor. Decisions on acquisition are made by the Cabinet of Ministers.	
Aliens Landholding Act	This Act governs the conditions under which foreigners can own land in Saint Lucia. The Mapping and Surveys Section of the Ministry of Planning is responsible for its implementation. Decisions regarding land below one acre are made by the Prime Minister. Applications for licenses for properties larger than one acre require a decision by the Cabinet of Ministers.	A number of owners have not complied with the conditions stipulated in the licenses.
National Conservation Authority Act 1999, No. 16	This Act creates the National Conservation Authority and gives it authority to manage beaches and public spaces. It also gives the NCA authority to declare any area of land or water a protected area.	There are six pieces of legislation that provide for the declaration and management of protected areas, but there is no mechanism for co-ordination.
Forest, Soil and Water Conservation Ordinance Cap.25 of 1946 and Amendment 1983, No. 11	This Act governs the operation of the Forestry Department, and provides for the establishment of forest reserves on Crown Lands as well as protected forests on private lands.	There are six pieces of legislation that provide for the declaration and management of protected areas, but there is no mechanism for co-ordination.
Wildlife Protection Act 1980, No. 13	This Act provides for the declaration of wildlife reserves, and for the lease, exchange purchase or sale of property for use as wildlife reserves.	There are six pieces of legislation that provide for the declaration and management of protected areas, but there is no mechanism for co-ordination.
Beach Protection Act 1967, No.2 and Amendment 1984, No. 9	This Act governs the removal and possession of sand.	There is a possible overlap of responsibility with the Department of Fisheries, especially in Marine Reserves that have not yet been demarcated.
Fisheries Act 1984, No. 10 and Regulations 1994, IS No. 9	This Act governs, <i>inter alia</i> , the lease of marine areas for aquaculture, and the establishment and management of marine reserves, fishing priority areas, and local fisheries management areas. It also provides for the lease of areas of the foreshore and sea-bed for aquaculture.	There are six pieces of legislation that provide for the declaration and management of protected areas, but there is no mechanism for co-ordination.

Policy instrument (legislation and policy initiatives)	Main provisions relevant to land policy	Issues and comments
Maritime Areas Act 1984, No. 6	This Act implements the provisions of the United Nations Convention on the Law of the Sea, and sets the basis for the demarcation and management of the Exclusive Economic Zone.	
Department of Inland Revenue – Property Tax section	Land and House Tax Ordinance (Cap 217) and the Land and House Tax (Amendment) Act 2001	Tax assessment based on annual rental value, should be based on market value
Land and House Tax Ordinance (Cap 217), Property Tax Amendment No. 24 of 1999, and Land and House Tax (Amendment) Act 2001	These bills govern the collection of land and property taxes, and provide for the registration of all properties. They mandate the Department of Inland Revenue to prepare tax assessments, maintain a tax roll and collect these taxes.	There is some discussion around the merits of basing the assessment of non-commercial properties on rental value, and not on market value.
Saint Lucia National Housing Corporation Act 2001, No. 6	This Act creates the Saint Lucia National Housing Corporation, gives it power to develop and manage housing developments, and provides for acquisition of property, and for compensation in cases of acquisition.	There is need to ensure proper coordination with the provisions of the Land Acquisition Ordinance.
Special Development Areas Act 1998, No. 2	This Act provides for the granting of tax incentives and other benefits to persons carrying out of financing development in selected areas, for the purpose of promoting development in these areas. The provisions of the Act are currently managed by the Office of Private sector Relations (OPSR) in the Office of the Prime Minister	
Disaster Preparedness and Response Act 2000, No. 13	This Act provides for the designation of specially vulnerable areas, and for the preparation of disaster preparedness and response policy and plans. In accordance with the provisions of the Act, an emergency shelter and emergency housing policy has been developed.	
Saint Lucia Air and Seaports Authority Act 1983, No. 10 and Regulations No. 92 of 1985	This Act establishes the Air and Sea Ports Authority and gives it the responsibility for the management of ports. It also empowers the Authority to declare Sea Ports and define their boundaries.	
Water and Sewerage Act 1999, No. 13	This Act governs the management of water. It creates a National Water and Sewerage Commission and gives it the power to grant licenses for the supply of water and sewerage services.	
Education Act 1999, No. 41	This Act States that the goals and objectives of the Ministry of Education include awareness and appreciation of the natural environment.	

Policy instrument (legislation and policy initiatives)	Main provisions relevant to land policy	Issues and comments
Saint Lucia National Trust Act 1975, No. 16	This Act creates the Saint Lucia National Trust and gives it responsibility to establish and manage natural areas and cultural sites.	There are six pieces of legislation that provide for the declaration and management of protected areas, but there is no mechanism for co-ordination.
National Development Corporation Act 1971, No. 8	This Act creates a National Development Corporation and gives it the power to manage lands for industrial and other development purposes.	
Saint Lucia Solid Waste Management Authority Act 1996, No. 20	This Act creates the Saint Lucia Solid Waste Management Authority and vests it with the responsibility to manage sanitary landfills and other disposal, treatment and management sites and facilities.	
National Environmental Action Plan (NEAP)	The NEAP provides policy direction on a range of environmental matters.	This policy is fully consistent with the NEAP.
System of Protected Areas	This plan proposes the establishment of a number of protected areas, both terrestrial and marine, and presents a broad management programme that includes institutional arrangements, training, and research and monitoring.	This plan confirms the need for a co-ordinating mechanism for the management of protected areas.
Institutional and legal review in support of enhanced environmental management	Makes a wide range of recommendations, including the re-establishment of a National Environmental Commission and the preparation of a National Environmental Plan.	This work is in final stages of review.
National Water Policy	Provides a comprehensive framework for water management, including watershed management and improvements in institutional arrangements.	This draft policy is in final stages of review.
National Energy Policy	Provides a comprehensive framework for the energy sector, and makes specific provisions for energy conservation and rationalisation of uses	This draft policy is in final stages of review.
National Coastal Zone Management Policy	Provides a comprehensive framework for coastal zone management, with specific recommendations for institutional arrangements	This draft policy is in final stages of review.
Saint Lucia Policy and Strategy for Planning and Adapting to Climate Change	Its Stated purpose is “to foster and guide a national process of addressing the short, medium and long term effects of climate change in a co-ordinated, holistic and participatory manner in order to ensure that, to the greatest extent possible, the quality of life of the people of Saint Lucia, and opportunities for sustainable development are not compromised”.	This policy identifies a range of policy instruments, approaches and actions that are directly relevant to land development and management. Its contents are fully consistent with the proposed land policy.
National Biodiversity Strategy and Action Plan	The NBSAP provides an overall framework for the conservation and sustainable use of Saint Lucia’s biological diversity. It also identifies a number of specific programmes and projects.	This policy is fully consistent with the NBSAP.

Annex 2: preliminary list of policies and agreements relevant to land

National policies and policy processes that are relevant to land development, use, management and conservation include:

- The approved National Environmental Action Plan.
- The approved National Biodiversity Strategy and Action Plan.
- The approved Policy and Strategy for Planning and Adapting to Climate Change.
- The current formulation of a National Water Policy.
- The current formulation of a National Social Development Policy.
- The proposed preparation of an Integrated Development Plan.
- The proposed Policy for Agriculture.
- The proposed formulation of National Housing Policy.
- The current formulation of a Coastal Zone Management Policy and Guidelines.
- The System of Protected Areas.
- The current institutional and legal review in support of enhanced environmental management in Saint Lucia.
- The current formulation of a national zoning plan for agriculture and forestry based on the FAO framework for agro-ecological zoning.
- The planned initiative to implement the concept of a land-bank to make under-utilised lands with high agricultural suitability available to prospective investors.

Regional and global instruments and agreements that would provide the context of a new National Land Policy include:

- The St. George's Declaration of Principles for Environmental Sustainability.
- The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region, known as the Cartagena Convention, and its Protocol on Specially Protected Areas and Wildlife (SPA/W).
- The Ramsar Convention on Wetlands.
- The United Nations Framework Convention on Climate Change (UNFCCC).
- The United Nations Convention to Combat Desertification (UNCCD).
- The United Nations Convention on Biological Diversity (UNCBD).
- The Programme of Action for Small Island Developing States (SIDS).

Annex 3: identification of policy instruments available

In order to achieve the vision, goals and objectives of a National land Policy, a wide range of policy instruments are available, including:

- Laws and regulations
- International conventions and agreements
- Zoning, including restrictions to the exercise of property rights (types of building, types of land use, densities, etc.)
- Regional planning, including prescriptive location of activities or facilities in specific areas and regions, or proactive public sector investments aimed at guiding development in specific areas
- Subdivision regulations
- Building codes regulations
- Planning approval procedures
- Area planning (e.g. forest or coastal zone management plans)
- Land acquisition by the State
- Sale of public lands (also transfer of management authority)
- Land and property taxation
- Fiscal incentives (some of these could be geographically-based)
- Subsidies (e.g. to housing, or to access to public infrastructure and services)
- Access to credit and financing (including low-interest loans)
- Other market-based instruments
- Technical guidelines (e.g. manual for developers)
- Resource use and sectoral schemes, (e.g. traffic schemes, port development plans, and transportation plans)
- Knowledge and cultural change (education, awareness, empowerment)
- Investments in training, capacity-building, institutional development, housing
- Disaster management policies and plans (e.g. emergency housing)

Annex 4: selected research questions and topics

The preparation of this Green Paper has confirmed the need for more up-to-date information and analysis to guide the formulation, implementation and monitoring of land policy in Saint Lucia. While this need is broad and diverse, a few key questions and topics can be identified for priority consideration:

- Evolution of land use.
- Number of parcels and total area where land use changes from agriculture to other uses.
- Number of land transactions (both sale and rental) per year.
- Evolution of the price of land in selected locations and for various uses.
- Number and proportion of bank loans that use land as collateral.
- Total area held as collateral by financial institutions.
- Evolution of the price of land transactions.
- Number of alien landholding licenses in freehold and in leasehold.
- Trends in land fragmentation.
- Trends in sales or fragmentation of family lands.
- Number of land disputes adjudicated by the courts.
- Number of households squatting on public lands.
- Number of households squatting on private lands.
- Description of taxation systems and evolution of taxation rates.

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