Training In Land Administration Information System

LAIS

Trainer Piet van der Krieke
Goal of the training

- Train employees of District Land Bureau and Deputy Registrar Office in the use of Land Administration Information System (LAIS)
- After this training the Professionals should know how to use the LAIS system in general and more specific for the most used Land Transactions as Transfer, Merge and Split.

The training gives some background information on the Land Administration Procedures
Content of the training

- Management Introduction
- Land Administration
- Land Administration Procedures Overview
- Introduction to LAIS
- Transactions in LAIS
- Hands on Training
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<td>Preparation GIS</td>
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Management Introduction
Land Administration
Land Administration

- Introduction
- History
- Institutional framework
- Land Governance Institutions
- Land Management, Administration and Tenure
- Land Information and Land Information System
- LTR/ LTRSS and LAIS programs
Land Administration Introduction

- Land remains a highly complex and contentious issue, involving economic, social, political and cultural systems.
- Legal access to land is a strategic prerequisite for the provision of adequate shelter for all and the development of sustainable human settlements affecting both urban and rural areas. (Habitat agenda art 75)
- The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary case of inequity and poverty" [UN-Habitat, 2003]
- Strong relationship between land and poverty
- Secure rights to land encourage people to invest in improved dwellings and the land itself; they can also enable people to access public services and sources of credit.
- The Government of Rwanda has recognized land as a key priority for economic development and poverty reduction
Land Administration History

- From the colonial period some scattered land regulations were available.
- Insecurity, instability and precariousness of land tenure.
- Dual legal system
  - Customary law about rural land promoted excessive parcelling of plots through successive father to son inheritance system.
  - Written law about urban districts and rural land managed by churches or others. Conferred several land tenure rights to individuals. (land tenancy, long term lease and title deeds)
- Government decided that all rightful landholders in Rwanda should receive legally valid land title documents and to minimize disputes preventing the issue of land titles.

Start of the Land Tenure Regularization Support Program (2005)
Institutional Framework (1)

- The recognition of state and private property and the right of every citizen to private property, whether held individually or in association with others is inscribed in the Constitution of the Republic of Rwanda. The state has the authority to grant rights to land, including private ownership rights, and to establish laws governing land acquisition, transfer and use. State land is classified as public or private; public land cannot be alienated. Land tenure reform and land management are also crucial components of Rwanda’s Vision 2020 and of the Economic Development and Poverty Reduction Strategy (EDPRS 2009-2014).

- The Rwanda’s National Land Policy (National Land Policy, Rwanda Ministry of Lands, Environment, Forests, Water and Mines, February 2004) gives a central place to proper land administration as a key of land tenure security by providing the possibility of registering and transferring land. It formalized Rwanda’s land tenure system to stimulate economic and sustainable development of the country.
Institutional Framework (2)

The Organic Land Law No. 08-2005 determines the use and management of land in Rwanda. Land is part of the public domain of all Rwandans; ancestors, present and future generations (Re. Article 3 of the Organic Land Law). With exceptions of the rights given to people, the state has supreme powers to manage all the national land, and this is done in public interest aimed at sustainable economic development and social welfare, in accordance with procedures provided for by law. The state guarantees the right to own and use the land and has rights to expropriation due to public interest. The law recognizes rights to land obtained under customary law as equivalent to rights obtained under formal law, requires land registration and sets minimum plot’s sizes for agricultural land.

The Ministerial Order No. 002-2008 defines modalities for land registration including the establishment of a Register of Land Titles, procedures for the registration of titles to land and other interests in land, transfers of title to land and other transactions related to land, and related matters. It provides for two types of certificates of land rights – the Certificate of Registration of Conditional Freehold Title or Freehold Title and a Certificate of Registration of Emphyteutic Lease. The Ministerial Order No. 001-2008 determines the requirements and procedures for land lease.

Several other laws and implementation orders related to land transactions and registration are available for specific land transactions (e.g. Law 18-2007 relating to expropriation in the public interest or Law 15-2010 creating and organizing condominiums and setting-up procedures for their registration).
Land Governance Institutions (1)

- **The Ministry of Natural Resources** (MINIRENA) responsible for addressing issues of policy, in particular through Ministerial orders and/or orders that set out laws and procedures.

- **The Land Commissions** bear the principal responsibility for overseeing the implementation of the Organic Land Law. Established, by Presidential Order, at National, Kigali City and District Levels. The National Land Commission is responsible for overseeing the District land commissions and bureaus and promoting, by advocacy and consultation, public ownership of land policy.

- **Sectors and Cells Land Committees:** Each sectors and cells has a land committee which has an important role to play as the first point of contact for land registration and land use planning.
Land Governance Institutions (2)

- **Rwanda Natural Resources Authority (RNRA)** is a new institution that was established in 2011. The Authority that leads the management of promotion of natural resources which is composed of land, water, forests, mines and geology) it has the specific responsibility to register land, issue and keep land authentic titles and any other information relating to land of Rwanda, that is executed through its Department of Lands and Mapping. The Office of the Registrar is housed within RNRA.

- **Office of the Registrar of Land Titles (ORLT)**. The office is headed by the Registrar supported by five deputy zone registrars covering each of the four provinces of Rwanda and Kigali City. The Office has the (among other) powers of signing certificates of Land Titles and long term leases, certifying that land has been allocated on freehold terms and certifying that land is leased under a long term contract.

- **District Land Bureaus (DLB’s)**: Directed by a District Land Officer (DLO), as the focus of land use planning and administration at the district, town and municipality level. Administratively answerable to the Local Authority, the DLO’s are the public land notary for land matters i.e. the DLO DLO’s certify documents related to land transactions, maintain the spatial and non-spatial components of the land records and record all land to be registered by sporadic or systematic means on behalf of the Office of the Registrar. The DLO is authorized to issue short term leases and prepare records for certificate of registration and title issuance and upon authorization by the Deputy Registrar, *to issue long term leases for land not above 5 hectares.*
Land Management, Administration and Tenure (1)

Land management is the process by which the resources of land are put to good effect. It is a system of planning and management methods and techniques that aims to integrate ecological with social, economic and legal principles in the management of land for urban and rural development purposes to meet changing human needs, while simultaneously ensuring the long-term productive potential of natural resources and the maintenance of their environmental and cultural functions.

Land administration is the process of determining, recording and dissemination of information about ownership, value and use of land, when implementing land management policies. The benefits of a good land administration are:

- Guaranty of ownership and security of tenure
- Reduce land disputes
- Provide security for credit (mortgages)
- Support for land and property taxation
- Contribute to develop and monitor land markets
- Protect state land
- Facilitate land reform
- Improve urban planning and infrastructure development
- Support sustainable management of land resources and environmental management
Land Management, Administration and Tenure (2)

- All land in Rwanda belongs to public entities: the State, the Cities and the Districts.
- "Public land" is reserved for public use or for environmental protection.
- "Private land" can be allocated by its public owners (State, Cities and District) to natural or legal persons. It then becomes "individual land". It is leased through a lease contract and against payment of an annual lease fee. The lessee obtains an ownership certificate (Emphyteutic Lease Contract and Certificate or Full Ownership Title).
- Land rights can be transmitted (through sale, donation or inheritance a.s.o.). Individual land customarily owned before the 2005 Organic Land Law can be registered under the new law.
- The system of land administration in Rwanda is based on a reformed cadastral system, including land mapping, recording of all land-related data and land titles. Land registry is, in effect, a tool of reference for an effective land administration system. The land administration system focusses on three concepts that are land titles based on long-term leases, the value of land and the use of land, within the general context of land management.
The Rwandan Land Tenure system is a modification of the Torrens System. The system includes:

- A register called the “Register of Titles” for recording Certificates of Registration in the sequence as they are drawn by the Registrar or the Deputy Registrar. The Register of Titles refers to who (subject/person) owns what (object/parcel) and how (with which right).
- A Cadastral Register (parcel map/spatial component of the system), showing the location of parcels (where), their size (how much) and their land use and value (what).
- A title registration system with the Rights of the Persons on Parcels. Each parcel is uniquely identified by a Parcel ID in both registers (in Rwanda called: UPI).

As all systems based on the Torrens System it is built on three main principles:

- The mirror principle, which means that the register is supposed to reflect accurately and completely the current state of the legal situation.
- The curtain principle, which means that no further (historical) investigation beyond the register is necessary except overriding interests.
- The insurance or guarantee principle, which means that the state guarantees that what is registered is true for third parties in good faith and that a bona fide rightful claimant who is contradicted by the register is reimbursed from an insurance fund of the state.
Land Information and LI System

Land information is concerned about policy objectives, land and information acts, institutions responsible for the provision of products and services related to land administration processes on land objects (such as land and building) represented in spatial data or map, land rights concerning ownership, responsibility and restrictions on land objects, and personal information about the people who hold and use land and building.

A Land Information System (LIS) consists of human and technical resources which together with appropriate institutional procedure are applied to collect, store, retrieve, disseminate and use land related information. It serves as a tool for decision making regarding legal, administrative and economic purposes and it is very important in the context of planning and development of the land.
LTR/LTRSS and LAIS Programs

- Rwanda has been working on a Land Tenure Regularisation (LTR) programme since 2005 (with trials till 2008 and full implementation since 2008) with the objective of all rightful landholders in Rwanda receiving legally valid land title documents and minimising disputes preventing the issue of land titles.
- The Land Tenure Regularisation (LTR) programme has been using general boundaries demarcation, marked on orthophotographies or enlarged satellite images, with claims being assessed in the field in a highly participatory system.
- In order to ensure proper land administration and specifically the maintenance of land certificates issued to landholders during land registration, a Land Administration Information System (LAIS) has been developed with an administrative part (LAIS adm) and a GIS part (LAIS GIS)
Land Administration
Procedures Overview
Procedures For Land Transactions and Registration

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<td>Duplicate Certificate</td>
<td>Print and Seal Certificate</td>
<td>Store Original Certificate</td>
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Compile Documents for transaction done by Applicants
- Documents differ by transaction. Examples are:
  • Application template for transaction,
  • Transaction agreement,
  • Emphyteutic lease contract of the parcel,
  • Certificate of registration of Emphyteutic lease of the parcel,
  • Marriage certificate or certificate of celibacy,
  • Proof of identity or Power of Attorney in case of representative
  • Extract Cadastral Plan of the parcel,
  • Court decision,
  • Tax clearance certificate,
  • etc.
Land Registration Reform Project

Procedures For Land Transactions and Registration

Apply for Transaction by Applicant.

- Applications for land registration are made to the Deputy Registrar through the District Land Office (DLO and/or authorized staff)
- in the **district** where that land is **located**
- so that he verifies authenticity and completeness of the documents complied for the transaction and file them.
Procedures For Land Transactions and Registration

Book the Request for transaction.
- Done by the District Land Office (DLO and/or authorized staff)
- checking the documents for transaction for Conditions for Booking1 (CfB; the CfB are mainly related to the format of the submitted documents);
- if the CfB are satisfied then the documents can be scanned and stored,
- they get the status “booked” in the LAIS;
- If the CfB are not satisfied, the documents are returned with the reasons for not booking to the Applicant for rectification.

Find CfB in Procedures and Process Manual Land Administration Information System, V0.6, RNRA, 22-11-2011
Accept the Request for transaction.
- Each booked document should now be checked for Conditions for Acceptance (CfA; mainly related to the contents of the submitted documents)
- by the District Land Office (DLO and/or authorized staff);
- if the documents meet the requirements, they are accepted and get the status “accepted”;
- If they don’t meet, the documents are refused and returned to the Applicant (via the District Land Office) with mention of the reasons for refusal

Find CfA in Procedures and Process Manual Land Administration Information System, V0.6, RNRA, 22-11-2011
Procedures For Land Transactions and Registration

Process the transaction.
- Each accepted document is now to be processed in the LAIS;
- during this step, the information on the transaction is captured and the changes are made by the LAIS professional in the system,
- the status “processed” is then given to the document; if it is found at that stage that the information cannot be treated correctly,
- then a request for rectification is sent to the Applicant (via the District Land Office [DLO and/or authorized staff] and after approval by the Deputy Registrar).
Approve the transaction.
- The Deputy Registrar will now check that the changes in the LAIS have been done in accordance with the documents presented for transaction;
- if yes, the status “approved” is given to the transaction;
- if not, the transaction will be refused by the Deputy Registrar and the changes in the LAIS are reversed and returned to the “accepted” status.
- Then, either the LAIS professional will re-do the changes in the right way this time or a request for rectification is sent to the Applicant (via the District Land Office [DLO and/or authorized staff]).
Procedures For Land Transactions and Registration

Sign and Print the Certificate.
- This is done automatically by the system after the information needed to prepare the Certificate has been approved by the Deputy Registrar;
- It’s printed to PDF
- It gets now the status “printed”. It should be noted that only a limited number of transactions will lead to the generation of the Certificate (e.g. sale, donation, inheritance, exchange, division of a parcel, merge of parcels),
- Other transactions will only lead to a change in the LAIS database (e.g. servitude, caveat, seizure).
Seal the Certificate.
- The Certificate has to be sealed and the sealing to be confirmed by the Deputy Registrar;
- from that moment on, the Certificate is the official document for the object of transaction.
- The original of the Certificate is stored at the Office of the (Deputy) Land Registrar

Physically Printing and Issuing the Certificate
- A duplicate of the Certificate can then be printed and physically sealed by the Deputy Registrar and physically forwarded to District Land Office (DLO and/or authorized staff) for issuing to the Applicant
The next documents are printed and issued, depending on the kind of transaction and kind of Rights.

- Contract of Emphyteutic Lease
- Certificate of Registration of an Emphyteutic Lease (with as Annex an Extract of the Cadastral Plan)
- Certificate of Registration of Conditional Freehold Title
- Certificate of Registration of Freehold Title

Not yet implemented in LAIS:
- Certificate of Registration of Full Title of a Condominium
- Certificate of Registration of Full Title of a Condominium Unit
Each Certificate of Registration is composed of 4 sections:

- The “Parcel Section” in which is recorded the description of the immovable property
- The “Proprietorship Section” in which is recorded full details of the owner(s) of the immovable property
- The “Charges Section” in which are recorded charges on the immovable property (e.g. servitudes, Caveat, Statement)
- The “Restrictions Section” in which are recorded restrictions on the immovable property (e.g. Seizure)
Overview of actors and Responsibilities (1)

**Deputy Registrar:**
- The Registrar and the Deputy Registrars in their respective areas of jurisdiction are the only ones with power to issue Certificates of Registration. They have the overall responsibility of the land transaction and registration process and in particular:
  - “Approve” (or refuse) the transaction
  - Electronically “Sign”, “Print” and “Seal” the Certificate
  - Physically Print and Seal the Certificate and forward to the District Land Office (DLO and/or authorized staff) for issuing
  - Store the original of the Certificate at the Deputy Registrar Office

The Processing of the data will be done by the LAIS professional under the responsibility of the Registrar.

It can be done by the LAIS adm professional of by the GIS professional.
Overview of actors and Responsibilities (2)

District Land Officer (and/or authorized staff at the District Land Office/LAS Professional):

- The District Land Officer (and/or authorized staff) functions at the interface between the applicant and the land administration system.

At the beginning of the land transaction process:
- He/she advises the Applicant and verifies, notarise and file the documents received for an application for transaction
- He/she also “Book” and “Accept” and “Process” the documents for transaction in the LAIS. Process can be done in LAIS adm as well as in LAIS GIS, depending on the kind of transaction.

At the end of the land transaction process:
- Ensure that the Certificate is generated with electronic signature and seal of the Deputy Registrar
- Make sure that the Applicant will receive the Certificate and/or the Contract
Overview about different Transaction Types

**MUTATIONS ON PARCELS (1)**

- All transactions will include a change on the parcel itself (division, merge, rectification of boundaries, area correction) and on its spatial and non-spatial representation in the LAIS database; area correction can only occur as a result of a boundary change, because the area is calculated in the GIS system.

- New Certificates and Extract of the Cadastral Plan will be delivered to the right holder in case of sub-division or merge of parcels and in case of rectification of boundaries.

- A boundary change can also occur as a result of the change of another Parcel. This parcels are called affected Parcels. They will get an Annotation on the Parcel: Boundary Change. No Certificates will be given to the owners of these Parcels (if they are not part of the transaction)
Overview about different Transaction Types

MUTATIONS ON PARCELS 2)

- **Sub-division of a parcel**
  - To sub-divide a parcel in 2 or more parts.

- **Merge of parcels**
  - To merge 2 or more parcels into one new parcel.
  - The original parcels need to belong to the same owner
  - that need to have the same right on these original parcels,
  - the original parcels also need to have a common boundary
  - the same land use.

In case of different rights, right holders and/or land uses on the parcels to be merged, first ensure transfer rights and/or conversion of rights and/or land use changes previous to merging the parcels.

- **Rectification of boundaries and area correction of a parcel**
  - To fix the boundaries of a parcel (moving from general to fixed boundaries) by new land survey of the parcel and to re-calculate its area.
Overview about different Transaction Types

Transfer of Rights
Transfer of the rights of (a) person(s) (natural or non-natural) on a parcel to (an)other person(s) by
– sale,
– inheritance/succession,
– donation,
– Exchange (= treated as two or more transfers),
– expropriation);

• this will lead to a change in the non-spatial component of the LAIS database, namely a change of right holder on the parcel. However, these transactions will not affect either the kind of right itself.
• New land titles will be delivered to new right holders.
Overview about different Transaction Types

Restriction on Rights

- These are not really transactions but more limitations that are set on the rights of the right holder on a parcel.
- Some of the restrictions will hinder the right holder to dispose of his property unless the restriction is lifted. This is the case of
  - Mortgages,
  - Seizures,
  - Caveat and
  - Sub-lease.
  - Servitude
- Some of the restrictions are allowing rights to use a parcel without owning it (e.g. Servitude of right of way, Servitude to collect water)
- These restrictions will lead to a change in the non-spatial component of the LAIS database, namely a restriction on the right of the right holder on the parcel.
- The right holder will not receive a new land title but only a notification of the inscription of the restriction in the LAIS database.

Mortgages are registered at RDB. A copy of the information will be received in LAIS.
Overview about different Transaction Types

Conversion of Rights
Converting rights from one kind of Right to another:

- From Emphyteutic Lease to Freehold Conditional Title or Freehold Title depending on the level of development of the property
- From Freehold Conditional Title to Freehold Title

This will lead to a change in the non-spatial component of the LAIS database, namely canceling a land title and creating a new one but for the same person and for the same parcel.
Overview about different Transaction Types

Other Cases
- Rectifications
- Annotations
- Replacement of Certificates
- Sporadic Registration
Introduction to LAIS
Land Administration Information System

- Supports the Registration Process from Booking until Printing and Sealing the Certificates
- The process for one document can be done by different employees. System is Role Based.
- Employee can have more than one role.
- Separation of Responsibilities. Processor and Approver can not be given to the same Employee.
- Roles are
  - BOOKER, ACCEPTOR, PROCESSOR, APPROVER, PRINTER, SEALER and GIS professional.
- System is supposed to be self explaining.
  - However some explanation will be given.
Land Administration and Information System

Apply Book and Accept

Process

Process Admin

Process GIS

Inform

Approve

Print and Sign

Seal

Adm

GIS

Management Information

Certificate

Client

eMRS

Kigali City

N-ID

Contract

Extract Cadastral Plan
Some important definitions about the data (1)

- **Administrative document**: Document offered to the ORLT with the aim to register formal facts into the Registration. An Administrative Document is a formal document from outside the ORLT or an internal document (e.g. to make corrections). The changes in the Registration are based on Administrative Documents, for later justification.

- **Certificate of Title**: Certificate issued by the Land Registry (the Office which records the registration of titles to land and transactions relating to those titles) to the registered proprietor of a parcel of land, containing details of the land in question and any encumbrances disclosed as affecting that land. Evidence of the good title to the land which has been registered. All actual certificates are together the Register of Land Titles.

- **Elected Right holder**: For an Object with more than one right holder there is a requirement that one of the right holders should be the elected right holder. This person will be the one who is contacted if there is any correspondence about the parcel.
Some important definitions about the data (2)

- **Object Annotation**: A comment to an object that can mean a restriction or a benefit to the free use of the object (e.g. servitude), but also the duty to pay tax and so on.
- **UPI (Unique Parcel Identifier)**: the Unique Identification of a Parcel in Rwanda build from the unique codes of the Province/zone, District, Sector and Cell and a parcel number by Cell. Represented as 1/02/02/03/100. is parcel 100 in Kigaly City, Gasabo, Gatsata, Nyamugare.
- **Real right**: The ownership right of immovable. Immovable is property (cannot be moved)
- **Restriction**: A RIGHT with the formal or informal entitlement to refrain from doing something (if a restriction is not associated to a person, the restriction should be registered as an **object annotation**, e.g servitude)
- **Right annotation**: An annotation (change) to the right after its creation
Integration Between LAIS admin and GIS

Apply

Book and Accept

Process

1. Order to GIS
2. Copy parcels to Provisional layer
3. Optional Check Merge allowed
4. Create new Parcels
5. Add rights to new parcel(s) Finish old parcel(s) (automated)
6. Approve
7. Move new parcels to actual and old parcels to historical layer
8. Print and seal

Orange steps are done in Admin and Blue in GIS
Getting Started in LAIS admin.

- The user can get access to LAIS by the use of a Web-browser. A preferred WEB browser is Mozilla Fire Fox.
- start your desktop
- Click the Icon of Mozilla Firefox
- Enter the address of LAIS (ask system manager for it) in the Location Bar or select it.
- A screen will appear with Username and Password
- Enter your username and Password and click Submit.
- The Main Screen of LAIS will appear.

- Authorization should be given through management by the System Administrator
- First to Training Environment,
- Later to Production
Getting Started in LAIS GIS.

- The authorization for GIS is registered in a system called Active Directory.
- If a User has the role GIS professional and
- The GIS extensions are installed on the used workstation, the user will have access to Arc Map,
- Via the Start Menu or via a Short cut.
- After the first Access the user should organize his screen and save the settings. See User Manual GIS for that.

- Authorization should be given through management by the System Administrator.
- First to Training Environment,
- Later to Production
Explanation Main screen LAIS admin

Based on Authorization, the user will have more or less functionality available.

All of the transactions in LAIS will be done to a Parcel Parcel Search. Most important function to start.

- Search Parcel and click button Find.
  - If parcel exist, parcel information will be showed and if no Document is booked on parcel, Book Document.

Process steps. In document summary an overview is given from all process steps. By clicking all Doc’s with that status will be showed.

Search Person. Can be used to search a Person and get listed all the parcels from that Person

Parcel overview. On the left side of the screen, the information connected to the Parcel is showed and blow the parcel box the rights are showed.

Logout has to be used to close the system.
Explanation of LAIS GIS

Parcel Layer sde.DBO.Parcels

Worklist
Explanation LAIS GIS

Worklist. In the worklist, all the UPI’s are showed from the Administrative Documents with a merge, split or boundary change.

Only the documents are showed for the Province and the District for which the user is authorized.

The normal GIS tools can be used during the transaction. (Is worked on the Saving option and the Auto complete option)
Final Remarks

Manuals are available.
- Land Administration System (procedures)
- User Manual LAIS admin. How to work with LAIS.
- User Manual GIS. How to work with GIS

Quick References for most used transactions.

If you are convenient with the system please tell it others.

If you have questions, please ask.

If you have comments or idea’s, please let is know. Now or via email-address. LAIS.Use@RNRA.rw
Questions
Let’s START !!!
Hands on Training

- Transfer of Rights
- Restrictions on Rights
- Conversion of Rights

Training environment LAIS adm
http://10.10.10.53:8080/LAIS/ in browser
For add attachment, use any PDF document on your laptop

Approver = mesperance psswrd: rnra@2014!!
Hands on Training

- Division of Parcels
- Merge of Parcels
- Boundary Change
- Create Parcel
Evaluation

- Please fill the Evaluation form
- Please give your comments in the form
  - What do you need to be explained better
  - What did you miss in the training

Thanks for your Co-operation