

**ARD TIMOR LESTE LAND LAW PROGRAM (II)  
LAND SYSTEMS ADMINISTRATION AND POLICY SPECIALIST  
CONSULTING REPORT  
4 FEBRUARY 2005**

**BACKGROUND**

Kim G. Glenn undertook a one-month consulting assignment, the Scope of Work for which is attached (Appendix A). The primary purpose was to provide technical assistance to the Directorate of Land and Property (DNTP). This briefly documents his activities, findings, and recommendations.

**ACTIVITIES**

A general calendar of activities is included as Appendix B to this report. The DNTP was his primary focus of attention. In his capacity as a Senior Technical Advisor for the project, Mr. Glenn also reviewed the overall project work plan, budget, and administrative issues with the Chief of Party, Senior Program Manager and other key project personnel.

During the first week, Mr. Glenn met with key individuals at the DNTP and in the ARD project office and also visited the Dili District Office. He reviewed the results of the initial campaign issue leases to Timorese living on government properties for residential purposes. He reviewed his preliminary findings with the Director of DNTP.

During the second week, in consultation with the Director of DNTP, Mr. Glenn facilitated a joint meeting of the DNTP Advisors (USAID/ARD, and AusAid) with DNTP key staff. The purpose of the meeting was to improve coordination between the Advisors and consider an integrated approach to developing the cadastre and preliminary registration system. Mr. Glenn documented the results of the meeting in a memo to the Director of the DNTP (Appendix C).

During the third week, Mr. Glenn facilitated a meeting of the Advisors alone in a workshop format to develop a strategy for an integrated approach (documented in notes distributed to the participants and the Director of DNTP, see Appendix D).

In the fourth week, Mr. Glenn coordinated a joint meeting of Advisors and key DNTP personnel to develop a strategic plan for an integrated approach, along with a calendar of activities for the corresponding legislative agenda. Notes documenting this meeting are included in Appendix E.

During his last week, Mr. Glenn coordinated and supported a final meeting of DNTP representatives and the donor Advisors in preparation for a presentation of the Integrated Approach, among other things, to the Minister of Justice in a meeting scheduled for 8 February. He also reviewed and assessed the information and communications technology resources at DNTP, UNTL, and the ARD project office.

Throughout his assignment, Mr. Glenn carefully maintained a role of facilitator of DNTP planning, supporting and documenting strategic planning activities while deferring leadership and implementation to the longer term advisors (both those funded through ARD's project, and those deployed by AusAid) and key DNTP personnel.

**FINDINGS**

The DNTP has three main functional units: Land Registration, GIS/Cadastre, and State Properties Administration. It has two advisors from AusAid and up to four advisors from ARD's Land Law Program funded by USAID. Various past consultancies and "pilot" activities of the DNTP have proven a variety of concepts and procedures. Other activities have been proposed

in detail but not yet implemented. These include the development of the cadastre, the mass leasing of state properties to Timorese occupants for residential purposes, the preliminary processing of land claims, and the valuation of government and private properties as a basis for lease contracts and taxation. The advisors and DNTP counterparts all felt that the timing was right for integrating key activities, both proven and proposed, into a single approach to improve efficiency. This integrated approach should meet the most critical needs of the DNTP while supporting the individual scopes of work of the international advisors.

Notably, the mass campaign to issue leases of government properties seems to have been a remarkable success. DNTP, with ARD support, set up a "satellite" office in a neighborhood where large numbers of these government properties were located. As a result, in a matter of a few months DNTP issued some 2,000 leases at a nominal \$10/month. These leases are now being administered using a database application developed with ARD technical assistance. To date, these tenants have paid over US\$20,000 to the government of East Timor in consideration of this nominal rent. While this represents only about 10% of the full income that should be received, it nevertheless is a healthy return on a modest investment to mount the campaign in the first place. Furthermore, the Department of Treasury has indicated it will now accept responsibility for monitoring the payment of leases, which will relieve DNTP of that burden. Each of these leased properties is uniquely identified on an ortho-photo map, and each lease has a unique identification number associated with the property.

DNTP closed the satellite office and moved the mass lease operation to the central office, at which time residents can and continue to apply for these leases. However, the rate has dropped from around 80 such leases per day to about 4 or 5 leases issued each day. Without the public information and education campaign, and the presence of a DNTP satellite office in the neighborhood, residents feel little motivation to regularize their occupation of government property by making an effort to come in person to the central office.

Mr. Glenn also reviewed the status of the preliminary processing of land claims. With USAID grant funding, DNTP now has physical space and facilities with which to begin preliminary processing of the claims. However, 6,500 claims remain in the embassy in Jakarta. Mr. Glenn proposed a strategy last May for preliminary processing of these claims; however no substantive progress has been made towards initiating these procedures.

Mr. Glenn finds modest progress at DNTP to improve its information and communications technology (ICT) infrastructure. ARD's consultant, Mohamed Ilyas, provided technical assistance during his assignments last year, and a technician based in the Ministry of Justice provides ongoing technical support. However, DNTP staff does not yet understand, nor do they benefit from, the network resources that should be available to them. In part, this is because the resources remain relatively unreliable. When power disruptions occur (as they do frequently) network resources are disconnected until generator power returns. The generator still does not serve both buildings of the DNTP's main offices. Also, the GIS network and server remain separate from the main network of the building. While this helps retain security over valuable GIS files, it also detracts from the ability of DNTP to develop the understanding, skills, and procedures that will be essential for fully operational and efficient administrative systems.

UNTL's campus has improved dramatically over the past 18 months, aside from the renovations for which USAID has been responsible through ARD's Land Law Programs. However, as an educational institution it still lacks a critical resource: the Internet. ARD's offices are the only source of Internet access on the UNTL campus. Few or no computers are available to faculties or students.

## **RECOMMENDATIONS**

The proposed Integrated Approach for DNTP first will concentrate on developing a cadastre and preliminary property registration database in neighborhoods where government residential properties have the highest concentration. In this way, DNTP will be able to issue lease contracts where applicable under the provisions of the Mass Lease Campaign (\$10/month for any government property occupied by Timorese citizens for residential purposes). At the same

time, the Integrated Approach will begin capturing basic valuation-related data, and begin building a database that uniquely identifies apparent parcels of land with their status (government, private, community, and owner/occupant). This is not another “pilot” activity; this is the initiation of a nationwide campaign to develop the cadastre and land registration system. This activity should proceed in parallel with a number of other activities, including:

- The continued development and passage of laws that apply to land rights;
- The preliminary processing of land claims, and eventual disposition of them according to laws still to be passed;
- The continued issuance of “special leases” of government properties to Timorese citizens who volunteer to come to the DNTP main office for that purpose (in addition to and aside from the Integrated Approach);
- The continued “sporadic” preliminary surveying and registration of properties on request by private citizens or other government agencies (currently handled as “letters of recommendation”);
- The development and application of a transparent and equitable valuation mechanism for renewing “special leases” and negotiating initial leases of government properties for commercial purposes or to foreigners; and
- The training of DNTP personnel in skill areas necessary for the continued development of DNTP as a public service.

Mr. Glenn updated his proposal in discussion with DNTP and ARD colleagues for preliminary processing of land claims. This can proceed, as recommended (Appendix F, also available in Portuguese), and link to the cadastre in preparation for application of relevant laws.

The mass lease campaign, while successful in all respects, should be incorporated into the Integrated Approach for cadastre/registration activities. The invitation to Timorese residents should expand to all Dili and remain open to come to DNTP’s main office. There they can enter into a lease under the mass lease provision at any time, without regard to the location of their property. The procedures will remain essentially the same. However, the greatest benefit to DNTP and the tenants of these government properties will be the continuation of the mass lease campaign *as part of the Integrated Approach* to developing the cadastre and preliminary registry.

Mr. Glenn’s analysis suggests that the proposed Integrated Approach to developing the cadastre and preliminary property registration database could lead to a complete nationwide cadastre and registry within five years. It would require funding in the range of US\$10 million. The implementation of this Integrated Approach between now and August 2005 should prove the concept while formalizing the technology tools and procedures on about 2,000 properties in Dili. With an estimated 200,000 properties in all of East Timor and an average cost of \$50/property, the total cost would equal US\$10 million. Budget scenarios for technical approaches based on procurements, technical assistance, training, and other direct costs are consistent with this estimate and allow for institutional capacity building and ongoing support to legal and regulatory reforms.

DNTP requires ongoing technical assistance and procurements to strengthen its ICT infrastructure at a pace that corresponds to the development and application of technology tools. As the cadastre and registry database grows in size and complexity, DNTP will need stronger servers and network infrastructure to maintain it. As they become more valuable to the DNTP, more users (even the public) will need controlled access to them. As administrative systems become more refined and engineered to optimize use of appropriate technology tools, the ICT infrastructure will require strengthening in equal measure. Stable electricity is a foundation, so extending the application and reliability of the generator is a fundamental need and prerequisite for all other ICT strengthening activities.

## **APPENDICES**

- A. Scope of Work
- B. Calendar of Activities
- C. Memo to Director DNTP documenting Informal Advisors' Coordination Meeting of 14 January 2005
- D. Notes from DNTP Advisors' Coordination Meeting of 21 January 2005
- E. Notes from DNTP Strategic Planning Meeting of 27 January 2005
- F. Proposed Preliminary Processing of Land Claims

## APPENDIX A

### Scope of Work USAID/East Timor Land Law Program II in Timor-Leste

<b>Position:</b>	Senior Land Registration and Administration Specialist
<b>Proposed consultant:</b>	Kim G. Glenn
<b>Level of Effort:</b>	Thirty-five (35) days level of effort commencing on or about January 5, 2005.

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The ARD Timor-Leste Land Law Program II requires the services Land Registration and Administration specialist to provide technical support to the Timor-Leste Directorate of Land and Property (DNTP).

Mr. Glenn is also ARD's Management Information Systems Specialist and will provide technical support to the project in that capacity.

Finally, as an ARD Senior Technical and Management Advisor, Mr. Glenn will serve as Acting Chief of Party during the absence of the COP.

His specific activities will include:

- Support to the continued process of administrative policy development within the DNTP and Ministry of Justice, as well as land-related policy development in MDE and MAFF.
- Assessment of the data-storage and administration systems (both manual and computerized) utilized in DNTP central and regional offices, including security and data exchange between DNTP central and regional offices.
- Development or updating of a long-term strategic plan for the DNTP to develop administrative systems.
- Assessment of the DNTP and UNTL current information and communications technology resources.

Mr. Glenn will submit a written report on his activities, findings, and recommendations prior to his departure.

## APPENDIX B GENERAL CALENDAR OF ACTIVITIES

2 Jan 05	Monday 3 Jan	Tuesday 4	Wednesday 5	Thursday 6	Friday 7	Saturday 8
		Depart Burlington, VT	Travel	Arrive Dili noon. Orientation meetings with ARD staff.	Met with Pedro, Jon, Sara, and Ibere at DNTP. Gathered documentation for orientation review.	Documentation review, strategic planning, orientation.

Sun. 9	Monday 10	Tuesday 11	Wednesday 12	Thursday 13	Friday 14	Saturday 15
Off	Met with Ibere, Jon, attended Advisors' Meeting convened by Pedro.	Met with Sara to review lease application processes, land claims procedures. Follow up meetings with John Leigh, Jeff Sanderson.	Documentation review. DNTP strategic planning and Advisors' coordination. Met with Jon re: proposed registration system and legal issues.	Met w/ Pedro re: Advisors' round table and preliminary findings. Reviewed rent control application at Dili District Office, Ms. Octavia	Ilyas/Ribeiro report of August 2004 review and distribution. W/ Ribeiro reviewed spatial coordinate capture strategy. Phone conference with Ilyas.  3pm DNTP Advisors coordination meeting w/ DNTP counterpart staff	Reviewed rent database application  Documentation review, Grant Cullen's reports and presentations.  Review meeting w/ John Abrams.  Drafted minutes of yesterday's Coordination Meeting.

Sun. 16	Monday 17	Tuesday 18	Wednesday 19	Thursday 20	Friday 21	Saturday 22
Off	Validated with advisors the report of Friday's meeting. Proposed Advisor's meeting Friday 10am for strategic plan of integrated approach. Met w/ all	W/ Ribeiro discussed implications of integrated land registration campaign on lease application processing. Legal	Updated Land Claims Processing proposal, discussion with Urresta.	With Urresta, Lopes, and Abrams reviewed legal issues on Land Registration.  With Ribeiro developed Land	Advisors' meeting to develop strategic plan for initializing registration and cadastre system, while meeting mass lease processing and other needs.	Documented results of Advisors' meeting with recommended integrated strategy and implementation plan.  Updated Land

Appendix B General Calendar of Activities

Sun. 16	Monday 17	Tuesday 18	Wednesday 19	Thursday 20	Friday 21	Saturday 22
	DNTP advisors individually.  Review meeting w/ Edwin Urresta, COP, on his return.	issues (e.g. two families sharing one house).  Reviewed status of land claims processing.		Claims Processing budget and implementation plan.		Claims Processing document with budget and implementation plan.

Sun. 23	Monday 24	Tuesday 25	Wednesday 26	Thursday 27	Friday 28	Saturday 29
Off	Met with DNTP advisors to review recommendations coming out of last Friday's meeting. Updated and distributed notes of that meeting.  Finalized proposed Land Claims Preliminary Processing.	With Sara reviewed mass lease campaign procedures and implications for integrated approach to cadastre and registration.	Strategic planning with Edwin and Rod regarding Ag/Econ support agenda, budget realignment, and recruitment for replacing Peter McCall.  Review w/ Sara, Abrams, Sanderson presentation for tomorrow's meeting of integrated approach. UPI specifications.	Mass Lease Campaign report and annexes review.  2:30pm Joint DNTP Advisors' Coordinating Meeting. Integrated Strategic Plan and implementation approach.	Draft report based on yesterday's DNTP Advisors' meeting.	Draft consulting report

Sun. 30	Monday 31	Tuesday 1 Feb.	Wednesday 2	Thursday 3	Friday 4	Saturday 5
Off	Reviewed DNPT procedures with Sara.  Project budget review with Edwin and Phoebe. Research agenda review with Rod.	Reviewed Integrated Approach with Abrams. Updated Final Report. Preparations for Strategic Planning Meeting tomorrow.	Final DNTP Strategic Planning Meeting on Integrated Approach and Legislative Agenda	Finalize consulting report  Final review w/ advisors	Midday departure from Dili	Travel to Burlington, Vermont USA



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## APPENDIX C

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To: Pedro De Sousa, Director DNTP  
From: Kim G. Glenn, ARD Land Registration and Information Systems Specialist  
Date: 17 January 2005  
RE: Informal Advisors' Coordination Meeting 14 January 2005

Dear Pedro:

As you know, your advisors and key personnel of DNTP met informally last Friday at 3:00 pm in ARD's conference room to discuss coordination strategies and review the roles and responsibilities of each advisor. The purpose of this memo is to document this meeting for your information.

*Attendance:*

Advisors – Kim G. Glenn, facilitating. Jon Abrams, Ibere Lopez, Sara Ribeiro, Jeff Sanderson, John Leigh.

DNTP Personnel: Jamie Xavier Lopez, Paolino de Cruz, Florencia Freitas, Mariano Barreto, Santiago Soares, Francisco Ameral, Horatio da Silva, and Rodrigo Mendonça.

*Discussion:*

Advisors each presented a summary of their roles and responsibilities, noting key areas of possible coordination. Following a question and answer session, those present agreed that future coordination meeting should take place in three forms: 1) Advisors meeting informally on their own; 2) DNTP personnel meeting on their own; and 3) Joint meetings.

The table on the attached page summarizes the advisors' roles, and possible areas of coordination they identified during the meeting.

[NOTE: ARD will host a meeting of the Advisors on Friday, 21 January 2005 from 10:00am to discuss an integrated technical approach and long-term strategic plan. The findings and recommendations will be the subject of a joint meeting to be scheduled in the following week.]

CC: Attendees  
Edwin Urresta, Land Law project Chief of Party



Appendix C – Informal Advisors’ Coordination Meeting

Advisor	Role	Coordination Opportunities
Jon Abrams	Responsible for developing and implementing “pilot” or model land registration activity linking juridical and survey data. Must consider existing and proposed legislation and regulations.	Looking for discussion and feedback on his current draft report and proposal for land registration activity.
Sara Ribeiro	With Mohamed Ilyas (not present) responsible for Land Administration Systems and related databases.	Looking for: <ul style="list-style-type: none"> <li>- Valuation input on tender process for leasing government properties, and on renewing existing leases;</li> <li>- Guidance to ensure that administrative systems are in compliance with existing laws while positioned to support proposed new laws and regulations;</li> <li>- Standards and procedures for integrating current databases with GIS; and,</li> <li>- Coordinating activities with survey and mapping of GIS to optimize results.</li> </ul>
Ibere Lopes	Responsible for Legislation and Policy related on-the-job training, legislative drafting, and legal consultation.	Available to provide input to all advisors on current and proposed legislation and regulations related to their activities.
Jeff Sanderson	Responsible for survey and mapping technical training, identification of available spatial data resources, needs and uses assessments, and development of cadastre (digital cadastral database) as foundation for all DNTP activities.	Looking for standards, applications, and support such that the cadastre supports all applications, especially and including those related to the responsibilities of the other advisors. Examples of such standards include finalization of the Unique Parcel Identification (NIR) system.
John Leigh	Responsible for developing a system of valuation by which the DNTP can establish a value per square meter for immovable property based on objective criteria. To be used for taxation, privatization, and leasing purposes.	Looking to link valuation system to spatial references of the cadastre and apply it to lease negotiations.

## APPENDIX D

### NOTES FROM DNTP ADVISORS' COORDINATION MEETING OF 21 JANUARY 2005

Attending:

John Abrams, Kim Glenn, John Leigh, Ibere Lopes, Sara Ribeiro, Jeff Sanderson, Edwin Urresta

#### **Strategic Plan for Integrated Approach to Cadastre and Preliminary Registration System**

- Public Information and Education Campaign in advance
- Delineate boundaries and assign UPI/NIRs using Ortho-Photo maps
- Conduct Field Inspection and Verification
- Compile Juridical Data and link to Cadastre

#### **Activities necessary to begin integrated strategic campaign:**

- Delineate and choose physical neighborhoods of approximately 120 properties each, located where no mass lease activities of government residential properties have yet begun, but where evidence suggests there is a high concentration of such properties. These neighborhoods should be easily identifiable by those living there.
- Delineate boundaries of individual parcels in these chosen neighborhoods.
- Assign UPI/NIR to each of these parcels.
- Inspect Property
- Link the lease process to the cadastre
- Design the data collection forms
- Identify the registration steps
- Complete the property files for the Land Council
- Conduct public display of cadastre identifying occupants and alleged owners
- Obtain validation from Chef de Suco and other community leaders
- Develop the PIE materials
- Plan the logistics, teams, and resources for deployment
- Analyze the registration law, as it is currently, and needed reforms
- Program the database application for juridical data

#### **General Implementation Activities**

- Resume the mass lease campaign in Dom Alexio as soon as possible and finish issuing lease contracts there. This is an urgent and cost-effective activity well worth the modest expense of lunch money.<sup>1</sup>
- By mid-March, begin a PIE campaign for an integrated cadastre development activity with a DNTP mobile unit, working within the chosen neighborhoods according to a weekly schedule to begin in early April.
- Execute the cadastre development campaign in early April.

#### **Field Inspection Procedures**

- Determine if property is occupied, and if so, by whom.
- Verify with occupant and/or neighbors the boundaries.
- Determine from occupant, neighbors, DNTP personnel and records if property government, private, or disputed.
- Gather other data related to the property.

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<sup>1</sup> Subsequent to the meeting, the Advisors agreed that DNTP should **not** resume the mass lease campaign, but should concentrate on the integrated approach. In the meantime, citizens can always come to the DNTP main office to apply for and obtain a lease under this program.

### **Cadastre Development Campaign Resource Requirements**

- Three teams of three people each
  - Trained survey technician
  - Interviewer
  - Assistant
- Mobile DNTP Office (Container on truck with generator, air conditioning, lights, laptop computer, laser printer, two desks, four chairs, supplies)
- Two Data Entry Technicians to work in the mobile office
- Driver, mechanic responsible for mobile unit

### **Scheduling Estimates**

- Each team of three people should be able, on average, to conduct field inspections of 10 properties each day, or 40 per week (allowing one day each week for other duties not related to this campaign).
- Three teams together should be able to conclude field inspections of about 120 properties each week (the target figure for delineating a neighborhood each week). Data entry technicians should easily keep up with the progress of the three teams, entering data for an average of 30 properties per day, including the processing of lease contracts where applicable.
- The campaign should conclude field inspections for an average of 500 properties each month, possibly more.
- If the campaign began on 1 April then by the end of August DNTP should have over 2,500 properties in its cadastre, including preliminary "registration data" on property status, occupant/owner.
- In addition, and as a separate activity, by the end of August DNTP should link the leases already issued, especially in the mass lease campaign in Dom Alexio, to the cadastre using the UPI/NIR, thereby identifying at least 2,000 and possibly 4,000 more properties in the cadastre, with preliminary juridical data and evidence of the properties' status as government property occupied by tenants.
- As yet another separate, but important activity, DNTP should process the land claims on file, seeing confirmation from the claimants, and begin to link those confirmed claims to the Dili cadastre using the UPI/NIR. This will add additional properties to the cadastre for Dili. The land claims processing schedule suggests that claim confirmations may begin arriving in July.

## APPENDIX E

### NOTES FROM DNTP STRATEGIC PLANNING MEETING OF 27 JANUARY 2005

Attending:

John Abrams, Kim Glenn, John Leigh, Ibere Lopes, Sara Ribeiro, Jeff Sanderson, Horatio de Silva, Pedro de Sousa, Edwin Urresta, Antonio Fatima

#### **Strategic Plan for Integrated Approach to Cadastre and Preliminary Registration System**

As a result of two previous meetings and discussion at this meeting, the DNTP intends to proceed with an integrated approach to developing a cadastre and preliminary registration system. This integrated approach incorporates aspects of a number of activities including:

- The mass lease campaign of government properties to Timorese citizens for residential use (at a nominal \$10/month);
- The preliminary registration of land status (government, private, disputed) and identification of the occupant or alleged owner (to be captured in a computer database);
- The development of the cadastre (map) identifying individual land parcels, assigning them unique property identification numbers (UPI/NIR), delineating their boundaries, and capturing this information in a digital format;
- The preliminary assessment of property characteristics for valuation purposes;
- The development, implementation, and documentation of land registration administration procedures and systems;
- The preliminary processing of land claims linking them to the cadastre in preparation for legal disposition; and,
- Public Information and Education Campaigns to inform and reassure the public that DNTP's activities protect and promote their rights regarding land and property.

#### **Essential Components of the Integrated Approach**

The key concept of the integrated approach is to begin a systematic and comprehensive campaign, neighborhood by neighborhood, to identify and visit each property once to capture essential information about it. At the same time, DNTP can enter into leases for occupants of all government properties. The essential components for this campaign include:

1. A careful selection of individual neighborhoods of approximately 120 properties to be the subject of the campaign;
2. A carefully developed and implemented public information and education (PIE) campaign in each of these neighborhoods in advance of field visits;
3. Where possible, advanced identification of parcel boundaries and the assignment of UPI/NIR numbers, and the preparation of "Field Maps" to facilitate field work;
4. A mobile DNTP unit staffed with two data entry operators and maintained by a driver/mechanic;
5. Three field teams assigned to the mobile DNTP unit, each team composed of a cadastre technician, interviewer, and assistant (nine people total);
6. Field survey forms on which to capture essential information about the property, including its boundaries, status (government, private, disputed), and occupants or alleged owners;

7. Computer database applications with which to process the data and, where applicable, issue leases; and
8. A public display procedure whereby printed maps and corresponding information about the status of the property and the occupants or alleged owners is subject to public scrutiny and verification by all interested parties.

At the end of the integrated approach in a single neighborhood, DNTP will have a digital cadastre that identifies all properties with UPI/NIR numbers along with a corresponding database that indicates the apparent status of each property and the identity of the occupant or alleged owner. The integrated approach will automatically issue leases under provisions of the mass lease campaign wherever this is applicable.

#### **Specific Implementation Activities**

Those attending the meeting identified the residential area of Surikmas as being a likely first neighborhood to be the subject of this integrated approach. The properties (roughly estimated to be about 150) are well-defined and therefore easily delineated in advance using GIS and Ortho-Photo maps. They are all government properties that are occupied, in large part, by Timorese citizens for residential purposes; therefore they are subject to the provisions of the mass lease campaign. Starting here will help expedite this important mass lease campaign. Although there are no private properties in this neighborhood, the exercise will still provide excellent training for using the integrated approach in more complex neighborhoods, such as Fatuhada.

Those attending agreed to reconvene on Wednesday, 2 February 2005, to report on progress towards the implementing this approach, with specific tasks including:

1. Mr. de Sousa will identify staff to fill the positions needed in the proposed integrated approach (3 technicians, 3 interviewers, 3 assistants, 2 data entry technicians, and one mobile unit driver/mechanic);
2. Mr. Sanderson will assess the feasibility of using Surikmas as the first neighborhood for the campaign, and test the procedures for identifying the parcels, delineating the boundaries, assigning the UPI/NIR numbers, and preparing the field maps;
3. Mr. Glenn will document the integrated approach to provide a foundation for implementation, and a basis for proposing it to the Minister of Justice and others; and
4. Mr. Leigh will investigate the availability of an appropriate truck and related equipment for the mobile DNTP unit.

The agenda for the next meeting will include:

- Review of implementation strategy for the integrated approach; and
- Presentation content and format for meeting with the Minister of Justice on 8 February (including the calendar for the legislative agenda and other strategic activities of the DNTP).

## **APPENDIX F**

### **PROPOSED PRELIMINARY PROCESSING OF LAND CLAIMS**

#### **INTRODUCTION**

By law the government of East Timor invited the public, both local and international, to submit claims and supporting documentation to establish their rights of property ownership in East Timor. In response, the DNTP received over 4,000 claims at its main office in Dili (many having been submitted through district offices), as well as some 6,500 at its embassy in Jakarta. To date, no funds have been available to ship the claims from Jakarta.

The DNTP should begin preliminary processing of these claims pending the passage and implementation of legislation that guides their final disposition. This preliminary processing will reassure claimants, both foreign and national, that their claims are being taken seriously, provide a modest revenue stream to offset the costs of processing the claims, screen out unfounded claims, and provide a basis for legalizing or dismissing the claims based on laws still to be passed. This document proposes a strategy for this preliminary processing activity that includes three steps: 1) Preliminary Registration and Evaluation of all claims; 2) Confirmation of claims by claimants; and 3) Linking confirmed claims to the cadastre.

#### **PRELIMINARY REGISTRATION AND EVALUATION PROCEDURES**

There are about 6,500 claims waiting in the embassy in Jakarta since March of 2004. It is important to ship these to East Timor in the interests of transparency, due process, and to reinforce the perception as well as the reality of equitable treatment of all claims, regardless of their origin. DNTP estimates the cost of shipping these approximately 67 boxes of claims to be about US\$3,000. The Government of East Timor can use its diplomatic status to guarantee the security of these claims during shipment.

In the meantime, it is important to ensure that all claims that have been submitted to district offices are transferred to the main DNTP office. The DNTP main office must hold all claims in order to avoid any confusion. The DNTP is in the process of assigning a unique claim number to each claim such that there can be no duplication and no accidental loss of any claims once it is submitted.

The claim numbering system comprises serial numbers starting with 00001 within each District. There has been some confusion as District Offices implemented their own numbering in parallel with the central office. Therefore, there may be separate and distinct claims that have the exact same claim number. DNTP is now sorting all the claims by this serial number within each district to identify these instances and assign a corrected number to make the claim identification number unique.

Building the computer database is a relatively simple operation. For the approximately 11,500 claims (including those in Jakarta), it will take a team of five people and one supervisor approximately three months to build the database following the preliminary registration procedures described below:

1. The team begins with assigning a unique claim number as described above; using the next available number is the series for the District in which the property is located.
2. The processing team then scans or photographs (using a digital camera) each page of the claim, storing the images in a computer folder named with the unique claim number.
3. The processing team then evaluates the claim for completeness, while entering key information into the computer database about the claim. They only need to key in a limited amount of data, since the entire claim is available digitally. The essential data includes the District Code and serial number, Sub-district code, Suco code, name of

claimant, mailing address of claimant, other contact information (if available) such as phone number and email address.

4. The processing team then will use check boxes in the database record to indicate which required components of the claim are present, including site plan, adequate description of the location of the property, and documentation to substantiate the claim. These are simply check-boxes to indicate which required components of the claim are present, and which (if any) are not. The database will use this information to print customized confirmation letters later.
5. The processing team then attaches the digital images from the scanning or photographing operation to the claim database records, such that the full claim is available from the computer.

At this point, the team will place the physical file of the claim in permanent archives filed by District and claim number. The physical files will not be needed again, ever, except for verifying the integrity of the database.

The processing team should include two photographers/scanners, two data entry technicians, one quality control technician, and one supervisor.

#### **Confirmation of Land Claims**

It seems essential that all claimants receive a letter from the DNTP that states that their claim is received and its status. This is especially important for claimants who live outside the country. If the claim is missing information the claimant should be informed as to what is missing and invited to resubmit the claim (noting the claim number already assigned by DNTP) with the missing information.

*Part of this confirmation step is the requirement that the claimant responds to the notice and include a claim fee.* DNTP can and should set a nominal fee for registering and processing claims for property. If such a fee had been established at the outset funds would easily cover the expenses for this initial processing including the cost of shipping the claims from the embassy in Jakarta.

Requiring a response and fee serves many purposes beyond just obtaining funds. DNTP must confirm that the claimant is indeed available at the mailing address indicated on the claim application. If the claimant does not respond then there is no reasonable means for continuing with the claim since the claimant is not available to support the claim. Requiring a modest fee, and the effort of responding, will filter out the most frivolous and groundless claims. It is also important to inform the claimant of their claim's identification number to support future correspondence.

Claimants should be allowed a reasonable period of time to confirm their claims. For example foreign claimants living outside East Timor might be given up to six months to respond. Claimants based in East Timor might be given a shorter period such as three months. Any claim whose author has not responded to this notice within the given period of time, and included the registration fee, can be set aside with the status "claimant unresponsive."

DNTP should conduct a Public Information and Education campaign to explain the preliminary processing of land claims, and the requirement to confirm claims as the next step. This can be incorporated into other PIE campaigns about DNTP activities. A website could extend access to information for foreign-based claimants.

#### **Link to Cadastre**

Upon receiving confirmation from the claimant the DNTP can proceed to link the property of the claim to the cadastre using the Unique Property Identification (UPI) number. This can be accomplished in Dili using ortho-photo maps and/or the Geographic Information system and the claim's description of the property. Claims whose descriptions are not adequate to locate the property are incomplete. Properties located outside of Dili are somewhat more difficult to identify without actually going there in person.

One effective strategy would be to travel to each District Office with a laptop containing the GIS, along with digital images of the claim documents in that district (an example where digitizing images of all claims will be helpful in processing them). District Office surveyors and community representatives can help locate the properties on the GIS, and thereby avoid the lengthy process of going to the property in person in order to identify it.

#### **Draft Budget and Implementation Plan**

The processing team should be able to complete each claim in 5 minutes, an average of 12 claims per hour, 84 claims per day (for a 7-hour workday), or 420 claims per 5-day work week. In 28 weeks, the team should complete preliminary registration and evaluation as described above of all 11,500 claims.

Other than personnel costs, the activity will include expenses budgeted as follows:

Shipping costs from Jakarta	\$3,000
2 Digital cameras	\$500
Batteries for cameras	\$440
Confirmation letters:	
15,000 pages of paper	\$150
Toner @\$100/2000 pages	\$800
Custom-printed envelopes	\$550
International Postage @ .50 each for 6,500	\$3,250
<b>Total budget costs</b>	<b>\$8,690</b>

The table below suggests an implementation schedule of major activities, by quarter (three months). Each "X" suggests activity during a month in that quarter. As illustrated, and based on the estimates suggested above, the preliminary registration and evaluation step should be completed for all claims within about six months. Producing and mailing out the confirmation letters might take an additional month. Allowing up to six months for confirmations to arrive back at DNTP means that the overall process should take place within approximately 15 months. This allows a number of extra months after the suggested six-month deadline during which DNTP can identify the property and link it to the cadastre using the UPI.



<b>Activity</b>	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>	<b>Quarter 5</b>
Procure equipment	X				
Develop database application	XX				
Process 4,000 claims already at DNTP in Dili	X	XX			
Ship claims from Jakarta	XXX				
Process all remaining claims		XXX			
Mail out confirmation notices to all claimants			X		
Link to Cadastre, as confirmations are received			XX	XXX	XXX