

## Status Report Amerindian Land Titling Project-Output 1

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### Output 1

**Land titles issued and demarcation process completed for all Amerindian villages that submit requests.**

#### Expected Project Outcomes

1. Secured land tenure for Amerindian Villages and Communities.
2. Increased use of existing and alternative mechanism to resolve land titling disputes.
3. All relevant stakeholders better informed about Amerindian Rights and the land titling mechanism.

Outcome one is directly related to Output 1.

#### Project Background

The project was scheduled to commence in 2013 and end in 2016, a total of \$10.7 M US was identified and all together 68 interventions were identified. These included demarcations for villages that already possessed Absolute Grants (23), titling and demarcation of new communities that would have applied before (13), and titling and demarcation of extensions to villages (32).

This report is divided into two sections with a view of firstly bringing the reader up to date with what the project has achieved overall before the extension, during the extension and what has to be done in terms of 2020.

#### **PART I- Snapshot of the period ending December 2018**

The Amerindian Land Titling Project actually came to an end in December of 2018, the project commenced in 2013 and was scheduled to last up to 2016 initially. It was subsequently extended up to the end of 2018, **the table below provides a snapshot of the results at the end of the first extension.**

<b>Output</b>	<b>Indicators</b>	<b>Target</b>	<b>Results Achieved (per output for the reporting period)</b>	<b>Challenges (state difficulties encountered in implementing activities)</b>
<b>OUTPUT 1.</b> Land titles issued and demarcation process completed for	Numbers of village maps produced and certified by sworn land surveyors	Complete 45 Investigations in keeping with Act.	45 Investigations completed, one village no	Cumbersome procurement and financial procedures by UNDP resulted in teams having

all Amerindian villages that submit requests	(demarcation for new applications and extensions)	32 Absolute Grants issued for villages, communities that have submitted extensions	longer require extension	to resort to personal funds and setbacks in procuring funds for trips.
		13 communities receive Absolute Grants; 32 villages issued Absolute Grants for extensions	0 Villages Received Absolute Grants for Extension.	No Approval for Absolute Grant issued between 2015 to 2018. This resulted in decreased outputs in Demarcation which depends on completion of grants.
			7 Communities received Absolute Grants	Delays caused by GLSC seeking to make changes to initial procedures and their Non-Cooperation  Amerindian NGO's and NTC objected to Land Commission.
		68 Demarcations Completed for Villages and Extensions Approved for or are in possession of Absolute Grants Made up of 32 Extensions, 13 Communities, 23 Villages	21 Demarcations Completed made up of: 6 Communities 15 Villages.	Demarcation rolled over from 2015, Some villages objected to their lands being demarcated (10 initially). So demarcations previously scheduled were put on hold.
		Issuance of 68 COT's to	18 COT's issued	Commissioner of Title and subsequently

		villages demarcated		Registrar of Lands determine that initial procedure is flawed.  GLSC has since stopped preparing LR plans.
		Provide GPS training for 750 persons in 64 villages in use of GPS	700 Persons trained in 64 villages	Some villages did not send the require 12 persons

## **PART II- The current Extension Commencing 2019**

The ALT Project was granted approval for another extension from March 31<sup>st</sup> 2019 to April 1<sup>st</sup>, 2021.

### **Planned activities for Output 1**

For the extension period the targets were revised as Follows:

#### ***Demarcation***

**Year 1:** 4 new villages demarcated; 1 village extensions demarcated

**Year 2:** 2 new villages demarcated; 5 village extensions demarcated

**Year 3:** 2 new villages demarcated; 5 village extensions demarcated

#### ***Absolute Grants***

Target: 19 Absolute Grants issued for villages, communities that have submitted applications

**Year 1:** 4 new communities receive Absolute Grants; 1 village issued an Absolute Grant for extension

**Year 2:** 2 new communities receive Absolute Grants; 5 villages issued with Absolute Grants for extensions.

**Year 3:** 2 new communities receive Absolute Grants; 5 villages issued with Absolute Grants for extensions

#### ***Investigations***

Target: 40 Investigations completed (issues of conflicts and concerns addressed)

**Year 1:** 6 investigations

**Year 2:** 17 investigations

**Year 3:** 17 Investigations

### *Database development*

Target: **Year 2** Amerindian Land Titling Database developed

### **Status to date**

#### *Demarcation*

At the commencement of the extension MOIPA/ ALT engaged GLSC with regards to the Demarcation of several villages in keeping with its work plan.

Estimates were received from GLSC for demarcation of the villages of Karasabai, Tassarene, Kangaruma and Arau, however the MOIPA/ALT found that the cost of equipment rentals were very exorbitant and amounted to far in excess of the actual cost of the equipment. This resulted in a decision to purchase the equipment. This would have saved over \$10M G for 5 Demarcations with the equipment still useful for the rest of the project.

GLSC objected to this and after several back and forth it was agreed that the Letters of Agreement were going to be signed as is, with the understanding that GLSC will purchase the equipment and remove the rental charges for future demarcation. The UNDP however had issues with this arrangement and to date the transfer of funds have not been made to start the demarcation. In addition, GLSC has implemented a 25% Administrative Cost, up from 10% when the initial contract was signed.

The situation remains the same and progress on this was affected by the current situation of both an election and CPVID 19. In any case no work in the villages is permitted at this juncture in time.

The AWP for 2020 states that 11 Demarcations would have been done for 2020 in order to keep on track with the expected targets for the extensions. To date no demarcations have been done or can be done. The AWP 2020 is also yet to be approved and the villages are not accessible now due to COVID 19 lockdown.

#### *Absolute Grants*

Completed Investigation Reports were re-submitted to the Hon. Minister of Indigenous Peoples' Affairs prior to this extension, Cabinet papers were also prepared and submitted by the Office of the Minister, these were not approved during that period.

The Cabinet papers were re-submitted in the initial stages of this extension, together with new submissions for Yupukari and St. Monica Extensions. These were all approved in 2019.

The ALT received 5 New Absolute Grants in 2019 for the Villages of **Tassarene, Kangaruma**, as well as the extensions of **Yupukari, St Monica and Mainstay Whyaka**.

Approvals for Absolute Grants were also issued for four other submissions namely, Parabara, Rockstone, Capoey Extension, Mashabo Extension. Katoonarib was also approved in Principle subject to a court filing making a total of 10 Approvals.

The GLSC had planned to use the new procedures for ALT which would have seen the demarcations done followed by the Absolute Grants. This was however not done for the five Absolute Grants received since the old method was resorted to.

It meant that the Demarcation would have to follow for these five Grants. The other approvals without Grants will follow the new procedures of demarcation first.

The ALT work plan for 2020 would have reflected the planned demarcations of all of the villages with Absolute Grants being prepared for the remaining four after demarcation.

Hence ALT would have had four more Absolute Grants after Demarcations in 2020. Both Arau and Karasabai already have Grants so only Demarcations remain. Since no demarcations were done, no new Grants are expected unless GLSC again decides to go back to the old procedures.

In keeping with the proposal for this extension, ALT would have achieved the initial 5 Absolute Grants in 2019. It was expected that ALT would complete seven (7) more Absolute Grants in 2020. The fact that 5 other Approvals are in place, this seemed achievable once the demarcations were completed. ALT is also in readiness to submit Moco Moco, Hobadia, Red Hill and Hotoquai Extensions for Approval bringing together the total for 2020 to 9 which is two more. This however will not be achievable unless the old procedures are used.

### Investigations

In keeping with the proposed work for the extension the following villages were due for Investigations in 2019. The status is shown in the table below

Village	Investigation Status	Update 2020
Chinoweing	Completed- Minutes of meeting prepared, report under preparation.	Description corrected, Map returned to the village and returned back to ALT. GLSC has to make further corrections, letter sent with sketch. GGMC to address mining issues.
Shea Extension	Completed- Minutes of meeting prepared, report under preparation. Revisit needed because village was not prepared for the meeting.	Description obtained, plotted. GLSC to provide new map for the village to examine.
Shulinab Extension	Completed- Minutes of meetings prepared, report preparation in progress.	Issues with Sand Creek sorted out, New maps for both under preparation at GLSC.

St Ignatius Extension	Completed- Minutes of meetings prepared, Report preparation in progress	Description corrected, overlap with Moco Moco found. Dispute resolved amicably. Revisit for more field work done. GLSC requested by letter to prepare adjusted maps. Map showing Occupancy of leases in the area to be supplied by GLSC. ALT took positions for persons in occupation.
Micobie Extension	Visit cancelled due to communication issues with the village	Apparent issues within Council. Planned for 2020. Not done due to COVID 19 restrictions.
Tuseneng Extension	Visit cancelled due to logistics issues, poor communication.	Planned for 2020 due to logistics issues. Need to rent ATV's from Paramakatoi, credit difficult to obtain, UN continues to refuse advances. Communication with village was difficult.

## Year 2

The extension proposal listed 17 Investigations to be done in 2020, however there are no more new Investigations to be done. The interpretations therefore are that 17 Reports will be finalized. This is in progress and reports for several villages are at a stage where the meeting of the Technical Committee needs to be held so that issues related to agencies can be sorted out. Moco Moco, Hobadia, Red Hill and Hotoquai Extensions are virtually completed and ready for submission. Moco Moco needs an adjusted map due to the St Ignatius agreement. Mining overlaps were eliminated from Hobadia by GGMC.

Work is progressing on the others. Bethany has some forest overlaps, Kwebanna as well as many others have mining overlaps.

It is obvious that the persons who prepared the request for extension and determined the scope of work to be done was totally unfamiliar with the project.

## Certificate of Title

The issuance of Certificate of Titles (COT) was suspended in 2016 by the Land Registry, this was due to issues raised by the Commissioner of Title regarding the procedures adapted by ALT in collaboration with the GLSC. The GLSC also indicated that they will take no further part in the issuance of COT's.

ALT has undertaken to continue this process internally with the assistance of the MOIPA through Attorney at Law Ms. Miriam Andrews and the Technical staff of ALT.

To achieve this an initial meeting with the Commissioner of Title was held, this sought to flush out some of the concerns and to adapt a method to continue the process. The Attorney General Chambers was supposed to be part of the procedures and discussions were held to that effect. The initial meeting with the Solicitor General was more or less a familiarization exercise since it was obvious that the procedures involved in Amerindian Land Titling and the Land Registration System needed to be fully understood. A working group was set up for further work on this during 2020, with a view of finalizing the procedures and recommence the submission of documents for COT's.

The ALT and MOIPA legal staff also completed talks with the AG Chambers related to the resolution of the Sawariwau/ Katoonarib issue and court documents to have the Property Folio and Title amended have since being prepared for filing.

### **Database Development**

ALT has budgeted for this activity in 2020. To date a Draft Terms of reference have been prepared for the procurement of a consultant to complete this activity. A flow chart of the sequencing of the activities involved in Land Titling has been done. This is being fine-tuned in readiness for procurement.

The ALT has so far compiled data in its own local Excel sheet and the ALT surveyor is currently inputting information as they become available. This will form the basis for the data to be inputted when the database is completed. To date information for all titled villages has been compiled in terms of Absolute Grant numbers, dates, demarcation status and dates, plan numbers and dates, name of Surveyor. Area of land for each village plus similar information for Extensions. Other Data such as Region, location, Descriptions will be extracted from the surveys.

Some of the Data will however need to be gathered through research at GLSC, this type of work is very time consuming and tedious since it must be manually transcribed. The GLSC is currently closed to Surveyors and Staff are on rotation so little can be done here. In-office information is currently being compiled. Draft Terms of Reference for the development have since been developed for the exercise.

### **Observations, recommendations**

The ALT project has not achieved the level of success as anticipated, mainly due to several combining factors which worked against every effort to get it going. These ranged from the initial change in the entire staff of ALT in 2015 and the resumption until mid-2016.

The UNDP's approach to the project after 2016 saw the MOIPA playing a less active role and UNDP dominance. In fact, UNDP even appeared to be running components of the project such as outputs 2 and 3. This created a more disjointed approach and, in many cases, no one even knew what the UNDP was doing eg. An expert who was hired to prepare a Handbook produced a ridiculous draft which was rejected and was never heard of again.

The UNDP eventually dissolved the ALT focus team and sought to hand it over back to MOIPA.

The GLSC eventually sought to stifle the project work through several actions, firstly the initial procedures were questioned, the completed guidelines (approved by the board) was also questioned and forced adjustments were made. GLSC refused to attend field visits, technical discussions and preparing maps as requested by ALT.

Demarcation contracts were dragged out, cost went up, the Ministry of Finance had to get involved as well as the UNDP Resident Representative. Non-Cooperation by the GLSC saw very little progress being made. Mapping staff were banned from doing ALT work.

There were also no approvals by Government for the period 2016 to 2018 despite several submissions.

The GLSC Commissioner even refused to have interactions with the Project Coordinator, in order to appease this situation, the UNDP made every effort to hire a new Coordinator. The initial Project Coordinator was demoted twice during the last three years to appease the Commissioner.

The only significant achievement in terms of new approvals occurred in 2019 during the first three months of the extension under the initial Project Coordinator whereby 10 villages were approved, and 5 Absolute Grants issued. A new Coordinator was again hired to appease the UNDP and the Project Coordinator was demoted once more.

MOIPA has been in a constant battle with UNDP over the Project supervision since the UNDP's sole objective is to appease GLSC. The Hon. Minister has had to intervene several times in this regard.

The result was that the project was being run at various periods by persons without a clue as to what it was all about, this situation still persists as of this date.

Of significant importance is the issue of funding to carry out field visits, the UNDP only accepts credit, no cash is given to ALT staff, UNDP does not take part on field visits. ALT staff must locate creditors on their own, this resulted in many trips being postponed or called off.

It also resulted in staff having to pool their own financial resources to cover certain expenses. Most of the villages were asked to provide services on credit and resources from some villages that were better off were sought to help cover expenses for those who could not.

It is not very certain as to how long the COVID 19 restrictions will last, even if this is lifted the issue of allowing people back into the villages will be limited for some time. It would be impossible to finish 11 demarcations in what time is left for 2020, however it is suggested that GLSC should be asked to sub-contract the demarcations that they cannot handle this year to private surveyors so that we can have several exercises being done simultaneously.

The situation with regards to the Investigations will have to be determined by the progress made towards the end of the pandemic, ALT will have to be guided by what is happening.

The meetings of the Technical persons will also be dependent of the re-start. It should be noted that many agencies will also be also hard pressed for time since they have their own work so the availability of staff will have to be determined.

It is advisable that a working group should be set up under the theme "*Providing Security of Tenure Post Covid 19*". This will be enable contingency plans to offset the delays and try to bring the project back on stream in terms of timing and delivery.

The application of "*Fit for Purpose Land Administration*" should be pursued for initial short-term gains where-by the Special Provisions Act used earlier in the project should be resorted to for Absolute Grants, followed by surveying.

The project ends in 2021, however once the GLSC can be convinced to resume project activities and COVID 19 eases up, the 19 Demarcations and Land Titles can be achieved.