



REPUBLIQUE D'HAÏTI



Organization of
American States



FONCIER HAÏTI

MODERNIZATION OF CADASTRE
AND LAND RIGHTS
INFRASTRUCTURE IN HAITI

AN INCLUSIVE APPROACH

PROJECT PROPOSAL

A JOINT INITIATIVE OF:

THE GOVERNMENT OF HAITI

THROUGH THE
MINISTRY OF PUBLIC WORKS, TRANSPORTATION AND COMMUNICATIONS

AND

THE ORGANIZATION OF AMERICAN STATES

THROUGH THE
SECRETARIAT FOR POLITICAL AFFAIRS,
DEPARTMENT FOR EFFECTIVE PUBLIC MANAGEMENT

“

The management of land and construction could eventually require the establishment of authorities for specified purposes. This may be particularly the case for the purchase and sale of land in targeted areas in which to conduct real estate transactions. The establishment of agencies for these purposes to be determined must be considered. Above all, it should restore the instrument to identify people and goods: État Civil, cadastre, the right to name the land register, are the foundations of the rights of citizens to vote, guaranteeing the rights, pay taxes secure commercial transactions and transfers of property, etc. In addition, the reconstruction of devastated urban areas offers the opportunity to undertake the clearance of rights in the urban area that might otherwise be a sustainable source of civil and commercial litigation. This is a prerequisite for boosting investment in Haiti.

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- Plan d'Action pour le Relèvement et le Développement National, Gouvernement de la République d'Haïti

ACRONYMS

ANIGEF	Agence Nationale d'Information Géographique et Foncière	CIRH	Commission Intérimaire pour la Reconstruction d'Haïti
CIAT	Comité Interministériel d'Aménagement du Territoire	ICTs	Information and Communication Technologies
CIDA	Canadian International Development Agency	IDB	Inter American Development Bank
CLED	Center for Free Enterprise and Democracy	ILD	Institute for Liberty and Democracy
CNIGS	Centre National de l'Information Géospatiale	ISO	International Standards Organization
CORS	Continuously Operating Referencing Station	IT	Information Technology
DAC	Development Assistance Committee	LAC	Latin America and the Caribbean
DGI	Direction Générale des Impôts	LRI	Land Rights Infrastructure
ENAP	École Nationale de l'Administration Publique	MINUSTAH	Mission des Nations Unies pour la Stabilisation d'Haïti.
ESRI	Environmental Sciences Research Institute	ASNOP	National Association of Notaries
EU	European Union	OAS	Organization of American States
FAO	Food and Agriculture Organization	OECD	Organization of Economic Cooperation and Development
FDI	Foreign Direct Investment	ONACA	Office Nationale du Cadastre
FIG	Fédération Internationale des Géomètres	PDNA	Post Disaster Needs Assessment
GIS	Geographic Information System	PUICA	Program for the Universalization of Identity and Citizenship in the Americas
GOH	Government of Haiti	UN-HABITAT	United Nations Human Settlements Programme
GPS	Global Positioning System	UN-OCHA	United Nations Office for the Coordination of Humanitarian Aid
GTZ	German Agency for Development Cooperation	USAID	United States Agency for International Development

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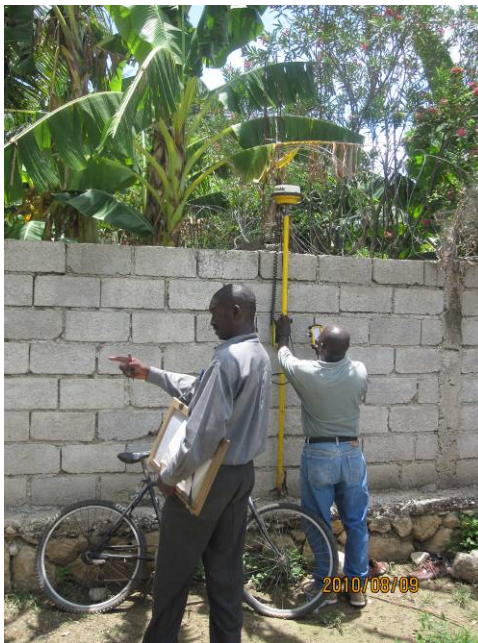


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EXECUTIVE SUMMARY

The current document, jointly developed with Haitian Cadastral and other authorities, and after a series of OAS technical and political missions beginning in 2009, aims to support the Government of Haiti (GOH) in its Cadastre and Land Rights Infrastructure (LRI) modernization; more specifically in those critical reconstruction needs in the short term, as well as in the formation and development of the cadastre and LRI in the medium and long term, with a strong emphasis on community engagement. Strengthening Haiti's Cadastre will be a key element in the reconstruction, as well as in the Caribbean nation's future growth and development. Cadastre and Land registry modernization becomes now an essential element to plan and undertake the subsequent reconstruction, and is the base for the country's socio-economic progress.

The immediate needs of Haiti, reconstruction planning and implementation, will require updated cadastral information. No population relocation, urban planning, transportation planning, infrastructure design, agricultural or tourism development, environmental recovery, or investment attraction will be possible without updated cadastral information and a transparent and efficient system that offers and generates trust and security for development. Clear identification of the properties and their respective owners will be essential to plan all aspects mentioned earlier and conduct the necessary expropriations. Identification of owners, property-related documentation and conflict resolution will pose a great challenge in the short term and will have to be addressed through and an ad-hoc trustable mechanism designed with the participation of all relevant stakeholders and taking advantage of the most relevant international experiences.



ONACA field team setting control points

The project is organized in two phases and a pertinent sub-phase breakdown for the second phase. Besides the standard monitoring of the project and in order to properly make all the needed adjustments to achieve results, an evaluation at the end of each phase and sub-phase is planned. Phase I focuses on servicing the priority projects defined by the Post-Earthquake Action Plan, and those to come out of the Interim Haiti Recovery Commission (CIRH), while advancing the assessment and discussions with local and international experts to design and plan a new cadastre land rights infrastructure in Haiti. Phase II will implement the plan with special attention to the necessary modifications in the legal framework related to cadastre and land registry, and training for building capacities.

For the purpose of this document and taking into consideration the observations of Haitian and international stakeholders, Phase I will represent the first 0-24 months of the project with an estimated cost of 10.2million dollars. As presented in chapters 6, 11, and 12, Phase I will place the emphasis on supporting the reconstruction while gathering the necessary information and undertaking detailed and participatory planning of the second phase in which all relevant stakeholders will contribute to the process. Phase I stresses 3 priorities: 1. Building of local capacities, 2. Law review and Legislative Sensitizing; and 3. Community Driven Approach – Public Campaigns. At the end of Phase I, a series of 12 accepted measurable results are expected to be achieved, such as the digitalization of all existing cadastre and registry files, the

I would like to inform you that this program is among Haiti's priorities [...] you will note that my Government is supportive of the modernization of the cadastre as envisaged by the OAS and would be grateful if all the provisions were made for its finalization, adoption and implementation.

*- Jean-Max Bellerive,
Haitian Prime Minister*

implementation of an integrative e-government solution, the hiring of local personnel, organizing hundreds of public consultation meetings, congressional sensitizing, awareness programs, process guides and acquiring the land-related data needed for the priority reconstruction projects. On the other hand, Phase II is planned to be executed during 6 years, continuing to focus on building local capacities but also on providing the needed country-wide solutions, structure, and geospatial data. Phase II is divided in 2 sub-phases to implement the LRI regional offices gradually by taking a programmatic approach; its estimated cost is 52.1 million dollars for a total of 70 million dollars, including the indirect cost recovery.

During the seven years of project implementation the 29 main activities planned will pay special attention to the elements that constitute the pillars of a solid cadastre and land rights infrastructure, based on a community-driven approach with proven results. The preparation of the human resource will be done through intensive training, both locally and abroad. The review of the legal framework will be made with special attention to security, transparency, integration and conflict resolution. There will be a redesign of current procedures with the purpose of serving the Haitian people more efficiently. The modernization of the information and communications technology infrastructure is necessary will allow Haiti's cadastre and land rights infrastructure to play a multifunctional role. Equally vital is the communication of the importance and value of the cadastre to all relevant communities and in particular to government leaders and citizens so as to gain their involvement and collaboration in the construction of a modern cadastre and land rights infrastructure.

Public statements voicing the importance of a secure and transparent cadastre and land rights infrastructure to promote economic development in Haiti were heard from a variety of important public figures after the devastating earthquake, including President René Préal, Former President Clinton, Secretary General of the Organization of American states (OAS) José Miguel Insulza, economist Hernando de Soto, and others. The OAS has received an official signed letter from Haitian Prime Minister Jean-Max Bellerive endorsing the cadastre project designed by the GOH and the OAS, "*Foncier Haïti: Modernization of Cadastre and Land Rights Infrastructure*", and expressing his encouragement for the Organization to make all possible provisions for its implementation.

Following this acknowledgment, a cadastre coordinator, Christian Cáceres, was hired and deployed in Port-Au-Prince by the OAS to support the Ministry of Public Works and to closely coordinate with all national and international interested stakeholders. His contributions have already helped to achieve initial milestones and have prepared the groundwork for the project implementation. He has met and worked directly with every area and unit of ONACA in order to inventory as well as to assess all processes and procedures; his recommendations have been already implemented. The OAS Cadastre Coordinator has visited ONACA offices in other departments and accompanied them during some of the field work. Regarding the lack of working space at the Office of Cadastre, the OAS through the PUICA project has arranged for temporary tents for ONACA operations to continue despite their dysfunctional office building. In addition, Mr. Cáceres has also made preliminary assessments on the DGI Registry books, and served as a coordinating agent with the World Bank, IDB, UN-Habitat, and the Governments of France and Brazil.

In the midst of a comprehensive reconstruction coordination and given the complexity and recognized difficulties to advance quickly with the reconstruction mechanisms even ten months after the devastating earthquake hit Haiti, the international community and the affected population have made clear the need to take land regularization into serious consideration. Beside the great importance of promptly building local cadastral capacities and sensitizing the Haitian population and public officials on the relevance and benefits of a short and long term LRI, the ten months that followed the earthquake have highlighted the need to rapidly prioritize and execute on those reconstruction projects sensitive to land and property issues.



ONACA operates in a makeshift office outside its damaged building



Owner/Tenant signs ONACA's verbal process

In terms of experience in Haiti, the OAS has empowered more than 4 million Haitians during the past 5 years by registering them and providing them with identification cards through the PUICA program (Program for the Universalization of Identity and Citizenship in the Americas). In order to register almost half of the population of Haiti, PUICA has deployed close to 200 local experts throughout the country and partnered with numerous NGOs and civil society organizations. This knowledge of the local communities and their respective cultures will be instrumental for the successful implementation of the Foncier Haïti project. It is difficult to know how many properties will have to be cadastred and registered in the country, but if the successful experience of the Civil Registry Program is an indicator, replicating this model for registering properties and covering the national territory will be positive for the implementation of the project over the next 7 years.

Taking advantage of the valuable and extensive work done in Haiti since 1997 by the Institute for Liberty and Democracy (ILD) presided by Hernando de Soto, working throughout the country performing in-depth diagnostics of the “extralegality” means in which property rights are based on, the Foncier Haiti project strategically embeds the ILD experience in Haiti to build its Land Right Infrastructure to connect property and other personal and business rights, in order to formalize and maximize the economic use of assets for socio-economic development and prosperity.

The methodology and findings of the ILD are an important asset for the Foncier Haïti project since the project takes into consideration and recognizes as the basis of a modern LRI all the ILD's related recorded information and experience in Haiti throughout the years. The support of the ILD for the project will focus on formalization; this means strengthening the various diagnostics needed, law review, and community outreach for Phase I, as well as the support of the regulatory framework reform during phase II.

The revived, empowered, and prosperous Haiti that is in the minds and hearts of all Haitians and Haiti supporters will be impossible to materialize without the operating scenario created by a trusted and integrative cadastre and land rights infrastructure. All the local entrepreneurial activity that needs to be created will not occur without small owners being able to document their properties and mortgage them to receive the necessary financial support. The foreign companies looking at setting up shop in a Haiti that will offer numerous opportunities will look elsewhere in the region where their real estate transactions are secure.

Modernizing the cadastre and land rights infrastructure in Haiti is probably the investment with the highest rate of return considering its crosscutting positive effect on all socio-economic development aspects. Assuring the Haitians their right to property is long over due and is an imperious need to improve democratic governance. The objective of fostering economic activity presents the perfect setting to undertake this challenge with the motivation of empowering Haitians and bringing Haiti to prosperity.

“In most developing countries, the vast majority of people live outside the legal economy... Because they lack property rights, they cannot access capital or credit, so they cannot grow their businesses. Without a legal framework, the market system fails.”

*-Hernando de Soto,
President of the
Institute for Liberty
and Democracy*

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BACKGROUND

A *Cadastre* is a public record that contains the delineation of individual parcel boundaries, details concerning the land, ownership information and the rights associated with each parcel. This information is the basis for confirmation of ownership as well as property valuation and taxation, and the systems required for all of the above to function is what is defined in this proposal as a *Land Rights Infrastructure*. This infrastructure provides among other benefits security of land rights, an equitable and transparent basis for property taxes, support for land development and land management, and reduction of land conflicts.*

As mentioned in the Executive Summary, this land rights infrastructure is among others essential for empowering people, improving democratic governance, securing sustainable development, attracting foreign investment, and for growth and progress. Information set out in the land registry and cadastre allows Central Governments, Departments, and Municipalities to plan and control their development, establish the property tax systems, and collect the taxes that will allow them to provide quality public utilities and services. In a typical market scenario, financial institutions will guarantee loans for clearly defined properties featured on the cadastral plan and published in an official public land registry; creditors can grant loans at affordable interest rates, allowing people to become owners and small-business entrepreneurs. This official and public system also gives properties a value that will grow in time, thereby contributing to the owner's personal wealth as well as to state funds. It also reduces susceptibility to damage from natural disasters and facilitates reconstruction efforts when they do occur.

HAITI AND THE OAS CADASTRE MISSIONS

Following the statements expressed by the Prime Minister of Haiti to the Secretary General of the OAS regarding the interest and needs in the area of cadastre prior to the devastating earthquake of January 12, 2010; the OAS mobilized and deployed three follow-up technical missions. The three missions, (one prior to the seism and two after), made the proposed project possible.

First OAS technical mission, on October 14 – 17, 2009: deployed upon the request of Haiti's Permanent Mission to the OAS and based on instructions received by the Secretary General, the Secretariat for Political Affairs of the Organization; **Meetings were held with the Director of the Office of National Cadastre of Haiti (ONACA)**, Mr. Williams Allonce and its Technical Director, Yves Dorvil.

Objective: to explore the different areas in which the Department for Effective Public Management could support Haiti.

Results: *President Préval requested the technical assistance of the OAS in order to develop a national cadastre*, which he considered important to attract investment to the country and create a solid base for growth and development. Other areas such as support to the legislative bodies, public administration, electronic government, and civil registry were also mentioned.

The Second OAS technical cadastre mission, planned to take place on January 20th, was not possible due to the unfortunate earthquake on January 12. As soon as the adequate conditions were found, the technical mission took place on February 11, 2010.

Objective: to define the means for cooperation in the area of cadastre.

Results: *The mission allowed the OAS and its partners to verify the actual conditions for doing cadastre in Haiti and to assess the capacity and limitations of ONACA to deliver in this area.* A third, larger, and more focused technical mission was then scheduled with the objective of proposing a plan of action for modernizing Haiti's cadastre, under an OAS task force.

* As defined by the OAS based on contributions from its network of experts.

The Third OAS technical cadastre mission, on March 9th, took place with three of its officials responsible for the Cadastre program, accompanied by the Director of the Office of the Surveyor General of Québec and Chair-elect of the Commission 7 of the International Federation of Land Surveyors (FIG); the National School of Public Administration of Québec (ENAP); the Executive Director of GéoQuébec, a non-profit organization grouping academic, private and public organizations in support of cadastre; and a representative from Stewart Global Solutions (a multinational company, member of an OAS Public-Private alliance for modernizing Cadastre in the hemisphere), all close OAS allies in the field of cadastre.



Minister of Public Works and ONACA with OAS, Québec, and Stewart representatives

Objective: to thoroughly evaluate the condition, processes, and possibilities of supporting cadastre modernization.

The third OAS mission evaluated the possibility of proposing not only the modernization of ONACA and its processes (cadastre), but to develop a comprehensive plan that lays the ground for development, planning, and progress in Haiti based on a modern and inclusive cadastral system that secures a land rights infrastructure. Cadastral information should serve as the base for decision making, planning, development, and democratic governance.

During the third technical mission the other stakeholders in Haiti that worked together with the OAS were the General Director of the Direction Générale des Impôts (DGI); the acting General Director, and Technical and Administrative managers of the National Centre for Geospatial Information (CNIGS); the President of the Haitian Surveyors Association, and a representative from the Public Notaries. **The mission also met with the Minister of Public Works, Transportation and Telecommunications, Mr. Jacques Gabriel, who also expressed his gratitude for the OAS integrative approach, offered his support, and stressed the importance of a functional cadastre.**



OAS mission meets with MINUSTAH

The international community interviewed in Haiti during the third technical mission included the European Union (EU), the Canadian International Cooperation and Development Agency of Canada (ACDI - CIDA), and the United Nations Mission for the Stabilization of Haiti (MINUSTAH); the Inter American Development Bank (IDB), the World Bank, and USAID were also informed and notified of the mission.

Results: The third mission allowed the technical mission to properly and thoroughly evaluate the idea of a comprehensive plan that establishes a land rights infrastructure based on a strong cadastral system. All stakeholders showed their support for the OAS integrative approach and expressed their will to support a comprehensive modernization initiative. A first draft of the project was then created.

OAS FOLLOW-UP

Following the OAS Strategy for Haiti, it should be mentioned that OAS has defined three main areas to support the country after the earthquake; through the OAS Haiti Task Force and together with the Friends of Haiti Group and other stakeholders, the OAS will exclusively focus its efforts on: 1 Electoral Processes, 2. Civil Registry, and 3. Cadastre Modernization.

In order to continue working in these three areas the OAS conducted another mission to Haiti, where OAS Assistant Secretary General, Ambassador Albert Ramdin, met with Haitian officials and international interested parties to discuss three areas of OAS engagement: Civil Registry, Electoral Observation, and support for Cadastre. Specifically related to the cadastre modernization project, Ambassador Ramdin met with President Préval, Prime Minister Bellerive, and the Minister of Public Works, who once more expressed their support for OAS activities in cadastre modernization. The project has also been widely presented at bilateral meetings with the U.S. State Department and U.S. Mission to the OAS, the Mission of France to the OAS and technical representatives from the French Ministry of foreign affairs, as well as at the World Bank's Land Policy and Administration Annual Conference. Meetings headed by the Director of the Department for Effective Public Management Mr. Robert Devlin in Paris with the French Ministry for Foreign Affairs, and in Brussels with the European Union, were also held as part of the OAS coordinating efforts.

Having already presented the summary of this OAS **Foncier Haiti** project at the Preparatory Technical Meeting co-hosted by the Government of the Dominican Republic and Haiti, in Santo Domingo on March 15th, and consistent with the documents produced by the Inter-Ministerial Commission for the Management of the Territory (CIAT): *Haiti Tomorrow*, and the Strategic Plan of Action conceived after the PDNA, the project was also referred to at the *International Donors' Conference Towards a New Future for Haiti* at the UN headquarters in New York, on March 31st, was discussed with Haitian authorities, including the Prime Minister, on the occasion of the Assistant Secretary General's visit in early April 2010. The concept was subsequently mentioned by the Secretary General of the OAS during the World Summit on the Future of Haiti, in Punta Cana, Dominican Republic on June 2nd.

Acknowledging the leading role that the OAS should play in supporting the modernization of cadastre in Haiti, Haitian Prime Minister Mr. Jean-Max Bellerive expressed through an official signed letter directed to OAS Secretary General (Annex I), his government's endorsement and support for the implementation of the proposed OAS project in this important subject for the country's sustainable progress. In response to this acknowledgment, the OAS has been closely coordinating with Haitian authorities, mobilizing, and taking the lead to coordinate with all those interested parties that had expressed their willingness to partially or fully support cadastre-related modernization efforts in Haiti. In an effort to reinforce its office and properly respond to this coordination and to initiate the cadastre related activities, the Organization has hired and deployed a Cadastre Coordinator for Haiti, Christian Cáceres.

Mr. Cáceres, who is fluent in French, English and Spanish, is an Industrial Engineer from Honduras and holds a Master's degree in Geomatic Engineering from Laval University in Québec. He was the Deputy Director of Cadastre in Honduras where he began the implementation of a comprehensive modernization cadastre project and also contributed previously as a project coordinator for the World Bank PATH project in that country. His contributions have already helped to achieve certain milestones and have prepared the groundwork for the project implementation. He has met and worked directly with every area and unit of ONACA in order to assess all processes and procedures, proposing subsequent changes, such as providing operational guides, administrative and temporary software solutions, and also has visited ONACA offices in other departments and accompanied them during some of the field work. In addition he has made preliminary assessments on the DGI Registry books, and served as a coordinating agent with the World Bank, IDB, UN-Habitat, and the Governments of France and Brazil. As an example, the OAS has been advancing and coordinating with the World Bank in order to support the "Special Economic Zones" component of their "Investment Generation" project. Given the lack of working space, the OAS has arranged through the PUICA project for temporary tents for ONACA operations to continue despite their dysfunctional office building.



First OAS-Haiti Coordination Meeting at OAS Headquarters, Washington DC. From left to right: Minister of Public Works, OAS Assistant Secretary General, and OAS Secretary for Political Affairs

Furthermore, the OAS called for coordination through a meeting at the Organization's Headquarters in Washington, DC, on June 17th, 2010, where, together with the Minister of Public Works, Transportation, and Communications, Mr. Jacques Gabriel, and the General and Technical Directors of ONACA, the interested parties intending to support Haiti and participating in the reconstruction and development efforts through cadastre modernization expressed their views and support to the Haiti/OAS project: **Foncier Haïti**. Simultaneously, due to its rescheduling, the OAS also attended the first meeting of the Interim Haiti Recovery Commission (CIRH) in Port-Au-Prince, as observers.

Most recently, the project was again discussed between the Secretary General of the OAS and President Preval and Prime Minister Bellerive during the Secretary's visit to Haiti in September 2010.

THE OAS AND ITS CONTINUED SUPPORT TO MODERNIZING CADASTRE IN LATIN AMERICA AND THE CARIBBEAN

Having built and consolidated a strong network of experts and public-private partnerships for cadastre modernization, the OAS has been active in the region and has worked on several cadastre-registry modernization projects in Latin America and the Caribbean. For over eight years the OAS has promoted efficiency and transparency under both a municipal and national approach that stresses importance of the multipurpose use of cadastre for planning and development, beyond the traditional tax-collection vision; as a means of empowering people and laying the ground for socio-economic development.

The OAS has provided support in cadastre and property registry in municipalities such as Colón (Venezuela), Cojutepeque (El Salvador), Belén (Costa Rica), and Azogues (Ecuador) among others, and has also undertaken national initiatives in El Salvador, Guatemala, and Bolivia, and supported the Modernization of Antigua and Barbuda in the Caribbean. The cited cadastre initiatives as well as the latest technical missions in Haiti were carried out under the CIDA-backed MuNet Cadastre Project. To strengthen cadastral capacities among its Member States, together with its network of experts, the OAS through the Cadastre Program, has also developed a set of instruments to be implemented while modernizing. The program consists of a portfolio of different online courses, forums, and a comprehensive toolkit for cadastre modernization.

With a holistic vision that aims at strengthening public service to positively impact growth and progress, the OAS alliances with leading multinational providers and strategic partners in the area of cadastre are also one of the Organization's most important assets for this project. Throughout the years, the OAS cadastre program has built strong partnerships with companies such as Environmental Sciences Research Institute (ESRI), Trimble Navigation, and Stewart Global Solutions, and also with well known and advanced cadastre offices such as the case of Quebec's Office of the Surveyor General (Bureau de L'Arpenteur Général), and with FIG (Fédération Internationale des Géomètres), in particular with Commission 7 – Cadastre and Land Management. Public-Private partnerships for state modernization and development are essential for a successful implementation.



OAS MuNet Cadastre Conference in Guatemala



OAS MuNet Cadastre Conference in El Salvador

As a partner from the private sector, Stewart Global, a Division of Stewart Information Services which was established in 1893, is a technology driven, strategically competitive, global real estate information company, committed to delivering state-of-the-art real estate information services that also supplies post-closing services to lenders, automated county clerk land records, property ownership mapping, aerial/satellite imagery and maps, GIS for governmental entities and expertise in tax-deferred exchanges.

Building upon the recognized and extensive work done in Haiti since 1997 by the Institute for Liberty and Democracy (ILD) working throughout the country performing in-depth diagnostics of the “extralegality” means in which property rights are currently based on, the **Foncier Haïti** project embeds the ILD experience to build its Land Right Infrastructure to connect property and other personal and business rights, in order to formalize and to maximize the economic use of assets for socio-economic development and prosperity. The ILD arrived in Haiti in 1997 and worked in 5 representative cities around the country consulting and widely engaging the community with a clear understanding of the need of empowering Haitians who lack legal and financial capacities and have been left behind by decades of avoidance to the rule of law and underdevelopment.

ILD has developed an in depth diagnosis in Haiti for both legal and extralegal real estate and business. The Diagnosis Studies comprised aspects such as the magnitude and characteristics of the informal sector; the identification of the legal constraints and the principal transaction costs to capitalize assets; the identification of the extralegal norms, practices and transactions that the majority of Haitians followed to avoid the constraints of an unfriendly legal framework that impedes the capitalization of their assets; the legislation, statutes and regulations that would need to be reformed.

Based on the results of the diagnosis, ILD has also developed a package of Legal and Institutional Reform Proposals to create and implement a National Formalization and Capitalization Program for Real Estate and Business Rights. These proposals have been discussed with relevant stakeholders, such as the Government of Haiti, the Center for Free Enterprise and Democracy (CLED), and academics. The ILD has also prepared an Action Plan for Implementation that includes topics such as the creation and structure of the specialized entity in charge with carrying out the entire formalization and capitalization process under a new property and business registry; the mechanisms to start a Public Memory System that integrates the information from different entities; the design of low cost procedures for large scale land and business formalization; and a specialized arbitration system.

The ILD, as well as the **Foncier Haïti** Project, believes that building a formal system that recognizes and absorbs the virtues of informality and strengthens institutions and the rule of law at the same time is essential for the success of any new cadastre and LRI. With three decades of experience working with more than 20 developing countries and armed with a unique model and methodology, the ILD has the sophisticated know-how to learn why many people prefer to stay outside the legal system, to identify the obstacles to legality, and to gather the appropriate information for a Public Memory System that will strengthen governments, while encouraging people to step out of the shadows and access the legal tools that will help them pull themselves out of poverty.

The methodology and findings of the ILD are an important asset for the **Foncier Haïti** project since the project takes into consideration and recognizes as the basis of a modern LRI all the ILD’s related recorded information and experience in Haiti throughout the years. On Phase I, ILD’s support for the project will focus on strengthening the various diagnostics needed, law review, and community outreach, and in the design of the Inter-institutional Coordination Unit with the objective of including the creation of a Public Memory System for Haiti. On Phase II, the ILD will support the design and consensus building for the approval of the regulatory framework reform.

In parallel, the government of Canada has been a strong supporter of Cadastre activities at the OAS. Specifically for Haiti, the Government Canada contributed by joining the third OAS cadastre mission with the National School of Public Administration (ENAP) and through Foncier Québec, a division of **the Ministry of Natural Resources and Wildlife** of Quebec. Canada's academic and private sectors are also represented through GéoQuébec. The Ministry of Natural Resources and Wildlife of Québec, who has expressed its support to the OAS cadastre initiatives in Haiti, is responsible, through Foncier Québec, for maintaining records that reflect the parcel divisions of private and public land throughout Québec and to publicize the land rights that are exercised. The Ministry also assumes the management and administration of the Land Register of Quebec. It is in this register that each parcel of the cadastral plan is published for all property transactions affecting a property, thereby protecting the property rights of citizens. The Cadastre, the Land Register, and the Register of the domain of the State are now considered among the most advanced systems worldwide that can be easily accessed on the Internet.

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JUSTIFICATION

Shortly after its inception, the institution responsible for cadastre in Haiti has been plagued with cuts in its already modest budget, under-trained personnel, and lacking technological assets. By Haitian law[†], the entity charged with both rural and urban cadastral information is the **Office National du Cadastre (ONACA)** which is a dependency of the **Ministry of Public Works, Transportation, and Telecommunications**, and created in **1984** under the auspices of the **German Agency for Development Cooperation (GTZ)**. Under said law it is the responsibility of ONACA to provide up-to-date cadastral information of all properties and parcels in the entire country, which will then facilitate the processes related to land tenure, including property transactions and titling.

ONACA OPERATIONS

In its 26 years of existence, ONACA has shown very limited progress in doing the cadastre for the national territory having covered only **5%** of the country, specifically some areas of the Greater Port-au-Prince, and some areas in the Artibonite Valley. Although the aforementioned law stipulates that ONACA must install 13 cadastral districts covering all the territory, currently only two satellite offices exist, in the **Artibonite** and **Ouest** departments.

The capacities of ONACA today are significantly reduced as they are working with scarce financial resources, outdated technology, and insufficiently trained human resources. In fact, ONACA works with an annual **operating budget of US\$133,333** (G\$ 5,000,000) which does not include the additional staff-related monthly expenses of **US\$ 47,080** (G\$ 1,765,500)[‡]. In terms of **technological assets** they operate with the very basic **AutoCad 2004 software** (with Geometrics to incorporate data) and **Microsoft Excel** as their database management system. As for equipment they utilize the 8 functional **Trimble Rover GPS** devices of the 10 they own in order to carry out the surveying. Turning now to **human resources**, ONACA suffers from a **deficit in qualified workers**, especially engineers and surveyors, as they have not received any specialized training, with the exception of the Technical Director who spent two years in Germany beginning in 1987, and of a technician who received some training in France with the financial assistance of the **Centre National d'Information Géospaciale (CNIGS)**.

ONACA's current operations for parcel identification and mapping consist in the following:

1. ONACA sends out a public announcement to the residents of the area they are mapping, inviting people to be present at their homes or businesses for consultations.
2. If ONACA is working in an area with existing maps, they use those first reference points to mark out each parcel's limits. If no maps exist for a particular area, the team of surveyors directly engages in referencing the points of the property using GPS.
3. The Chief Surveyor arrives on site and corroborates the points stated in the original maps.
4. The Chief Surveyor fills out a form by hand with information on the plot of land, including characteristics pertaining to any buildings or structures present, and assigns a temporary number for the parcel.
5. The team of surveyors begins collecting GPS references for each plot of land.



ONACA Headquarters, Autocad 2004 software, and old handwritten records.

[†] Law No. 86, Monday, December 10, 1984

[‡] Exchange rate of 1: 37.5 used.

6. The team of surveyors consults with the alleged owner or in his absence with the guard or the neighbors.
7. ONACA proceeds to manually input the collected information in their computers, and make handwritten records of each land parcel.

Despite ONACA's efforts, the day-to-day procedures for property transactions described by the different stakeholders interviewed leaves ONACA frequently overlooked.

CURRENT LAND RIGHTS INFRASTRUCTURE

The process for land titling or legal property transactions in Haiti has become based on **customary practices**, particularly in rural areas. In the absence of an autonomous Cadastre office that can provide modern cadastral maps with solid and proven spatial references and that can intervene directly in an inter-institutional administrative mechanism for land management, the **surveyors and notaries whose job is to validate property information and certify land titles** do so as best they can with the tools and information available to them. The estimated **500** notaries in Haiti analyse and **verify an existing land title against fraud – through an Ad Hoc, rudimentary verbal system – along with the alleged owner's identity** before referring to a surveyor who in turn personally goes to the property and corroborates the spatial information of the land, and finally consults with neighbours for proof of ownership. The land title, which is made up of the validated sales contract between the grantor and grantee, and coupled with the verified cadastral parcel plan, is subsequently sent to the **Direction Générale des Impôts (DGI)** for archiving and to be made official.

The DGI is a dependency of the Ministry of Finance and Economy and has the task of registering all property transactions and titles. **They are responsible for titling all public land, but under the aforementioned customary practices, the notaries emit titles for private properties.** The DGI has a decentralized system with offices in each commune, extending operations throughout the country. Since 1824 the central office has amassed a registry of **2500** books, none of which have been digitalized, and which are currently in a highly precarious situation in the basement under the debris of the fallen DGI building in Port-au-Prince. There is an urgent need to recover them for safekeeping. **Because of the chronological archiving of the land titles in these books, it will take months and maybe years to verify their duplicity and control against fraud.**

Directly related to ONACA's lack of institutional capacity is the increasing trend of human resource loss (deficit) as many of the country's engineers show little interest in Cadastre, and those who have some experience are no longer with ONACA. Closely related to this point is the awareness factor: Haitians in general are unaware of what cadastre is, know much less of its purpose, and even less of its uses and benefits. ONACA's entire Communication strategy lies in a single brochure, and there is no person responsible for a Communication section in the institutional structure. A strong communication strategy that includes youth programs for university students could assist in training future ONACA leaders and workers

Furthermore, **the current system for conflict resolution involving land property rights directly involves the courts and the average length for each case is 5 years.** Also, under this customary mechanism for land management there is no incentive for ONACA to interact with other actors involved in the greater land rights infrastructure such as the surveyors, notaries, the DGI, and even the **Centre National d'Information Géospaciale (CNIGS)** that possesses satellite imagery that could serve ONACA's need for such maps. In this sense there is no inter-institutional



ONACA's Trimble GPS equipment



These tents are now home to 50,000 people living in Cité Soleil

cooperation or coordination. Disperse institutional and customary efforts generate confusion, undermine trust, and weaken governance.

The CNIGS is part of the Ministry of Planning and was created in 2006 as a result of the fusion between two smaller entities. It is now operating with funds from the European Union – which end in 2010 – under the PITDD programme for specific initiatives in partner with other governmental institutions. They collect satellite imagery of the Haitian territory with modern technology and qualified personnel and, **similar to the function of ONACA, provide different layers of information on the land**, which they proceed to sell as services and products to other institutions that need such information. **Following the earthquake in January the CNIGS suffered losses in the form of 9 people, including the persons in charge, and 70% of their technological assets. Fortunately, their main server (STB) was spared, as were the rest of the 60 employees.**

CONSIDERATIONS FOR IMMEDIATE RECONSTRUCTION

In the aftermath of the earthquake, Haiti will have to prioritize the reconstruction efforts to address such issues as the relocation and resettlement not only of the **1,237,032 people[§]** that were left homeless in large urban areas in addition to the estimated **650,000 people that fled the capital city**, but also of businesses that were destroyed during the catastrophe.

Furthermore there will be an urgent need to address large infrastructure developments such as the paving of roads, construction of ports, airports, sewage systems, and electricity lines, among many others. All these aspects will require the identification of adequate land and its related rights, which will need to be determined using cadastral information for finding optimal cost-benefit solutions, and for identifying the current rightful owners for legal expropriation of the land necessary for the construction of these large infrastructure projects. None of this can be done without proper cadastral information and seriously taking into consideration the social impact of reconstruction projects reluctant to address the communities that could be affected by the implementation of the different projects. The short term support for reconstruction in terms of cadastral information should be carried out diligently by consulting and working directly with the community and the CIRH, which will have a strategy largely inspired by the *Post Disaster Needs Assessment (PDNA)* results. **The immediate needs for reconstruction will require a focused effort to provide the specific land information required to proceed with any particular plan for reconstruction (infrastructure development, relocation of displaced citizens, etc.), being mindful of the social implications of land/property related projects.**

CRITICAL CONSEQUENCES FOR THE DEVELOPMENT OF HAITI

From a fiscal perspective, a modern up-to-date cadastre is essential for tax collection purposes and lays the ground for land property rights, which are crucial for attracting foreign investment and securing mortgages. Also, with an estimated **1.26 million land parcels** in Haiti** the Haitian government through its central and departmental offices is **failing to recover significant amounts in tax revenue annually**, which should be reinvested in infrastructure, social programs, and tourism development for example, all in line with the broader goal of developing and strengthening the Departments and Municipalities due to the growing trend of decentralization.



Agricultural workers like this man will benefit from the property rights security that a solid LRI brings

[§] UN – OCHA Report on Shelter Distribution: Beneficiaries and Coverage – 16 February 2010

** For lack of a better source, the total number of parcels in Haiti was calculated in a comparative manner with the Dominican Republic that shares many physical and other characteristics with Haiti including the size of its population. When compared to the Dominican Republic's 48442 km2 and 2.25 million land parcels, Haiti's 27000 km2 results in an approximate 1.26 million parcels.

On the other hand, Haiti has long suffered of poor foreign investments due to many factors such as the absence of land rights security. Recently a Korean textile company was unable to do business in Haiti because of land insecurity. The company would have created thousands of jobs and represented millions in capital influx. Similarly, a large Martinique-based banana company was not able to establish its operations in Jacmel precisely because the risk of investment was too high. Foreign investments of this kind in a variety of sectors could create positive externalities and contribute to jumpstart the national economy.

In addition to these foreign investments in the form of short to medium term business developments including tourism ventures, longer term FDI (Foreign Direct Investments) are beneficial for a developing country as transfer of technology and skills development (know-how) occurs, as well as job creation, and an increase in exports. Experience in Latin American and Caribbean (LAC) countries shows that the influx of capital by FDI far exceeds the amount of international aid assistance: ***The 2007-2008 period saw US\$94 billion in FDI for LAC versus US\$27 billion in aid assistance from the Organisation for Economic Co-Operation and Development's (OECD) Development Assistance Committee (DAC) countries, for the same period.*** This is a strong indicator that more emphasis needs to be placed on attracting foreign investment in Haiti.

In terms of mortgages, the lack of a strong land rights infrastructure in the country impedes citizens and companies in Haiti to easily and legally hold trusted property titles which results in low chances of securing mortgages for creation of small businesses, or different economic activities. In rural as in urban areas, the Haitian population has little to no legal security and it is not uncommon to find several titles with different owners to the same tract of land. With the proper system in place for facilitating mortgages, the local economy would be significantly stimulated.

MULTIPURPOSE CADASTRE

The number of issues that have traditionally stunted Haiti's development are many; A poor management of the country's natural resources as evidenced by the widespread erosion of the soils caused by massive deforestation throughout much of the territory is a good example. Others include poor nutrition and health standards, lack of investment and weak agricultural output.

The integrated land information system that is proposed herein will contain legal (e.g., property ownership or cadastre), physical (e.g., topography, man-made features), and cultural (e.g., land use, demographics) information in a common and accurate reference framework that will provide the essential information to address the issues linked to property rights. The reference network is established with rigorous geodetic and survey control standards, such latitude/longitude coordinate systems. The Cadastre is made up of multiple independent, interrelated layers commonly used to describe the graphic component of a Geographical Information System (GIS) database. Each layer contains a set of homogeneous map features registered in a position relative to other database layers through a common coordinate system. Data are separated into layers based on logical relationships and the graphic portrayal of sets of features.

This means that with the desired and necessary layers of information the land information system created with Cadastre will be the backbone for all public works, urban planning with improvements in drainage systems, garbage removal, sanitation services, supply of water, etc; rural planning with direct effects on national parks preservation, large-scale reforestation strategies, agricultural



Urban Haiti

planning and irrigation, tourism development, among many others; as well as large-scale infrastructure development in the country such as the building of roads, power supply and telecommunications. These essential planning and development necessities will be more relevant today than ever in Haiti. An example of an advanced multipurpose cadastre and of the complexity of cadastral information can be found in Gijón in Asturias, Spain, where the layers of information collected carry information even of the level of decibels for each property in order to monitor noise pollution.

While Haiti is far from reaching a complete cadastral information system, it is important to begin building layers of information for the territory in order to provide the public and private sectors with that valuable information.

In the midst of a comprehensive reconstruction coordination and given the complexity and recognized difficulties to advance quickly with the reconstruction mechanisms, even ten months after the devastating earthquake, the international community and the affected population have made clear the need to take land regularization into serious consideration.

Beside the great importance of promptly building local cadastral capacities and sensitizing Haitian population and public officials on the relevance and benefits of a short and long term LRI, the ten months that followed the earthquake have highlighted the need to rapidly prioritize and execute on those reconstruction projects sensitive to land and property issues.

The following are two clear and recurrent arguments voiced world-wide about the reconstruction and its land-related issues:

The Financial Times reports on July 7th that the most pressing task is **to provide adequate shelter** prior to the hurricane season but this process **is “being hindered by complex land ownership issues”**. It adds that **property disputes, squatters, loss of documentation and death of property owners are further challenges that Haiti faces in the short term with regards to land rights**.

On the other hand, on July 12, 2010, exactly six months after the earthquake, The BBC reports that “even before the earthquake only about 5% of people had proof of ownership” and that “Many title deeds were then buried in the earthquake”. The article goes on to say that the current system in place does not respect the poor, and this **inequality of land ownership is “the heart of the problem”**.

“

*“Starting out as ownership over parcels of nature, property arrangements have evolved enormously to cover land, other concrete assets, and ever-expanding abstractions such as pollution quotas, financial products, inventions, and ideas. Overwhelming evidence, from all over the world, shows that **functional property relationships are associated with stable growth and social contracts**, whereas dysfunctional property relationships are associated with poor, unequal, and unstable societies. When property rights are out of peoples’ reach, or rights are subject to competing claims, their assets are often not secure and their economic potential remains severely inhibited.”*

”

- *“Making the Law Work for Everyone”
Commission on Legal Empowerment of the Poor
Co-Chaired by Madeleine K. Albright and Hernando de Soto*



ONACA Headquarters – File review



Official Files from property owners at Saint-Marc

4

VISION

To strengthen Haitian cadastre capacities and to provide with social consciousness land-rights services securely, transparently and efficiently to the reconstruction projects as well as for the medium and long term, in order to facilitate the implementation of these projects and to protect the property rights of individuals, communities, corporate bodies, and those owned by the State or granted on the public domain. Besides the technical cadastral component, the project will work in sensitizing the people and

officials of Haiti toward having a better understanding of the relevance of cadastre and its benefits, and of the strengthening of cadastre and land rights capacities.

“Everyone has the right to the use and enjoyment of his or her property. The law provides that no one shall be deprived of his or her property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.”

- American Convention on Human Rights



2010 photo by Andrea Shiffman and Jim Kushner

5

OBJECTIVES

GENERAL OBJECTIVE

To build capacities, generate awareness, and to design and implement a land rights infrastructure that is comprehensive, secure, integrative and cost-efficient, and which will support the immediate reconstruction plans as well as the long-term development of Haiti.

SPECIFIC OBJECTIVES

1

To support reconstruction efforts defined by the entities in charge of reconstruction, by providing the necessary land-related information, primarily geodesic characteristics, fiscal and property rights-related.

2

To build local capacities through the implementation of cadastre-related training programs for Haitians, and to provide the skilled personnel to support reconstruction projects and subsequent cadastre initiatives.

3

To design and implement a countrywide public communication campaign targeting vulnerable populations as well as the legislative in order to generate awareness at all levels, and to be able to modernize the regulatory framework related to cadastre and land rights with the creation of a Inter-institutional Coordination Unit in order to improve, security, efficiency, transparency and overall relevance of land-related rights in the development of Haiti.

4

To cadastre properties country-wide and to undertake an empowering titling program based on a community-driven approach and a conflict resolution process, guaranteeing the equal preservation of land rights to everyone.

6

ACTIVITIES

As has been explained in the **JUSTIFICATION** chapter, prior to the earthquake that shook Port-au-Prince and the surrounding areas on January 12th, 2010, *the situation of the cadastre and the property rights offices could be accurately defined as dysfunctional*. Their limited resources and lack of institutional coordination created an environment of insecurity and absence of transparency that posed an obstacle to attract foreign investment, promote business activity, and to facilitate the general development of the country, undermining

Democratic Governance.

Under the complex circumstances created by the devastating earthquake, any land rights infrastructure (LRI) modernization project must pay attention to the following critical aspects that were separately mentioned in previous chapters:

- Modernizing LRI is a long-term project but the country has short-term needs for recovery and rebuilding that need the support of a cadastre office. Hence, the project has to include both short-term and long-term initiatives.
- Around 650,000 people have left the affected area and moved to other departments or even abroad.
- Thousands of land-related documents have been destroyed and are under the rubble.
- Numerous parcel limits have been swept by the earthquake and will be difficult to redefine.
- Either by need or intentionally, some people have installed themselves in vacant properties whose owners have moved away escaping the catastrophe.

The last four points are of particular importance when undertaking cadastre activity to support the reconstruction effort in the affected areas. An appropriate procedure that warranties agility, security, and transparency must be defined to overcome the challenges exposed. According to cadastre expert Agustín Lanero, the minimum conditions for optimum functioning of the cadastre and registry systems are:

- 1) The existence of a unique body responsible to set up the operational rules and coordinate the tasks of the different dependencies involved.
- 2) Avoid resource duplication.
- 3) All data must be designed, compiled and stored in a way that can have multiple uses and serve the mission of all Ministries and governmental organizations.
- 4) Each parcel must have a unique and standard identification code that should be used both for public and private purposes.
- 5) The whole system must be structured for easy use and update.

Haitian citizens and government leaders, as well as the international community think that Haiti has to transform this enormous crisis into a historic opportunity for development. The cadastre team leading this project fully identifies with this view which is why it is proposing a land rights infrastructure modernization project that addresses all relevant aspects related to the land, and the rights and services associated to it. This project also aims at positioning Haiti at the forefront of LRI while attending the



ONACA Field Work – Building measurement



ONACA Field Work – Surveying in Port-Au-Prince

cultural characteristics of its population, and setting up the foundation for a future where all activities related to real estate are inclusive, secure, transparent, efficient, and affordable.

The technical missions conducted, the exchanges with the different stakeholders, and the information gathered on the current situation of cadastre and land rights infrastructure led the team of experts contributing to this project to conclude that a more integrated approach for all cadastre and land related procedures and entities would make them function more efficiently and reliably. The creation of an umbrella Inter-Institutional Cadastre Coordination Unit where all cadastre and land rights infrastructure operations are grouped is just a suggestion for such a model, based on successful experiences in different countries. The Inter-institutional Cadastre Coordination Unit will take into account the need of an updated and secure Public Memory System, that allows to connect Haitians to their real estate and business assets, it is crucial that together with the reconstruction of physical infrastructure and the raising of cadastral information, the country counts with an implementation mechanisms that assign and protect real estate and business property rights and that create a Public Memory System that sets the basis for future economic development.

The final Inter- institutional model will be a decision taken by the Haitian authorities through a careful and in-depth analysis of potential alternatives supported by this project.

The **Foncier Haïti** project, as in the majority of government modernization projects, has five key elements that constitute both the main aspects to transform and the five pieces that will define the success or failure of the project. They are: people, processes, technology, legislation, and communication. Each of these important areas will be addressed as follows:

PEOPLE

Human resources are an essential component of any project to transform public administration. ***The motivation, the qualification and the ethics of those working in Foncier Haïti will define the quality, efficiency and reliability of the service provided.*** Clear and transparent hiring and promotional processes will be determinant to engage the right people and take the most advantage of their capabilities as there will be a continuous training plan to update their knowledge.

In order to assure the supply of talent in the near future, collaboration with the academic sector will be established to review the academic curricula increasing the presence of cadastre and land rights topics. Since LRI operations rely heavily in technology to operate efficiently, all human resources will be trained in modern technologies that support cadastre and land registry activities. The project contemplates training abroad and locally, depending on the profile, skill level, etc. International experts will be taken to Haiti for large-scale training.

In what relates to people, two groups are of particular relevance. The first group is Notaries. There are more than 500 throughout the country and accumulate most of the knowledge and documentation about property rights in the country. Currently they do not use the office of cadastre but rather rely on ad-hoc hiring of independent surveyors. The second group is comprised of the surveyors; there are 72 in Port-au-Prince alone and could be a great source



ONACA General and Technical Directors with Staff

of information for the cadastre office. Both groups need to be engaged and must be involved in the definition of the LRI model. Once the model is defined, specific training will be designed to be sure they know and follow the standards of the new model.

A definition of professional profiles will be done and a training plan developed to adapt the knowledge of the employees to the qualifications required by the new LRI model. New people will be hired through an open, transparent and competitive process in order to attract the best talent.

Foncier Haïti will place great emphasis in assuring appropriate handling of the information and documentation involved in cadastre and registration by all employees. ***A code of ethics will be developed and the necessary awareness campaign will be implemented to guarantee the right ethical behavior.***

As the government of Haiti has mentioned in several *forums*, it is imperious to develop a Civil Service in the Haitian public administration and **Foncier Haïti** will follow that policy.

PROCESSES

A review and redesign of LRI-related processes will be quintessential to bring in transparency and efficiency to land-related operations in the country. The relationships among the several relevant players such as cadastre office, property registry, geospatial information center, notaries, surveyors, municipalities and other government entities will be revised to serve Haitians according to international quality standards. The procedures due to revise and redesign constitute a wide universe considering that a Public Memory System integrates several types of information and that it has as an objective not only the formalization of real estate and business rights, but also the possibility that the owners maximize their economic use in expanded markets.

This redesign will allow for the certification of all processes following recognized international standards such as Land Administration ISO 19152 (currently under development), Social Tenure Domain Model (UN Habitat and the Fédération Internationale des Géomètres – FIG Commission 7) and other guidelines and recommendations issued by FAO and the World Bank, among others. ***The citizens will be at the center of this redesign and their satisfaction and confidence will guide the process.*** A quality control process will be put in place and operation manuals will be developed to facilitate the compliance with the standardized procedures by all employees.

The review of the LRI processes will also look at decreasing the use of paper but taking advantage of GIS digital images and electronic documents. Automated workflow management technologies will be a centerpiece of the LRI. As much as the citizen will be at the center of the whole LRI modernization project, the parcel will be at the center of the renewed cadastre operations. Each parcel will have a unique Property Identification Number (PIN) that will be assigned following one of the most commonly used mechanisms (based on political-administrative organization, geocode or others).

TECHNOLOGY

The transformational impact that Information and Communication Technologies (ICTs) have had in our society in general has been even stronger in the area of Land Rights Infrastructure. The possibility to take advantage for the reconstruction phase of satellite imagery for cadastre purposes as well as the endless options offered by Geographic Information Systems to combine



ONACA's office and employees in Gonaïves



ONACA's office and employees in Saint-Marc



digital cartographic information with data has transformed the functioning of cadastre offices worldwide. Any project to modernize LRI in Haiti must be based on GIS, digital imagery and cartography, relational databases, internet, service oriented architecture, object-oriented design and interoperability standards.

Given the challenging transportation constraints of Haiti, having good connectivity in all the country departments will be fundamental since all decentralized offices must be connected to the central one in order to facilitate the update of information and efficiently serve the information and documentation needs of the citizens.

The Geographic Information System should have the following characteristics:

- Capable of administering graphical and alphanumeric cadastral information online
- Capable of generating thematic maps online
- Capable of discriminating those areas deemed as non-identified or in litigation
- Capable of seamless interaction with the Property Registry office
- Capable of interoperating with other government dependencies that can take advantage of cadastre information

Through the CNIGS the country already has high quality satellite imagery. It will be necessary to assess the possibility of using those images to build the digital cartography. For certain areas of the country, aerial photography will have to be taken in order to obtain precise cartography. Recommended scales for the cartography are: urban areas 1:1,000; semi-urban areas 1:2,000 to 1:5,000; and rural areas 1:5,000 to 1:10,000.

Shortly upon starting the implementation of the project, a review of the current geodetic control network must be conducted and a CORS (Continuously Operating Reference Station) Network should be established.

LEGISLATION

The legal framework is the highest manifestation that defines the LRI in every country. A modern LRI will be based on updated law and other regulations. Any institutional transformation, coordination or integration must be regulated by law as well as other critical aspects of the LRI such as conflict resolution, taxation system, decentralization, use of ICTs, relationship with other stakeholders, services offered, publicity of rights, titling, certification, mortgage registry, technology etc.

The law that created ONACA and regulates its operations dates back to 1984 and requires significant updates in areas such as coordination with the property registry, transparency and privacy of the information, use of information and communication technologies.

New legislation should reflect the new vision of the cadastre and land registration infrastructure, and clearly address critical matters such as the land tax role of the cadastre and the relationship with municipal governments in this regard, the publicity of rights, the coordination with other government entities and the integration with the property registry; ***but most importantly, a Land Rights Infrastructure based on the empowering people through community participation.*** It will also be important to redefine the role and the relationship with Notaries and Surveyors, in the context of a more transparent, secure and efficient lands rights infrastructure supported by information and communication technologies.

“

An inclusive pro-poor property-rights system requires rules that clearly define the bundle of rights and obligations between people and assets. Property law should offer clear and simple options of legal personality and corporate ownership for small businesses and customary associations of the poor. Legal protection of limited liability has to be extended to poor micro-entrepreneurs, and adverse possession rights formally recognized for their real as well as intangible assets. Legal frameworks enabling housing and land associations should be promoted, allowing individual and common property to be combined by people with limited assets. Officially recognized property documentation should take the form of simple certificates that grant formal recognition to social practices and customary tenure.

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*–“Making the Law Work for Everyone”
Commission on Legal
Empowerment of the Poor
Co-Chaired by Madeleine K.
Albright and Hernando de Soto*

This new regulatory framework will have to provide the necessary validity to electronic processes and documents as means to bring agility and transparency to cadastre and land registry operations.

*A critical aspect that deserves special attention when legislating about land rights infrastructure, and will be more so in the post-earthquake Haiti is the **need to establish an effective and simplified property formalization process**, that could include mechanisms to: identify private real estate property rights; establish clear and transparent rules for compensating injured parties; easy-to-access inventory of state-owned land; simplified and transparent procedures for the allocation of state-owned land; **and mechanisms for private, semi-judicial and/or judicial conflict resolution**.*

*The migration of hundreds of thousands of people, the loss of thousands of property related documents, erased property limits, the history of functioning based on customs and local knowledge rather than clear rules, will make the task of adjudicating properties incredibly challenging. This aspect will require not only well-thought middle-term attention through law but also creativity to conceive a short-term solution to the many property conflicts that will arise after the earthquake during the reconstruction phase. A versatile and transparent mechanism will have to be set up in order to conduct a clear and fair **adjudication process**. This mechanism will be based on the lessons learned from recognized international experiences and will count on contributions from qualified experts in the topic that will work with all stakeholders to assure a participatory process that fits into the local culture. This mechanism will address in a fast and reliable manner aspects such as: owner identification, proof of ownership, conflict resolution and adjudication.*

For the success of the project, it will be particularly relevant to design a campaign targeting citizens, communities and NGOs whereby the cadastre office not only introduces the importance of cadastre services but also asks the citizens to get involved.

COMMUNICATION AND PUBLIC CAMPAIGNS

Communication will play a pivotal role in the success of the LRI modernization project. As already expressed at the beginning of this document, communication initiatives focused on cadastre and ONACA have been limited to the design and printing of a brochure that is now 10 years old. The new cadastre Inter-institutional Coordination Unit and LRI needs the buy-in and support of employees, politicians, mayors, citizens, notaries, surveyors, other government entities, the business community and the mass media; **it needs wide popular recognition and understanding.**

In some of these groups, the cadastre will need just to create awareness and present the information and services offered. In some others, the cadastre will pursue engagement and active participation. **It will be necessary to convince lawmakers and politicians about the value of the service provided by the cadastre office** in order to obtain the necessary financial support and it will be critical to get the collaboration of the mass media to sensitize the general population about the importance of cadastre.

For the success of the project, it will be particularly relevant to design a campaign together with local authorities, targeting citizens, communities and NGOs whereby the cadastre office not only introduces the importance of cadastre services but also asks the citizens to get involved; vulnerable population and/or susceptible to be affected by reconstruction projects must be consulted in all cases. It should be a campaign that promotes the publicity of rights, informs the citizens about conflict resolution procedures, and asks them to bring to the cadastre office all



OAS visit to the Department of Mirbalais with ONACA for census verification.

information that can help to prove their rights to any property.

A modernized cadastre office will be able to provide valuable information services through concepts such as *derivative cartography*, *thematic cartography* and others that can bring important revenue to the cadastre office in order to guarantee its future self-sustainability. These and other services will require an active communication campaign to be known.

SPECIFIC ACTIVITIES

All aspects mentioned in the previous subchapter will be addressed through the following main activities:

PHASE I: IMMEDIATE RECONSTRUCTION SUPPORT (0 - 2 years)

These activities will be closely connected with the needs identified by PDNA and the Post-Earthquake Action Plan and are divided in the two groups listed below (I y II):

1. CADASTRAL ASSISTANCE TO THE RECONSTRUCTION ACTION PLAN

This undertaking focuses in 3 main aspects:

1. Building of local capacities
2. Law review and legislative sensitizing
3. Community-driven approach

Main efforts will be directed to protect existing data and documents, and to place cadastre and property registry at the service of reconstruction planning and implementation. The following activities will be conducted:

1.1 Building of Local Capacities

- 1.1.1 To make an inventory, analyze, recover and protect all the existing geospatial and cadastral data, land titles, etc
- 1.1.2 To assess all available human and infrastructure resources (IT, GPS, vehicles, etc.) at ONACA, DGI and CNIGS; and update of the various diagnostics needed
- 1.1.3 To review current cadastre and land registry procedures, and design new ones for reconstruction support
- 1.1.4 To make an inventory of all priority projects and needs of recovery, reconstruction and re-localization (connected to the guidelines, priorities and recommendations coming out of CIAT, PDNA and the Post-Earthquake Action Plan)
- 1.1.5 To recruit local personnel for reconstruction support
- 1.1.6 To train local personnel for reconstruction support
- 1.1.7 To set up IT infrastructure to provide support for reconstruction
- 1.1.8 To provide the support and consultancy services to all priority projects
- 1.1.9 To define and bring to Haiti a team of international experts to support reconstruction needs working with the locals
- 1.1.10 To produce the geospatial and cadastral data, land rights related documents and geometric tools and make them available to all priority projects
- 1.1.11 To acquire necessary fleet (vehicles) for the reconstruction support

1.2 Law review and legislative sensitizing

- 1.2.1 To review the law and design of an effective and simplified property formalization process that include alternative adjudication and conflict resolution mechanisms
- 1.2.2 Congressional Sensitizing

1.3 Community Driven Approach – Public Campaigns

1.3.1 To design and launch a communication strategy and community programs for sensitizing (public consultations – media)

Note: Activities 1.1.5 and 1.1.6 are considered part of the project's community driven approach

2. PLANNING FOR A SUSTAINABLE CADASTRE AND LAND RIGHTS INFRASTRUCTURE:

During this part of Phase I, besides the continuity of public awareness, all the necessary work and studies required for the creation of a cadastre coordinating mechanism* will be undertaken, namely:

2.1 To elaborate a community-driven land rights approach

2.2 To design the Inter-institutional Coordination Unit (vision, strategic planning, legal, organizational, operational, financial, professional and IT aspects)

2.3 To make a detailed planning of the tasks to be fulfilled in the subsequent phases

Note: The completion of activities for Phase I (Immediate Reconstruction Support) is not a prerequisite to initiate activities for Phase II (Building of a LRI for Socio-Economic Development). During Year 2 of the project, activities for Phase I and II will be conducted simultaneously when needed

PHASE II:

3. BUILDING A LAND RIGHTS INFRASTRUCTURE FOR SOCIO-ECONOMIC DEVELOPMENT (1 - 7 Years)

Once the new cadastre and land rights infrastructure is defined, the Inter-Institutional Cadastre Coordination Unit must be sufficiently and properly staffed. Intensive recruitment and training will be conducted in order to initiate the transformation of cadastre and land rights functioning in Haiti. During this transformational phase all critical aspects of any cadastre project such as legislation modification, process reengineering, property adjudication, conflict resolution, etc. will be addressed. A pilot project focused in one department will be carried out before covering the whole country. This will allow for intermediate evaluation and adjustments, if necessary.

Main activities to be implemented in this phase are:

3.1 To recruit resources for training of key actors who will have strategic roles in the implementation of the ANIGEF (managers, professionals, technicians)

3.2 To modify legislative framework

3.3 To assess and revise adjudication, conflict resolution mechanisms, and other reform proposals

3.4 To review processes, define and implement quality standards

3.5 To complete accelerated training programs

3.6 To produce required data:

i. To implement a geodetic reference network to support GPS activities

ii. To acquire the technologies and develop and implement systems

iii. To acquire aerial and satellite images, topographical maps, Data Terrain Models, etc.

iv. To undertake cadastral surveys and mapping for:

1. Communes – urban

2. Agricultural

3. Public Lands

4. Forest lands

5. Public Infrastructure (roads, sewage, electricity lines, etc.)

* The proposal suggests the creation of a Agence Nationale d'Information Géographique et Foncière (ANIGEF). Characteristics of this coordinating mechanism, legal status, name or even its existence will depend on the final vision of the Government of Haiti and its expression in the new legislation.

- 3.7 To implement the Communication Strategy: lead public consultations and popular advertising campaign
- 3.8 To undertake a titling program
- 3.9 To implement a pilot Regional Unit
- 3.10 To implement Departmental Offices the Inter-Institutional Cadastre Coordination Unit, including the basis for the Public Memory System
- 3.10.1 Sub-Phase I: Establishment of 4 Regional Units – (Year 2 - 4 of Phase II)
- 3.10.2 Sub-Phase II: Establishment of 5 Regional Units – (year 4 - 6 of Phase II)
- 3.11 To give access to data, including publicity of rights
- 3.12 End of support and handover

Note: Although most of the activities of Phase II are constant during the life of the project, the implementation for activities 3.9 and 3.10 will be accomplished in sub-phases intended to set the cadastre coordination units country-wide, in a programmatic approach.



EXPECTED MEASURABLE RESULTS

PHASE I

Acknowledging the importance of building local capacities, creating country-wide awareness, and supporting reconstruction projects in need of land and ownership related information, Phase 1 of the **Foncier Haïti** project will pursue the following targets:

1. Digitalization of all existing cadastre files and registry books (approx. 2,500)
2. Installation of an e-Government solution - cadastral management system *according to reconstruction project size
3. 20 training workshops designed and launched (including 3 for law makers).
4. 500 locals trained (i.e., GIS, GPS, mapping, IT, project management, data entry, etc).
5. 3 congressional LRI workshops held.
6. Employment generation, 100 -150 new posts.
7. 3 community awareness programs designed for country-wide implementation.
8. 100 public consultation events (awareness programs implemented).
9. 4.500.000 Haitian sensitized through public campaigns.
10. New cadastral and land rights infrastructure legislation drafted.
11. Tailored cadastre and LRI processes guide produced.
12. Releasing of cadastral information and cadastral certificates/titles, issued in support of reconstruction projects (This figure will reflect the number of reconstruction projects supported).

PHASE II

1. Adoption of a country-wide e-Government solution.
2. Development of 3 academic exchange programs (for executives and technical heads).
3. 1500 – 2000 locals trained (i.e., GIS, GPS, mapping, IT, project management, data entry, etc).
4. 1 Internship program established for youth.
5. 300+ Public Consultations events (awareness programs implemented) country-wide.
6. New Cadastre and LRI Legislation.
7. 10 Regional Cadastre Coordination Units established and operational.
8. Set adjudication and conflict resolution mechanisms in place for each regional office.
9. Releasing of country-wide cadastral information and cadastral certificates/titles. This figure will depend of the reality of property ownership for each of the regions.



ONACA field work – Cadastral Surveying



Digitalization at ONACA's Port-Au-Prince Office

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RISK ASSESSMENT & ASSUMPTIONS

During the implementation of the project, a variety of risks may affect overall performance; however, the project contemplates different ways to mitigate these risks. The OAS experience acquired through the implementation of the Civil Registry Program in Haiti allows the Organization to plan for certain risks and their adequate management in advance. The risks stated below cover political, cultural and infrastructure aspects in Haiti and the measures to mitigate them are the result of the experience and lessons learned through the implementation of numerous cooperation projects in the region for the past 20 years.

Risk	Likelihood High/Med/Low	Impact H/ M/ L	Mitigation
Political, change of leadership after elections	H	H	Two measurements will be taken to mitigate this risk. The first one is to undertake a participatory planning process that will involve all relevant stakeholders from the public and private sectors, as well as from the civil society. This participation will include the legislative power since it will critical to carry on the proposed modernization of the legislative framework. In addition, the phase out approach allows for the project to involve any potential new government in the review and ratification of the project plan prior to the commencement of Phase II.
Resistance to change and coordination challenge among involved entities.	M	H	A detailed work plan which clearly assigns roles and responsibilities based on prior consultations with Haitian authorities and a series of inter-ministerial/institutional workshops, as well as timeframes for participating institutions will be established. In addition, the project addresses tasks by concrete stages and a series of coordination visits. Law review and modification is important.
Resistance from citizens and institutions to move from informal practices to regulated procedures.	H	H	A law review and modification, supported by a strong communication strategy that stresses the importance and benefits of a modern, efficient, and transparent cadastral systems for Haitian citizens, Institutions, and investors, will be conducted. Workshops, public consultations and the creation of conflict resolution instances will be part of the activities to mitigate this risk. Special attention will be given to the rights of vulnerable populations.
Failure to find data of ownership and related documentation.	H	L	The project entails the search and recovery of existing data with all the stakeholders that by law and/or customarily have been involved in the regularization of ownership. A series of public consultations will also take place country-wide in order to have the community participate in the process. Because of the fact-finding nature of the project, the risk will be fully mitigated.
Lack of connectivity and low bandwidth.	H	M	Several telecommunication companies will engage at different stages of the project to contribute to the design of the project and the system architecture.
Scarce energy supply.	M	L/M	The project contemplates the supply of customary alternative sources of energy in Haiti to adjust to any shortages as has been the case in the PUICA project implemented by the OAS in Haiti.

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COMMUNITY AND SOCIAL CONSIDERATIONS: *an Inclusive Approach*

The vulnerable Haitian population and the fragile environment are notable considerations to address when considering reconstruction in Haiti and must be at the forefront of any cadastre/land-related activity; ***broad community engagement and the recognition of local customs are essential for the success of reconstruction projects.*** A modern cadastral system

built of multiple layers of information and the land rights infrastructure generated with it will support the planning and implementation of a variety of community and environmental projects that will greatly contribute to stabilization and overall improvement of Haiti.

A poor management of urban and rural areas poses environmental risks with diverse implications; however, a national land rights infrastructure will provide the country, departments and municipalities with updated information for prevention and recovery. ***The information obtained by an advanced cadastral system will have a direct impact on the social and environmental recovery of Haiti in such areas as trash collection, sanitation services, water and irrigation, reforestation, sustainability of national parks and agricultural planning, among others.***

Cadastral information is an asset for disaster prevention in countries that are prone to natural phenomena such as hurricanes and lengthy rainy seasons. A functioning land rights infrastructure could be used for the purpose of planning evacuations, identification of the most vulnerable areas, emergency response and re-settling, if necessary.

Empowerment and inclusion of all Haitians and vulnerable populations such as youth and women are also major objectives of the modernization of cadastre. The awareness and training of technical or professional personnel must begin with Haitian youths that through internships and academic exchange programs could gain the knowledge and experience to support the national cadastre modernization; moreover, the technical and professional training will benefit the young population of Haiti that is looking to learn new skills to enter the labor market. The training offered through this project and the work experience is clearly defined in order to sustain a long term land rights infrastructure in the country.

The project not only aims at building the land rights infrastructure of the current adult population, but to empower young and future generations that can rely on a strong cadastral system to securely generate a good environment for new businesses. Youths will

“

To ensure protection and inclusion of the poorest, a broad range of policy measures should be considered. These include formal recognition, adequate representation, and integration of a variety of forms of land tenure such as customary rights, indigenous peoples' rights, group rights, and certificates. Success depends greatly upon comprehensively reforming the governance system surrounding property rights...”

~“Making the Law Work for Everyone”
Commission on Legal Empowerment of the Poor
Co-Chaired by Madeleine K. Albright
and Hernando de Soto



A child looks on amid the rubbish in Cité Soleil, one of the poorest and most affected neighborhoods of Port-au-Prince.

also realize that building an efficient and transparent system generates confidence and supports the rule of law and democratic values.

For youth groups and women, the initial stages of the project will generate direct employment for inventorying of parcels and surveying in urban and rural areas.

Considering that the women population of Haiti is slightly higher than that of men, and that the life expectancy is also higher for women than for men, the project also seeks to empower women (gender equity) by offering the possibility of regularizing their property ownership situation in order to access credit in financial markets that would in turn allow them to become entrepreneurs. The law review and modification component of the project will seek to protect the rights of women to access land.

“*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, and enjoyment and disposition of property, whether free of charge or for a valuable consideration.*”

- Article 16, Convention on the Elimination of All Forms of Discrimination Against Women



Informal markets in Port-au-Prince

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SUSTAINABILITY

Beside the implementation of a modern cadastral system and land rights infrastructure, the project is heavily focused in building local capacities in order to be independently operational after year 7 of implementation. This puts a great deal of emphasis in the technical and professional training of Haitians to maintain and continue to develop their cadastre in future years. The missions and this subsequent project believe, as well as ONACA, that a well equipped and trained human resource will properly carry on activities and maintain the cadastre and the land rights infrastructure in the long term.

However, the OAS understands that sustainability is not only about well trained human resources, it is also closely tied to the efficient and transparent delivery of products and services. In this regard, the project stresses the fulfillment of uniform standards and quality controls that would allow the Cadastral Coordination Unit and its regional offices to properly and successfully deliver. The consolidation of services and products are key elements for the survival of the Cadastral Coordination Unit and each of its

regional offices, as well as the defining of a self-sustained oriented agency that properly generates funds and also distributes them accordingly among its core branches.

The experience of the OAS after implementing modernization projects at the municipal level has allowed us to see an increase of 70% to 80% in revenue by local governments due to tax collection. Although this is a great indicator, and the natural result of a functional and modern cadastre, the regular budget and/or the assigned portion of revenue from collected property taxes should not be the only source of income for an institution such as ANIGEF; the agency should create additional income from specialized products and services, that also empower the poor and individuals in society overall. Defined products and services will provide people with the documents and security they need to access credit and build wealth.

Modern National Cadastre Offices understand that cadastral information has a value that should be transformed into profit in order to sustain all operations. The products and services are destined for investors and institutions that require specific information about the territory, its properties, its owners, the different uses, and other data that may secure and bring confidence to business transactions or for the development of roads, telecommunication services, agricultural purposes, electricity infrastructure, ports, etc.

Much of the sustainability of the cadastral system and land rights infrastructure created and improved with this project relies on defining the demand and capacities of regional offices to deliver services and to maintain updated information to citizens, institutions, and investors. The regional offices will respond to a decentralized model that aims at easily reaching the territory, its population, and economic activities in the form of businesses; a model that responds to current demand, but that also sets long-term plans of action and is prepared to react to the development of the regions' real estate markets, businesses, agriculture and infrastructure in the long run.

Once the Cadastral Coordination Unit reaches a level of full operation, it will be designed to be in a position of self-sustainability given the generated income from real estate transactions (user fees), property tax collections, and available cadastral information for sale, services and products available to the public and the capacity of the Cadastral Coordination Unit to reinvest will continue to strengthen capacities by training its personnel. Support from the Cadastral Coordination Unit should be allocated to regional offices, depending on each office's operational needs, amount of transactions, and income.

“The assets of the poor may be documented through informal local arrangements that provide some protection and liquidity. But these are rarely recognized by national institutions and do not allow capital to be leveraged more widely. Whatever their economic assets, people have the right to remain underemployed. Owners cannot use their assets to get loans, enforce contracts, or expand beyond a personal network of familiar customers and partners. Their property is often vulnerable to seizure through force or law. Moreover, informal capital is invisible and unproductive for the national economy. And, since the poor are unable to participate in the economy beyond their immediate vicinity, possibilities for trade are diminished.”

- Report of the Commission on Legal Empowerment of the Poor Volume I



Port-au-Prince

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FINANCIAL ASPECTS

Project Budget - (0 - 7 years)			
Foncier Haïti: MODERNIZATION OF CADASTRE AND LAND RIGHTS INFRASTRUCTURE IN HAITI 2010 - 2017			
Main Activities	COST	COST	TOTAL COST
	PHASE I	PHASE II	PHASE I & II
	0 - 2 Years	1 - 7 Years	0 - 7 Years
Total in US Dollars			
PHASE I - Immediate Reconstruction Support			
1. Cadastral Assistance to the Reconstruction Action Plan			
1.1 Building of local Capacities			
1.1.1 Inventory, analysis, recovering and protecting of all the existing geospatial and cadastral data, land titles, etc.	\$ 150,000.00	\$ -	\$ 150,000.00
1.1.2 Assessment of all the available human and infrastructure resources (IT, GPS, vehicles, etc.) at ONACA, DGI and CNIGS; and update of the various diagnostics needed	\$ 150,000.00	\$ -	\$ 150,000.00
1.1.3 Review of current cadastre and land registry procedures and designing of new ones for reconstruction support	\$ 300,000.00	\$ -	\$ 300,000.00
1.1.4 Inventory of all priority projects and needs of recovery, reconstruction and re-localization (connected to CIAT and PDNA)	\$ 150,000.00	\$ -	\$ 150,000.00
1.1.5 Recruiting of local personnel for reconstruction support	\$ 1,000,000.00	\$ -	\$ 1,000,000.00
1.1.6 Training of local personnel for reconstruction support	\$ 300,000.00	\$ -	\$ 300,000.00
1.1.7 Setting up of IT infrastructure to provide reconstruction support	\$ 1,435,000.00	\$ -	\$ 1,435,000.00
1.1.8 Support and consultancy services to all priority projects	\$ 200,000.00	\$ -	\$ 200,000.00
1.1.9 Defining and mobilization to Haiti of the international experts team to support reconstruction needs, working along with the locals	\$ 1,200,000.00	\$ -	\$ 1,200,000.00
1.1.10 Produce and make available the geospatial and cadastral data, land rights related documents and geomatic tools, to all priority projects	\$ 3,000,000.00	\$ -	\$ 3,000,000.00
1.1.11 Acquisition of necessary fleet for reconstruction support	\$ 335,000.00	\$ -	\$ 335,000.00
1.2. Law review and Legislative sensitizing			
1.2.1 Law review and design of an effective and simplified property formalization process that include alternative adjudication and conflict resolution mechanisms	\$ 450,000.00	\$ -	\$ 450,000.00
1.2.2 Congressional Sensitizing	\$ 150,000.00	\$ -	\$ 150,000.00
1.3. Community Driven Approach - Public Campaign			
1.3.1 Designing and Launching of Communication Strategy and Community Programs for Sensitizing (Public consultations - Media)	\$ 900,000.00	\$ -	\$ 900,000.00
Note: Activities 1.1.5 and 1.1.6 are considered part of the project's community driven approach		\$ -	
2. Planning for Sustainable Cadastre and Land Rights Infrastructure			
2.1 Elaborate a community driven titling approach	\$ 120,000.00	\$ -	\$ 120,000.00
2.2 Design of the ANIGEF (comprehensive vision, strategic planning, legal, organizational, operational, financial, professional and IT aspects)	\$ 240,000.00	\$ -	\$ 240,000.00
2.3 Make a detailed planning of the tasks to be fulfilled in subsequent phases.	\$ 120,000.00	\$ -	\$ 120,000.00
PHASE II -	Subtotal Phase I	\$ 10,200,000.00	\$ 10,200,000.00
3. Building a Land Rights Infrastructure for Socio-Economic Development			
3.1 Recruit resources for training of key actors in the implementation of the Cadastral Coordinatoin Unit (managers, professionals, technicians)	\$ -	\$ 550,000.00	\$ 550,000.00
3.2 Law Proposal for Modification	\$ -	\$ 400,000.00	\$ 400,000.00
3.3 Assess and revise adjudication and conflict resolution mechanisms	\$ -	\$ 350,000.00	\$ 350,000.00
3.4 Review processes, define and implement quality standards	\$ -	\$ 370,000.00	\$ 370,000.00
3.5 Accelerated training programs	\$ -	\$ 1,185,000.00	\$ 1,185,000.00
3.6 Production of Data: Implementation of Required technology, imagery, geodetic network, GPS, Surveying and GIS	\$ -	\$ 27,364,000.00	\$ 27,364,000.00
3.7 Implementation of Communication Strategy: lead public consultations and popular advertising campaign	\$ -	\$ 1,700,000.00	\$ 1,700,000.00
3.8 Undertake a titling program	\$ -	\$ 1,530,000.00	\$ 1,530,000.00
3.9 Implement a pilot regional office	\$ -	\$ 1,800,000.00	\$ 1,800,000.00
3.10 Implement Departmental Offices of ANIGEF (*see foot note on page 27)	\$ -	\$ -	\$ -
3.10.1 Sub-Phase I		\$ 7,200,000.00	\$ 7,200,000.00
3.10.2 Sub-Phase II		\$ 9,000,000.00	\$ 9,000,000.00
Give access to data, including publicity of rights	\$ -	\$ 400,000.00	\$ 400,000.00
End of support and handover	\$ -	\$ 250,000.00	\$ 250,000.00
	Subtotal Phase II	\$ 52,099,000.00	\$ 52,099,000.00
	Subtotal	\$ 52,099,000.00	\$ 62,299,000.00
ICR* 11% (/ .89)	\$ 1,260,674.16	\$ 6,439,202.25	\$ 7,699,876.40
	Total	\$ 58,538,202.25	\$ 69,998,876.40
Planned expenses From ICR			
Project Management	\$ 600,000.00	\$ 3,600,000.00	\$ 4,200,000.00
Facilities and services	\$ 500,000.00	\$ 3,000,000.00	\$ 3,500,000.00
	Total	\$ 6,600,000.00	\$ 7,700,000.00

* Indirect Cost Recovery

TIMELINE

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Main Activities	PHASE I & II						
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
PHASE I - Immediate Reconstruction Support							
1. Cadastral Assistance to the Reconstruction Action Plan							
1.1 Building of local Capacities							
1.1.1 Inventory, analysis, recovering and protecting of all the existing geospatial and cadastral data, land titles, etc.							
1.1.2 Assessment of all the available human and infrastructure resources (IT, GPS, vehicles, etc.) at ONACA, DGI and CNIGS; and update of the various diagnostics needed							
1.1.3 Review of current cadastre and land registry procedures and designing of new ones for reconstruction support							
1.1.4 Inventory of all priority projects and needs of recovery, reconstruction and re-localization (connected to CIAT and PDNA)							
1.1.5 Recruiting of local personnel for reconstruction support							
1.1.6 Training of local personnel for reconstruction support							
1.1.7 Setting up of IT infrastructure to provide reconstruction support							
1.1.8 Support and consultancy services to all priority projects							
1.1.9 Defining and mobilization to Haiti of the international experts team to support reconstruction needs, working along with the locals							
1.1.10 Produce and make available the geospatial and cadastral data, land rights related documents and geomatic tools, to all priority projects							
1.1.11 Acquisition of necessary fleet for reconstruction support							
1.2. Law review and Legislative sensitizing							
1.2.1 Law review and design of an effective and simplified property formalization process that include alternative adjudication and conflict resolution mechanisms							
1.2.2 Congressional Sensitizing							
1.3. Community Driven Approach - Public Campaign							
1.3.1 Designing and Launching of Communication Strategy and Community Programs for Sensitizing (Public consultations - Media)							
<i>Note: Activities 1.1.5 and 1.1.6 are considered part of the project's community driven approach</i>							
2. Planning for Sustainable Cadastre and Land Rights Infrastructure							
2.1 Elaborate a community driven titling approach							
2.2 Design of the Coordination Unit (comprehensive vision, strategic planning, legal, organizational, operational, financial, professional and IT aspects)							
2.3 Make a detailed planning of the tasks to be fulfilled in subsequent phases.							
PHASE II -							
3. Building a Land Rights Infrastructure for Socio-Economic Development							
3.1 Recruit resources for training of key actors in the implementation of the Cadastral Coordinatoin Unit (managers, professionals, technicians)							
3.2 Law Proposal for Modification							
3.3 Asses and revise adjudication and conflict resolution mechanisms							
3.4 Review processes, define and implement quality standards							
3.5 Accelerated training programs							
3.6 Production of Data: Implementation of Required technology, imagery, geodetic network, GPS, Surveying and GIS							
3.7 Implementation of Communication Strategy: lead public consultations and popular advertising campaign							
3.8 Undertake a titling program							
3.9 Implement a pilot regional office							
3.10 Implement Departmental Offices of ANIGEF (*see foot note on page 23)							
3.10.1 Sub-Phase I							
3.10.2 Sub-Phase II							
Give access to data, including publicity of rights							
End of support and handover							

Length of the activity

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PROJECT HIGHLIGHTS SHEET

BUDGET AND TIMELINE SUMMARY

Foncier Haïti: Modernization of Cadastre and Land Rights Infrastructure

PHASE I

Immediate Reconstruction Support

Year 1-2

\$10.2 m*

1. Cadastral Assistance for the Reconstruction Action Plan
2. Planning for sustainable Cadastre and Land Rights Infrastructure

PHASE II

Building a Land Rights Infrastructure for Socio – Economic Development

Years 2 - 7

\$52.1 m

1. Law modification
2. Production of Geospatial and Cadastral Data and Publicity
3. Training Programs
4. Implementation of all Regional Offices

PROJECT MANAGEMENT

Years 0 - 7

\$7.7 m

1. ICR
2. Haiti and DC Management
3. Facilities and Services in Haiti

TOTAL PROJECT

Years 0 - 7

\$70 m

*All values are in US Dollars

VISION

To strengthen Haitian cadastre capacities and to provide with social consciousness land-rights services securely, transparently and efficiently to protect the property rights of individuals, communities, corporate bodies, and those owned by the State or granted on the public domain.

OBJECTIVE

To build capacities, generate awareness, and to design and implement a land rights infrastructure that is comprehensive, secure, integrative and cost-efficient, and which will support the immediate reconstruction plans as well as the long-term development of Haiti.

EXPECTED RESULTS

1. Digitalization of all existing cadastre files and registry books (approx. 2,500)
2. e-Government solution - Cadastral Management System
3. 20 Training workshops designed and launched (including 3 for law makers)
4. 2000 locals trained (i.e., GIS, GPS, mapping, IT, project management, data entry, etc)
5. 3 Congressional LRI workshops
6. 3 Academic Exchange Programs
7. Employment Generation, (According with reconstruction and long term needs)
8. 3 Community awareness programs designed for country-wide implementation
9. 400+ Public consultation events (awareness programs implemented)
10. 4.500.000+ Haitian sensitized through public campaigns
11. New cadastral and land rights infrastructure legislation
12. Tailored cadastre and LRI processes guide
13. Releasing of cadastral information and cadastral certificates/titles country-wide

GOVERNANCE

As requested by the Minister of Public Works, Transportation and Communications, Mr. Jacques Gabriel, the governance of the Foncier Haïti project should rely on a "Comité de Pilotage". Donors contributing to the project will participate in the governing body, as requested.

Members proposed by the Minister are:

1. A representative from each Ministry member of the Administrative Council of ONACA (6 representatives)
2. A representative of the National Association of Notaries (ASNOP),
3. A representative of the law professionals
4. A representative of the National Association of Surveyors
5. A representative of the College of Law
6. A representative of the Direction Générale des Impôts (DGI),
7. A representative of the Centre National d'Information Géo-spatiale (CNIGS),
8. A representative of ONACA,
9. A representative of the Energy and Mining Office
10. Representatives of OAS (a representative and staff needed as Technical Secretariat)
11. Representatives from Donor Institutions

The body responsible for the implementation of activities considered in the project will be the Technical Secretariat (OAS), following the indications given by the Committee and assuring proper resource utilization. This secretariat will jointly work with all relevant international stakeholders contributing technically and financially to the project.

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GOVERNANCE AND LEADING SUPPORTERS

GOVERNANCE

As requested by the Minister of Public Works, Transportation and Telecommunications, Mr. Jacques Gabriel, the governance of the Foncier Haïti project should rely on a “Comité de Pilotage” composed by the OAS and the main Haitian stakeholders of the cadastre and land rights infrastructure. To execute the project, the Organization will act as the Technical Secretariat. Donors contributing to the project will participate in the governing body, as requested.

The Committee members proposed by the Minister are:

1. A representative from each Ministry member of the Administrative Council of the “Office National du Cadastre” - ONACA (6 representatives)
2. A representative of the National Association of Notaries (ASNOP),
3. A representative of the law professionals
4. A representative of the National Association of Surveyors
5. A representative of the College of Law
6. A representative of the Direction Générale des Impôts (DGI),
7. A representative of the Centre National d’Information Géo-spatiale (CNIGS),
8. A representative of ONACA,
9. A representative of the Energy and Mining Office
10. Representatives of OAS (a representative and staff needed as Technical Secretariat)
11. Representatives from Donor Institutions

The body responsible for the implementation of all activities considered in the project will be the Technical Secretariat (OAS), following the indications given by the Committee and assuring proper resource utilization. This secretariat will jointly work with all relevant international stakeholders contributing technically and financially to the project.

LEADING SUPPORTERS

GOVERNMENT OF HAITI

The Government of Haiti has jointly worked in developing the Foncier Haïti project and has strongly supported the cadastre initiative from the Office of the Prime Minister to the National Office of Cadastre. The Principal supporters are:

Jean-Max Bellerive, Prime Minister* see annex I

Jacques Gabriel, Minister of Public Works, Transportation and Communications

Williams Allonce, Director General ONACA

Yves Dorvil, Technical Director ONACA

ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is an international organization that serves as the main political forum of the Americas. The Cadastre programs and projects of the OAS rest in the Department for Effective Public Management of the Secretariat for Political Affairs, under the Electronic Government Section.

José Miguel Insulza, Secretary General
Albert Ramdin, Assistant Secretary General
Víctor Rico, Secretary for Political Affairs
Robert Devlin, Director, Department for Effective Public Management
Miguel A. Porrúa, Chief of Section, Electronic Government
Mike Mora, Project Manager, Cadastre Program
David Mulet, Project Assistant, Cadastre Program
Christian Cáceres, Cadastre Coordinator for Haiti, Cadastre Program

GOVERNMENT OF QUÉBEC: MINISTRY OF NATURAL RESOURCES AND WILDLIFE

Québec is the only Canadian province with a majority of francophones and in which the private law has been codified (civil code). Moreover, in contrast to states founded on Anglo-Saxon law, Québec's land registration system is based on a cadastre. Québec also has the largest Haitian community in Canada.

Representative: **Daniel Roberge**, Director, Office of the Surveyor General, Ministry of Natural Resources and Wildlife, Québec, Canada

Mr. Roberge is also Chair-Elect of the Commission 7 (Cadastre and Land administration) of the International Federation of Land Surveyors (FIG) and Québec representative of the Fédération des Géomètres Francophones (Francophone Federation of Land Surveyors).

ÉCOLE NATIONALE DE L'ADMINISTRATION PUBLIQUE (ENAP)

Created in 1969, ENAP's mission is to contribute to the development of the theory and practice of public administration. It divides its mission into four broad areas: education, research, support for organizations and services offered in partnership. In the pursuit of this mission, ENAP endeavours to set the standard for public administration in Québec.

Representative: **Michel Bernier**, Projects Manager, Center for valorization of Québécois public international expertise

GÉOQUÉBEC

GéoQuébec is a non-profit organization that combines the activities of a grouping of educational and research institutions in Québec, a grouping of private Québec geomatics firms working in close cooperation with the government of Québec in order to offer services incorporating the human, organizational and financial aspects of geomatics in addition to the technological aspects. The following entities of Québec are acknowledged as having contributed to support GéoQuébec and this initiative: The *Chambre des Notaires du Québec* (CDNQ); the *Ordre des arpenteurs- géomètres du Québec* (OAGQ); *Laval University*; and the *colleges of Limoilou and Ahuntsic*.

Representative: **Michel Paradis**, Executive Director, Québec, Canada

STEWART INFORMATION SERVICES CORPORATION

Established in 1893, Stewart Information Services Corporation (NYSE-STC) is a technology driven, strategically competitive, global real estate Information Company. Stewart provides title insurance and related services through more than 8,500 issuing locations in the United States and several international markets.

Representatives: **Jack McKenna**, Business Development Vice President for Latin America and the Caribbean

Paul-Dan Ursu, Technical Project Manager

INSTITUTE FOR LIBERTY AND DEMOCRACY – ILD

ILD, A non-profit organization based in Lima , Peru, is an internationally respected think tank that has emerged not just as an intellectual force in the field of development but also as an agent of change in the developing and post-Soviet world in the effort to move the assets of the poor from the extralegal economy into an inclusive market economy, it aims to provide governments with the technical assistance --and the local capacity-- to furnish all their citizens with the crucial legal tools to gain access to the market and thus pull themselves out of poverty: inclusive property systems to hold and leverage their assets, legal forms to organize their businesses, devices to identify themselves and operate in expanded markets.

Hernando de Soto, President
Manuel Mayorga, Executive Director
Ana Lucía Camaïora, Legal Director
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ANNEXES

*Le Premier Ministre*

PM/JMB/sdr/165

Port-au-Prince, le 6 mai 2010

Monsieur José Miguel Insulza
 Secrétaire Général
 Organisation des Etats Américains
 Washington D.C.

Monsieur le Secrétaire Général,

J'ai l'honneur de me référer à la récente mission de l'OEA en Haïti au cours de laquelle le projet de modernisation du cadastre et de la gestion des droits fonciers a été soumis à la considération du gouvernement haïtien. J'apprécierais porter à votre connaissance que ce programme figure parmi les priorités d'Haïti, en particulier dans la perspective des efforts de reconstruction et du développement durable.

A ce sujet, vous voudrez bien noter que mon gouvernement appuie le programme de modernisation du cadastre tel que envisagé par l'OEA et vous saurait gré de prendre toutes les dispositions en vue sa finalisation, adoption et mise en œuvre en étroite collaboration avec les institutions haïtiennes pertinentes, en particulier l'Office National du Cadastre (ONACA).

Je saisis cette occasion pour vous renouveler, Monsieur le Secrétaire Général, l'assurance de ma très haute considération.

Jean Max BELLERIVE

CC : Ministère de la Planification et de la Coopération Externe
 Direction Générale de l'ONACA