



REPUBLIQUE D'HAÏTI



Organization of
American States



FONCIER HAÏTI

SUMMARY

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

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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

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*

achieved, such as the digitalization of all existing cadastre and registry files, the 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 Prével, 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 in preparing 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. Given the lack of working space, the OAS through the PUICA project has arranged for temporary tents for ONACA operations to continue despite their dysfunctional office building. In addition, he 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 eight 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



ONACA operates in a makeshift office outside its damaged building

and benefits of a short and long term LRI, the eight months that followed the earthquake have highlighted the need to rapidly prioritize and execute on those reconstruction projects sensitive to land and property issues.



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 Univerzalization 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.

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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PROJECT HIGHLIGHTS SHEET

BUDGET AND TIMELINE SUMMARY

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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ANNEX



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