

Des femmes, des hommes, des régions, **nos ressources...**



Reconstruction in Haiti: A Land Rights Infrastructure to Support its Sustainable Development



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Context in Haiti

- Haiti is the poorest country of the Western Hemisphere
- Extensive deforestation
- Soil erosion
- Inadequate supplies of potable water
- Located in the middle of the hurricane belt and subject to severe storms from June to October
- Occasional flooding and earthquake
- Periodic droughts



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Need for a cadastre in Haiti

- Upon the request of Haiti's Permanent Mission to the Organization of American States (OAS) a first technical mission has been deployed in October 2009
- Objective: explore the different areas in which the OAS Department of State Modernization and Governance could support Haiti.
- Request from President René Prével: develop a national cadastre to attract investors to the country
 - Other topics: support to the legislative bodies, public administration, electronic government, and civil registry



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Need for a cadastre in Haiti

- In Haiti, the need to improve land rights security is not new.
- Widespread land insecurity in Haiti is paralyzing land transactions and undermining the economic development.
- Integrity of public lands is out of control (informal settlers, resources over exploited)



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The earthquake

- On January 12th 2010 a magnitude 7.3 earthquake with an epicentre about 15 km southwest of the Capital Port-au-Prince struck Haiti
- Impacts:
 - 220 000 deaths and 300 000 injured people
 - 1,3 million people homeless in the metropolitan area
 - 500 000 people displaced
 - 100 000 homes destroyed and 200 000 damaged
 - 1 300 schools and 50 hospitals and medical centers collapsed
 - unemployment rate: 90%
 - GDP reduced by 60%



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Conference of Montréal



“We need to rebuild, but differently. We need to convince private investors to come to our country. At the moment, business people are afraid to build industries or plants in Haiti. We need to help them understand that investing with us in the future isn’t a high-risk undertaking.”

Jean-Max Bellerive, Prime minister of Haiti
Preparatory Ministerial Conference on Haïti,
Montréal, January 25th 2010



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- Participating countries have set three strategic objectives:
 - bolster democratic governance in Haiti
 - bring about economic development aimed at reducing poverty
 - and restore the legal system, public safety, and the rule of law.



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Action Plan for National Recovery and Development

In the Action Plan for National Recovery and Development, the Haitian government identifies its priorities :

- responding to the urgent situation immediately
- relaunching economic, governmental, and social activity
- reducing Haiti's vulnerability to natural disasters, and putting Haiti back on the road to development.

It also states that :

«The lack of clarity on the land titles is a major obstacle to private investment and discourages bank loans. The creation of a registry is a condition sine qua non for a massive influx of investments.»



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Land issues

- The reconstruction effort will be enormous.
- In a number of regions, everything will have to be rebuilt at a cost of billions of dollars.
- As the country looks to recover after a natural disaster, respecting land rights is fundamental and must be taken into account right from the get-go, not only to keep the social peace, but also to bring about sustainable development in Haiti.



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Post Disaster Needs Assessment (PDNA)

- The damage assessment: 7,804 billion dollars = GDP of Haiti in 2009.
- Needs assessment beyond reconstruction needs : 11,5 billion US dollars for 3 years.



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OAS Cadastral Mission in Haiti

- Cadastral mission first planned for the January 20th 2010.
- Re-scheduled from March 9th to 13th 2010
- Objective: proposing a plan of action for modernizing Haiti's cadastre



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OAS Cadastral Mission in Haiti

- Office national du cadastre (ONACA) is an autonomous agency created in 1984
- Under the authority of the Ministry of Public Works, Transportation, and Communications.
- Less than 5% of the parcels have been registered in the cadastre.
- Only 2 out of 13 initially planned cadastral departmental offices have been implemented.



OAS Cadastral Mission in Haiti

- The Direction générale des impôts (DGI) is a dependency of the Ministry of Finance and Economy
- DGI is responsible for titling all public land
- Under the customary practices, the notaries emit titles for private properties.
- Since 1824 the central office has accumulated more than 2500 land books
 - Since the earthquake, these land books are in a highly precarious situation in the basement of the DGI building under the debris of the collapsed building.
- All entries in these books are chronological making searches very difficult.
- Not official legal link between ONACA and DGI



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OAS Cadastral Mission in Haiti

- The process for land titling and legal property transactions in Haiti is based on customary practices, particularly in rural areas.
- In the absence of a reliable cadastre, surveyors and notaries validate property data and certify land titles with the tools and information available.
- Notary analyzes and verifies existing land title through an Ad Hoc rudimentary verbal system along with the alleged owner's identity
- The surveyor goes to the property and corroborates the spatial information of the land, and finally consults with neighbors for «proof» of ownership.
- Notaries and surveyors don't care of the cadastre
- Many of them don't have adequate training neither academic background
- There are many land conflicts



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OAS Cadastral Mission in Haiti

- Meeting with Mr Jacques Gabriel, minister of Public Works, Communications and Transportation:
 - ✓ Emphasis on training and the need to revise curricula for surveyors and notaries



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OAS Cadastral Mission in Haiti

- Meeting with Mr Edmond Mulet, who is the UN deputy secretary general, responsible of UN peace keeping missions worldwide and, since the 13th of January, Head of the MINUSTAH, the Mission for stabilization of Haiti.
- His predecessor was killed during the earthquake like many others UN officials.



Cadastre and land rights infrastructure

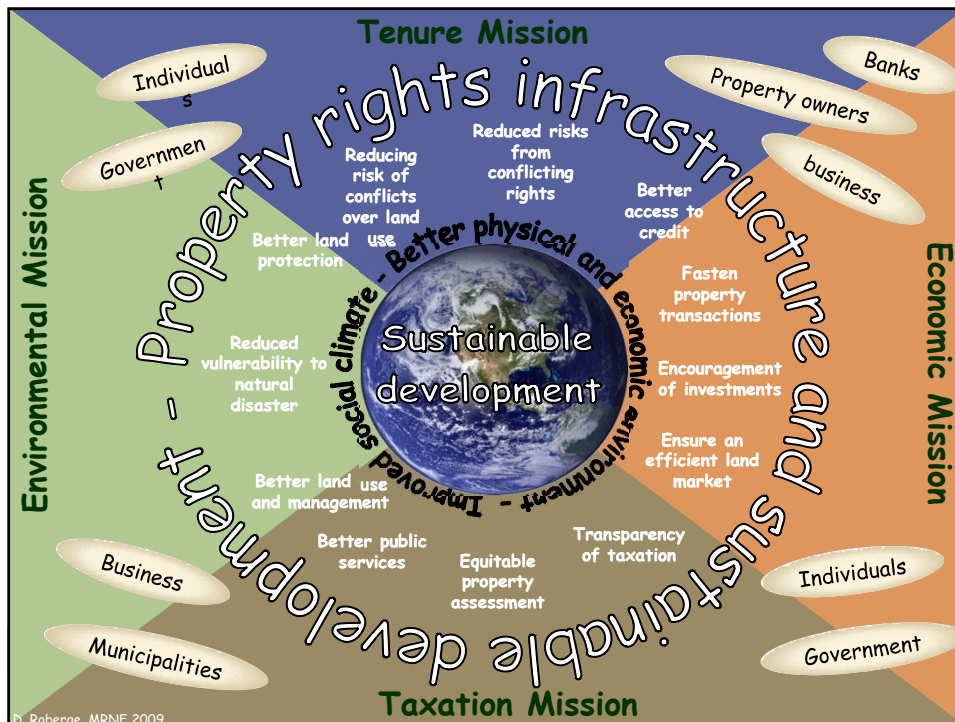
- It was concluded that the modernization of cadastre in Haiti needed more than a strengthening of ONACA's personnel and equipment.
- The cadastral mission evaluated the possibility of proposing not only the modernization of ONACA and its cadastral processes, but to develop a comprehensive plan based on a modern, inclusive, transparent and multipurpose cadastre that secures a national land rights infrastructure.
- This cadastre and land rights infrastructure should serve as the basis for decision making, planning, sustainable development and democratic governance.



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The Project : Cadastre and Land Rights Infrastructure

Objectives:

- To support reconstruction efforts by providing the necessary land related information
- To modernize the regulatory framework related to cadastre and land rights
- To implement a national cadastre and to undertake a titling program based on a community driven approach and a conflict resolution process, guaranteeing the equal preservation of land rights to everyone.



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The Project : Cadastre and Land rights infrastructure

Critical aspects:

- The project has to include both short term and long term initiatives.
- Around 650,000 people have left the affected area and move to other departments or even abroad.
- Thousands of land related documents have been destroyed or are under the rubble.
- Numerous parcel limits have been swept by the earthquake and will be difficult to redefine.
- Some people have installed themselves in vacant properties whose owners have moved away escaping the catastrophe.



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Haiti Donors conference

- Over 150 countries and international organizations gathered March 31th 2010 at UN headquarters in New York in support of the people and Government of Haiti.
- United Nations member states and international partners pledged \$5.3 billion for the next 18 months to begin Haiti's path to long-term recovery from the January 12 earthquake.
- This project aiming to put in place a national cadastre and a national land rights infrastructure is on of the project that have been presented.



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Next steps

- OAS will continue the dialogue with international organizations, ambassadors and countries «friends of Haiti» to find the support, partnerships and sponsoring required.
- OAS is open to collaborate with other organizations to avoid duplication and ensure coherent actions in regard of cadastre and other land issues.



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Next steps

- Promotion of land rights infrastructures, good land governance and better preparedness and response to natural disaster will be part of the next work plan of Commission 7
- The Haitian project would be a very good input.



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