

## TECHNICAL ANNEX

### To the Land Law Regulations

## CHAPTER I

### General Provisions

#### ARTICLE 1

##### Scope

This Technical Annex shall apply to:

1. The delimitation of areas which are occupied by local communities according to customary practices;
2. The delimitation of areas which are occupied in good faith for at least ten years by national individual persons;
3. The demarcation, pursuant to an application for title, of:
  - a) Areas occupied by local communities according to customary practices;
  - b) Areas occupied in good faith for at least ten years by national individual persons;
  - c) Areas in respect of which an application for the acquisition of the right of land use and benefit has been made either by national or foreign individual or corporate persons, and where provisional authority has been issued.

#### ARTICLE 2

##### Definitions

For the purposes of this Technical Annex, the following shall mean:

1. *Demarcation notice*: a report describing the work executed including the information regarding technical and auxiliary staff involved, the time of execution, the technology and measuring instruments used, the topographical assistance work, the location, adjustments and compensations made, the total dimensions, the perimeter and number of markers staked. This report shall be accompanied by a declaration made either by the titleholder or by the applicant stating that he/she will maintain the markers.

2. *Cartogram*: an approximate graphic representation regarding the location of the area, containing topological information and other details indicated on the participatory maps, which is a result of consensus being reached by the community on all the various participatory maps drawn.

3. *Delimitation*: identification of the boundaries of the areas occupied by local communities or national individual persons, who are and for at least ten years have been using the land in good faith, including the entry of the information into the National Land Cadastre.

4. *Partial Delimitation*: identification of part of the perimeter of a certain area, including only the boundaries which are in conflict or the boundaries where new economic activities and/or new development projects and plans are to be initiated.

5. *Demarcation*: transfer to the land of information contained in the sketch and its descriptive report regarding boundaries of a parcel of land, within the scope of an application for title.

6. *Participatory Appraisal*: collection of information given by a local community regarding: (a) its history; culture and social organisation; (b) the use of the land and other natural resources and the mechanisms for its management; (c) spatial occupation; (d) population dynamics; (e) possible conflicts and the mechanisms for their resolution, for the purposes of drawing up the cartogram.

7. *Sketch*: the diagram on a conventional scale representing the configuration of a parcel of land containing drawn or written references enabling it to be located in the Cadastral Atlas including, when necessary, the geo-referencing of points and/or boundary lines that are not visible on existing topographical maps. The sketch is always accompanied by a descriptive report.

8. *Participatory map*: a drawing designed by an interest group of the community, namely men, women, young people, elders and others, which shows in an initial and relative way, not to scale, the permanent natural or man-made landmarks used as boundaries, the identification and location of natural resources, reference points where conflicts regarding natural resources take place or any other boundaries or relevant features.

9. *Descriptive report of the sketch*: written information regarding (a) the description of the boundary points; (b) boundary lines; (c) existing servitudes.

10. *Occupancy*: form of acquisition of the right of land use and benefit by national individual persons who, in good faith, are and have been using the land for at least ten years or by local communities.

11. *Topographical plan*: drawing of a demarcated parcel of land, containing its scale, its boundaries with numbered points and other particulars for the location of boundaries, existing servitudes, dimension, number of the parcel and of neighbouring parcels and the number of the official map on a scale of 1:50 000 or 1:250 000 which covers the relevant parcel.

12. *Technical reconnaissance*: procedure carried out on the basis of the sketch and descriptive report to verify the boundaries of the parcel to be demarcated, including verification of the visibility between boundary points following the applied technology, location of the existing geodetic points, calculation of the number of markers needed and an estimate of the demarcation costs.

13. *Title*: the document issued by Cadastre Services confirming the right of land use and benefit.

### ARTICLE 3

#### *Realisation of economic activities and other undertakings*

The delimitation and/or demarcation of areas occupied by local communities shall not prevent economic activities or other undertakings from being carried out, provided that consent from the communities is obtained.

### ARTICLE 4

#### *Measurements, calculations and boundaries*

1. Measurements shall be carried out and co-ordinates calculated at boundary points that do not exist on topographical maps.

2. The precision of measurements and calculations shall be adjusted to the position, dimension and type of use of the area according to the rules contained in the instructions issued by Cadastre Services.

3. In the case of delimitation of areas occupied by local communities,

the requirement of measurements in the sketch shall not be less than one second, which is to say approximately thirty meters.

4. When there are no natural or man-made boundaries of a permanent nature, the direction of the boundary is ensured through other physical markers such as trees, piles of stones or concrete markers. In the case of local communities, new hedges of trees or shrubs may be planted in the presence of neighbouring communities.

## CHAPTER II

### *Delimitation of Areas Occupied by Local Communities*

#### ARTICLE 5

##### *Phases of delimitation*

1. The delimitation of areas occupied by local communities comprises the following:

- a) Information and dissemination;
- b) Participatory appraisal;
- c) The sketch and descriptive report;
- d) Feedback;
- e) Entry into the National Land Cadastre

2. To ensure representativity of results and consensus regarding the delimitation, in the aforementioned phases (a) to (d) in paragraph 1 of this article, the working group that assists in the demarcation shall work with men and women and with different socio-economic and age groups within local communities.

3. The neighbours participate in the delimitation, as their participation is mandatory in drawing up the sketch and its descriptive report as well as in the Feedback.

#### ARTICLE 6

##### *Execution of the delimitation*

For carrying out the various phases of the delimitation, the following shall be observed:

1. The information and dissemination and participatory appraisal phases,

the preparation of the sketch and its descriptive report and the Feedback, as set out in articles 8, 10, 11 and 12 of this Technical Annex, shall be completed under the direction of an advisory working group with specific training on the procedures prescribed in this Technical Annex.

2. In the phases of preparation of the sketch and descriptive report and the Feedback as described in articles 11 and 12 of this Technical Annex, it shall be mandatory for a technician with basic knowledge of topography to participate, which technician may be an employee of the Cadastre Services or in private practice, in which case his/her relevant professional certificate shall be appended.

3. The Forms and Minutes referred to in paragraphs 2 and 3 of article 8 and paragraphs 2 and 3 of article 12 shall be signed by not less than three and not more than nine men and women from the communities, chosen at a public meeting.

4. The entry into the National Land Cadastre phase shall be completed by the Cadastre Services.

## ARTICLE 7

### *Priorities, participation and costs*

1. The delimitation of local community areas is prioritised in the following cases:

- a) Where there are conflicts regarding the use of the land and/or natural resources;
- b) In local community areas where the State and/or other investors intend to initiate new economic activities and/or development projects or plans;
- c) On request from local communities.

2. In the cases referred to in (a) and (b) of this article, partial delimitation of the areas may be carried out.

3. The local communities shall actively participate in the delimitation of areas that they occupy.

4. The costs of the delimitation shall be borne according to the following criteria:

- a) When the delimitation is effected due to the existence of conflicts, the division of costs shall be decided on by the local Public Administration;

- b) When the delimitation is effected due to new economic activities and/or development projects and plans, the investors shall bear the costs.

## ARTICLE 8

### *Information and dissemination*

1. The delimitation is initiated by the provision of information regarding:

- a) The reasons for the process;
- b) Relevant provisions of the Land Law and the Regulations thereof;
- c) Objectives and methodology of the delimitation;
- d) Advantages and implications.

2. The contents and participation in the information sessions shall be recorded in Form 1 of this Technical Annex.

3. Form 2 of this Technical Annex and the minutes of the information and dissemination sessions shall be signed by the local community representatives as well as the District Administrator or his/her representative. The minutes shall be signed in triplicate with the local community, the District Administration and the working group each retaining a copy thereof.

## ARTICLE 9

### *Information to Cadastre Services*

1. In the cases referred to in sub-paragraphs (a) and (c) of paragraph 1 of article 7 hereof the local communities shall submit Forms 1 and 2 to the Cadastre Services immediately after the information and dissemination phase.

2. In the cases referred to in subsection (b) of paragraph 1 of article 7 of this Technical Annex the submission of Forms 1 and 2 shall be done by the state and/or other investors.

## ARTICLE 10

### *Participatory appraisal*

1. Based on the information provided by the community, the community shall produce a minimum of two participatory maps, which indicate the boundaries between a local community and its neighbours.

2. When there are no natural or man-made boundaries of a permanent nature, the community shall indicate any other physical markers, such as trees or piles of stones, which indicate the boundaries of the area it occupies.

3. Based on the participatory maps the cartogram is drawn up.
4. The outcome of the participatory appraisal shall comprise a report containing information, in conformity with Form 3 of this Technical Annex, as well as the cartogram.

### ARTICLE 11

#### *Sketch and descriptive report*

1. The details represented in the cartogram shall be specified and completed in the sketch and its descriptive report.
2. For the purposes of paragraph 1 of this article, field work shall be carried out involving the following:
  - a) The local community;
  - b) The working group, which shall include a technician with basic knowledge of topography and who shall have the information contained in the Cadastral Atlas
  - c) The neighbours.
3. The sketch shall contain the details already available in the Cadastral Atlas and the geo-reference points as well as servitudes identified during the participatory appraisal and described in article 17 of the Land Law Regulations.
4. The descriptive report shall be prepared in conformity with Form 4 of this Technical Annex.

### ARTICLE 12

#### *Feedback*

1. Feedback is the provision of information to the local community and neighbours/neighbouring communities
2. The Feedback is mandatory for the provision of information regarding the sketch and its descriptive report, in conformity with Form 5 of this Technical Annex.
3. The minutes of the Feedback session referred to in paragraph 2 of this article shall be signed by community representatives and by the neighbours/neighbouring communities as well as by the District Administrator or

his/her representative. The minutes are signed in triplicate, with the local community, the District Administration and the working group each retaining one copy.

### ARTICLE 13

#### *Entry into the National Land Cadastre*

1. After completion of the phases referred to in a) and d) of paragraph 1 of article 5 of this Technical Annex, the documents set out below shall be delivered to Cadastre Services which shall organize and enumerate the cadastral process and verify that the applicable rules have been complied with in accordance with Form 6 of this Technical Annex:
  - a) Form 1 regarding information and dissemination;
  - b) Form 2 regarding the approval by the local community of the delimitation;
  - c) Form 3 regarding the participatory appraisal;
  - d) The sketch and Form 4 regarding its descriptive report
  - e) Form 5 regarding the Feedback.
2. The entry into the National Land Cadastre shall comprise of:
  - a) Projection of the sketch in the Cadastral Atlas;
  - b) Registration in the relevant book;
  - c) Filing of the cadastral process.
3. The registration shall comprise:
  - a) Reference to the projection in the Cadastral Atlas;
  - b) Number of the cadastral process;
  - c) Identification of the parcel by its number, an indication of its area and its location;
  - d) Name of the local community and its neighbours/neighbouring communities;
  - e) Date.
1. After registration, Cadastre Services shall officially submit a certificate that shall contain the registration details, which is then delivered to the local community.
2. The certificate referred to in the previous paragraph of this article shall be issued within a maximum period of sixty days after delivery of documentation to Cadastre Services.

## CHAPTER III

### *Delimitation of Areas Occupied in Good Faith by National Individual Persons*

#### ARTICLE 14

##### *Phases of delimitation*

The provisions of Chapter II of this Technical Annex are applicable to delimitation in areas that are occupied in good faith by national individual persons.

## CHAPTER IV

### *Demarcation*

#### ARTICLE 15

##### *Objective*

1. The objective of demarcation is to establish on the ground such conditions as are necessary for:
  - a) The issuing of a title proving the right of land use and benefit acquired through occupancy by local communities.
  - b) The issuing of a title proving the right of land use and benefit acquired through occupancy in good faith by national individual persons who have been using the land for at least ten years.
  - c) The determination of the exact area of a parcel on which an individual or corporate national or foreign person intends to exercise economic activities or carry out an enterprise, after the issuing of provisional authorization pursuant to articles 28 and 29 of the Land Law Regulations.
2. The lack of demarcation shall not affect the right of land use and benefit acquired through occupancy by local communities or national individual persons, but when they intend to have a title issued, the rules of this chapter shall be followed.

#### ARTICLE 16

##### *Boundaries*

1. The boundaries are identified in the presence of the land surveyor, the titleholder or applicant or the neighbours.

2. In the case of a discrepancy between the boundaries of community areas established through customary practices and those that were measured, the boundaries established by customary practice shall prevail.

3. The boundaries of areas identified in the delimitation shall not be altered in the demarcation in such a way that it would be detrimental to the communities or good faith occupiers.

4. If during the demarcation of a parcel of land a discrepancy is identified in relation to the details of a prior demarcation of a neighbouring parcel, the following rules shall apply:

- a) The boundaries established on the ground shall prevail;
- b) If no boundaries have been established on the ground, the description of the boundaries contained in the cadastral process shall be resorted to;
- c) In the event that the description in the cadastral process does not lead to a resolution of the discrepancy, resort shall be had to other factual evidence.

#### ARTICLE 17

##### *Local communities*

The titling of areas occupied by communities shall comprise:

- a) Information and dissemination;
- b) Participatory appraisal
- c) The sketch and its descriptive report;
- d) Feedback;
- e) Process of demarcation in accordance with the provisions of articles 20 and 21 of this Technical Annex.

#### ARTICLE 18

##### *Good faith occupants*

The titling of areas occupied by national individual persons in good faith shall contain:

- a) Information and dissemination;
- b) Participatory Appraisal;
- c) The sketch and its descriptive report;
- d) Feedback;
- e) Application of demarcation in accordance with the provisions of articles 20 and 21 of this Technical Annex.

**ARTICLE 19**

*Authorisation of an application for the right of land use and benefit*

The demarcation of a parcel of land which is the subject of an application for the acquisition of the right of land use and benefit, which already has had provisional authority issued pursuant to articles 28 and 29 of the Land Law Regulations is made in accordance with the provisions of articles 20 and 21 of this Technical Annex.

**ARTICLE 20**

*Application for demarcation*

The application for demarcation shall contain:

- a) Technical reconnaissance;
- b) Staking-out of markers;
- c) Measurements
- d) Preparation of a technical file.

**ARTICLE 20**

*Application for demarcation*

- 1. The technical file shall include technical and descriptive details.
- 2. The descriptive section shall contain the demarcation notice.
- 3. The technical section shall contain:
  - a) Topographic map;
  - b) Diagram of the links to the geodetic network;
  - c) Details of the measurements;
  - d) Calculation of the area of the parcel;
  - e) List of the co-ordinates.

**Information and Dissemination**

**FORM 1**

Province: \_\_\_\_\_ District: \_\_\_\_\_

Locality: \_\_\_\_\_ Community: \_\_\_\_\_

Type of Activity (1)	Date	Content (2)	Participants (men, women, leaders, others) (3)	Facilitator(s) of working group (4)	Minutes Appended (5)
Election of community representatives					

**NOTE:** Facilitators do not participate in the election of the community representatives.

Community Representatives

Facilitators

1	6
2	7
3	8
4	9
5	

- 1. Indicate whether a meeting, lecture, field visit, video session or other.
- 2. What it was about and what materials were used.
- 3. Indication of the number of participants.
- 4. Name of the organization.

**Approval of Application for Delimitation of  
a Community Area or an Area Occupied in Good Faith FORM 2**

Province: \_\_\_\_\_ District: \_\_\_\_\_  
 Locality: \_\_\_\_\_ Community: \_\_\_\_\_

*a. Why is delimitation desired?*

Existence of conflicts	
Implementation of projects	
Request by community	
Other	

*b. Declaration of approval of application for delimitation of community area/area occupied in good faith.*

The community/occupier in good faith \_\_\_\_\_  
 declares that he/she/it understands the application and the consequences of the delimitation of his/her/its land and its registration in the National Land Cadastre. This delimitation shall be made in terms of the Land Law, the Land Law Regulations and the Technical Annex thereto, as specified in the phase of information and dissemination.

*c. Declaration of undertaking to pay the costs of delimitation.*

The community/state/investor/good faith occupier undertakes to pay the costs of the delimitation in the following proportions:

	% of costs	Value (MT)
Community		
State		
Investor		
Good faith occupier		
Other		

Community Representation	District Administrator or his/her representative
1.	Good faith occupier
2.	
3.	Investor
4.	
5.	Working group
6.	
7.	Other
8.	
9.	

Attached: Minutes of Meetings

**Phases of the Participatory Appraisal FORM 3**

Province: \_\_\_\_\_ District: \_\_\_\_\_  
 Locality: \_\_\_\_\_ Community: \_\_\_\_\_

Activity	Outcome		Date	Document attached(√)	Participants (men/women/leaders/others)	Working Group Facilitator(s)
	Report	Map				
Historic profile						
Social organization						
Use of natural resources						
Spatial occupation						
Population dynamics						
Participatory Map 1						
Participatory Map 2						
Other maps						
Cartogram						
Identification of conflicts						
Mechanisms to resolve conflicts						
Economic activities of an entrepreneurial nature*						
Other undertakings						

\*Undertakings already authorized or still in application phase

Working Group

\_\_\_\_\_ (Signature)



**Feedback**

**FORM 5**

Province: \_\_\_\_\_ District: \_\_\_\_\_

Locality: \_\_\_\_\_ Community: \_\_\_\_\_

Description	(√)
Participatory Appraisal report	
Participatory maps	
Cartogram	
Sketch	
Descriptive report	

Community Representation	District Administrator or his/her representative
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
Date	

Representation of neighbouring communities

Name:	Name:	Name:	Name:
1.	1.	1.	1.
2.	2.	2.	2.
3.	3.	3.	3.
4.	4.	4.	4.
5.	5.	5.	5.
6.	6.	6.	6.
7.	7.	7.	7.
8.	8.	8.	8.
9.	9.	9.	9.

Topographical technician	Working Group
(signature)	(signature)

**Entry in National Land Cadastre**

**FORM 6**

Province: \_\_\_\_\_ District: \_\_\_\_\_

Locality: \_\_\_\_\_ Community: \_\_\_\_\_

Number of cadastral process:

Documents enclosed	(√)
Form 1: Information and Dissemination	
Form 2: Approval of application for delimitation	
Form 3: Participatory Appraisal	
Sketch and Form 4: Descriptive report	
Form 5: Feedback	

Cadastral Technician:

Date: