



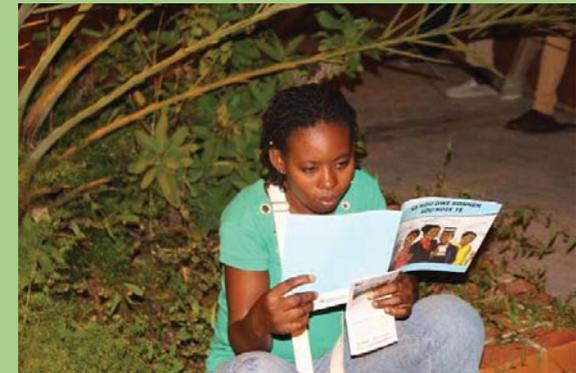
LE GROUPE DE TRAVAIL SUR
LE DROIT FONCIER EN HAÏTI
HAITI PROPERTY LAW
WORKING GROUP

LAMP

Land Administration
and Management
in Haiti Project

FINAL REPORT

Grant# AID-521-G-15-00003
December 2014 – December 2016



USAID
FROM THE AMERICAN PEOPLE



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Haiti

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project summary

| | |
|---|---|
| Program Title | LAMP - Land Administration and Management in Haiti Project |
| Sponsoring USAID Office | USAID-Haiti (Office of Infrastructure Engineering and Energy - OIEE) |
| Contract Number | USAID (AID-521-G-15-00003) |
| Award Date | 19 December 2014 |
| Extension Date | June 2016 – with increased federal funding and increased project targets / activities |
| Implementer | Habitat for Humanity International – Haiti |
| Agreement Officer | Deborah Simms-Brown |
| Agreement Officer Representative | Marcia Urquhart Glenn |
| Chief of Party | Mike Meaney |
| Date of Report | Period of the report: December 2014 to December 2016 |
| Final Report Author | Habitat for Humanity Haiti Team & Haiti Property Law Working Group Members |

executive summary

Background

Habitat for Humanity Haiti and USAID launched the Land Administration and Management Project (LAMP) in December 2014.

The project had three core objectives:

- Increase the Outreach and Awareness of Manual 1 and Train Key Stakeholders on its Content
- Complete and disseminate Manual 2 on "Securing Land Rights in Haiti"
- Provide Policy Making and Advocacy Recommendations to the GOH

The Haiti Property Law Working Group meetings serve as a platform for the membership to come together to provide input and receive updates on progress made; engage in discussions around security of tenure; and most importantly, provide feedback and guidance on HPLWG products and direction. During the LAMP project, the membership has met, as a Working Group, fifteen (15) times during the year 2016. During the project period the Inter-American Development Bank (IDB) generously hosted the HPLWG meetings at their newly renovated Bourdon campus, in Petion-ville.

The Haiti Property Law Working Group is the only Haitian-led, inclusive forum dedicated to security of tenure issues in Haiti. It's ability to convene a broad range of actors, both in terms of the value-chain actors (ministries, municipalities, notaries, lawyers, surveyors, etc.); as well as the end consumers and users of policies and procedures (investors, farmers, residents, etc.) is part of its unique qualities, bringing also the legitimacy of the working group.

Through the HPLWG's approach of consensus building, a significant amount of ownership has been developed by its members. This ownership has opened many opportunities for the HPLWG to increase its outreach and ensuring that the impact of its activities practically reach those who need to be part of this dialogue.

Founded with 24 members in 2011, today the group has more than 300 members representing: Haitian government institutions; Haitian professional associations; universities and students; chambers of commerce; law firms and notaries; private companies; multilateral organizations; non-profit organizations; bilateral agencies and embassies. This representation is all provided on a pro-bono basis leveraging technical assistance and support provided by the members equal to thousands of hours and hundreds of thousands of dollars of value.

Manuals I and II

One of the core contributions the group has made is in the development of the Property Law Manuals. "The Haiti Land Transaction Manual, Vol. 1: A How-To Guide for the Legal Sale of Property in Haiti". This concise and informative 41-page document is color-coded and details step-by-step the processes for buying and selling land in Haiti. The manual is an indispensable reference guide for navigating the complex formal and informal legal systems in Haiti, and for clarifying and standardizing current legal and customary procedures to sell or buy land - a critical step towards formalized permanent reconstruction and development. The manual outlines the legal steps that lead to well-documented and officially-recognized land transactions.

The second manual “Securing Land Rights in Haiti: A Practical Guide”. The aim of the manual is to help homeowners, farmers, contractors, prospective owners, renters, NGO’s and other interested parties anticipate and prevent complications resulting from the purchase and use of private and public land and property. This is especially important for families who have settled on land for many generations yet still don’t have the paperwork to prove their legal land title status. Thus, the rights to their land are uncertain and securing loans to make home improvements is almost impossible.

LAMP RESULTS

This report details the key outreach activities that have been achieved throughout the duration of the project. Key strategies for outreach have included: awareness campaigns; trainings; meetings; attendance at events; the development of accessibly materials in English, French and Creole.

Almost 5,000 people, across to 7 of the 9 Departments of Haiti, namely: Artibonite, Nippes, Center, North, South, West and Southeast have been exposed to the materials of the Haiti Property Law Working Group. These trainings and awareness campaigns have reach all segments of the population including residents, the professional sector (surveyors, notaries, lawyers), in addition to the Government of Haiti. Upon their request the HPWLG certified trainers, of which there are 21, have trained 10 GOH ministries. Overall, 482 government employees have been trained, including 148 women.

Making the materials accessible to the population has been a priority for the LAMP implementation. This has included the full translation into Creole of Manual 2, in partnership with the Haitian Creole Academy and the Faculty of Applied Linguistics. The development of a visual Creole abstract, illustrating key points from Manual 1 and 2. Additionally, during the field awareness campaigns and trainings, the trainers and Habitat Haiti staff developed an understanding for the common challenges that residents and professionals have. Four case studies were documented and illustrated in Creole and are now utilized to promote the training and discussion with project participants. Over 6,000 manuals and nearly 1,000 Creole abstracts have been distributed and utilized during the project.

The HPLWG members have also developed and endorsed 54 recommendations to the Government of Haiti. These were launched at a public event in December 2016 in partnership with the American Chamber of Commerce. They will be consolidated into manageable work streams moving forward.

Habitat for Humanity, the Haiti Property Law Working Group Members are please to present this final LAMP report to USAID and thank the American People for their continued support and commitment to unlocking the value of security of tenure in Haiti.

300+
HAITI PROPERTY LAW
WORKING GROUP MEMBERS

1,525
PARTICIPANTS IN PROPERTY
LAW TRAINING

10
MINISTRIES

482
GOVERNMENT
EMPLOYEES TRAINED

6,042
MANUALS DISTRIBUTED

21
PROPERTY
LAW TRAINERS

3,302
PARTICIPANTS IN AWARENESS
OUTREACH CAMPAIGNS

54
RECOMMENDATIONS
TO THE GOVERNMENT
OF HAITI

project objectives

Launched in December 2014, the main objectives for the Land Administration and Management in Haiti Project (LAMP) were focused **on three (3) core objectives:**

objective one

Increase Outreach and Awareness of Manual 1 and Train Key Stakeholders on its Content

objective two

Complete and disseminate Manual 2 on "Securing Land Rights in Haiti"

objective three

Provide Policy Making and Advocacy Recommendations to the GOH

Since being awarded the Land Administration and Management Project (LAMP), Habitat for Humanity Haiti, in partnership with the Haiti Property Law Working Group (HPLWG) had made great strides in implementing the project objectives. Given the progress made and the increased interest / requests from external entities to participate in the outreach and trainings Habitat Haiti requested from USAID an extension and additional funding to meet this demand. Additionally, as Manual 2 was completed it was complementary to integrate objectives 1 and 2 of the original proposal.

integrated objectives one and two

Increase integrated Outreach and Awareness of Manual 1 & 2 and Train Key Stakeholders on their Content

objective three

Provide Policy Making and Advocacy Recommendations to the GOH

The original objectives of the project had not changed, however, this extension (until December 2016) and increase in funding brought the opportunity to have an integration of Objectives 1 and 2, to leverage outreach, training, networking and consensus building opportunities; and to utilize the information collected towards the original intent of Objective 3.

This report is structured to reflect the integrated approach of objectives one and two; and report on objective three.

activities & achievements

HPLWG MEETINGS & MEMBERSHIP

The Haiti Property Law Working Group meetings serve as a platform for the membership to come together to provide input and receive updates on progress made; engage in discussions around security of tenure; and most importantly, provide feedback and guidance on HPLWG products and direction. During the LAMP project, the membership has met, as a Working Group, fifteen (15) times during the year 2016, contributing over 2,234 hours of pro-bono service towards the group's achievements. During the project period the Inter-American Development Bank (IDB) generously hosted the HPLWG meetings at their newly renovated Bourdon campus, in Petion-ville.

In general, these meetings started with introductions of the members present; a welcome to new members; project activities update; and then a deeper conversation into areas where input, feedback, guidance and suggestions are solicited from the members. During the course of the meetings and conversations, minutes ("Process-Verbal") were taken to record the event. Over the past two years, in depth conversations with the members have included:

- Vision and goals for the future of the HPLWG
- Translation of the HPLWG manuals
- Increasing the exposure and outreach of the HPLWG
- Application of the work of the HPLWG
- Developing and reviewing recommendations for the Haitian Government
- Presentations for subject matter experts on security of tenure challenges in Haiti
- Deliberations on the interpretation of specific legislation related to security of tenure
- Planning for key milestones within the project (e.g. future meetings; future events; additional key members, etc.)
- Prioritization of project activities and future research topics

The Haiti Property Law Working Group is the only Haitian-led, inclusive forum dedicated to security of tenure issues in Haiti. It's ability to convene a broad range of actors, both in terms of the value-chain actors (ministries, municipalities, notaries, lawyers, surveyors, etc.); as well as the end consumers and users of policies and procedures (investors, farmers, residents, etc.) is part of its unique qualities, bringing also the legitimacy of the working group.

Through the HPLWG's approach of consensus building, a significant amount of ownership has been developed by its members. This ownership has opened many opportunities for the HPLWG to increase its outreach and ensuring that the impact of its activities practically reach those who need to be part of this dialogue.

Founded with 24 members in 2011, today the group has more than 300 members representing: Haitian government institutions; Haitian professional associations; universities and students; chambers of commerce; law firms and notaries; private companies; multilateral organizations; non-profit organizations; bilateral agencies and embassies. This representation is all provided on a pro-bono basis leveraging technical assistance and support provided by the members equal to thousands of hours and hundreds of thousands of dollars of value.



Jane-Charles Voltaire Esq, in a presentation during HPWLG's members meeting on October 22nd 2015 @IDB



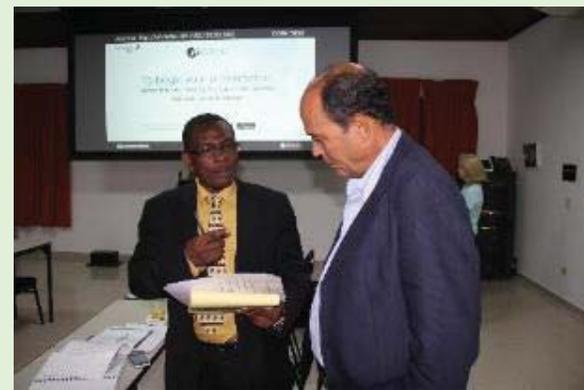
HPLWG's land transaction manuals. Volume 1 talks about the legal sale of property in Haiti. Volume 2 focuses more on Securing land rights in Haiti



Trainer Jacques Philippe Esq, brought lessons from the field to the discussion table at HPLWG's members meeting in October 2015.



Daphné Leblanc Esq, in a presentation during a members' meeting @ IDB



Rogéda Dorcé Dorcil, former Dean of the Faculty of Applied Linguistics engaging a conversation with Mr. Gardère on the importance of translating the land transaction manuals in Creole



An attentive audience at one of HPLWG's members meeting @ IDB.

HPLWG MATERIALS

Manuals 1 & 2

Whilst the research, and consensus building to develop the two property law manuals were completed prior to the launching of LAMP, they constituted the main curriculum used throughout the training, translations and outreach funded under the project.

In 2012, the Haiti Property Law Working Group published “The Haiti Land Transaction Manual, Vol. 1: A How-To Guide for the Legal Sale of Property in Haiti”. This concise and informative 41-page document is color-coded and details step-by-step the processes for buying and selling land in Haiti. The manual is an indispensable reference guide for navigating the complex formal and informal legal systems in Haiti, and for clarifying and standardizing current legal and customary procedures to sell or buy land - a critical step towards formalized permanent reconstruction and development. The manual outlines the legal steps that lead to well-documented and officially-recognized land transactions.

In 2014, the Haiti Property Law Working Group published its second manual “Securing Land Rights in Haiti: A Practical Guide”. The aim of the manual is to help homeowners, farmers, contractors, prospective owners, renters, NGO’s and other interested parties anticipate and prevent complications resulting from the purchase and use of private and public land and property. This is especially important for families who have settled on land for many generations yet still don’t have the paperwork to prove their legal land title status. Thus, the rights to their land are uncertain and securing loans to make home improvements is almost impossible.

Manual Translations

In order to have the Manuals available for English and Creole speakers in consistent legal terms, the members of the HPLWG, including English speaking attorneys, and Creole specialists have worked on the translation of both manuals in English and manual 2 in Creole.

The full manuals can now be accessed in the languages seen on the chart on the right. The members of the group worked through a consultation process with specialist translators and legal professionals to provide an accurate translation from English to French and French to English.

| | English | French | Creole |
|---|---------|--------|--------|
| Manual 1: A How-To Guide for the Legal Sale of Property in Haiti | ✓ | ✓ | |
| Manual 2: Securing Land Rights in Haiti: A Practical Guide | ✓ | ✓ | ✓ |

The HPLWG members committed to translating, in full, Manual 2 into Haitian Creole. Although over 90% of the Haitian Creole vocabulary is of French origin, the two languages are mutually unintelligible. This is because the two grammars are different. Whilst, contrary to common myth, Creole is a very developed and structured language; the translation team had issues identifying certain technical legal terms and concepts. The HPLWG engaged the support of the Akademi Kreyòl Ayisyen, known in English as the Haitian Creole Academy, which is the language regulator of Haitian Creole. The Dean of the Faculty of Applied Linguistics, Mr. Rogeda Dorcé DORCIL, and representatives of the Haitian Creole Academy have been members of the HPLWG and having these key members of the group review and revise the translation was essential to the publishing of Manual 2 in Haitian Creole.

Legally, “the State has the obligation to publicize in the oral, written and televised press in the Creole and French languages all laws, orders, decrees, international agreements, treaties, and conventions on everything affecting the national life, except for information concerning national security.”¹ Because almost all the population understands and speaks Creole it was considered important to have the manuals (and/or abstracts) in Creole.

Accessible Materials

In addition to the full manuals the group has developed an abstract of key portions of manuals 1 and 2. This booklet helps participants on topics such as: how to buy and sell land and how to protect one’s property against private individuals. In particular, it helps readers understand and provide guidance on legal actions necessary to establish property lines, and to protect themselves against a third party through an action to restore ownership rights.



Capture and Visualization Illustration of Key Case Study Topics

Throughout the awareness campaigns and trainings completed during the implementation of LAMP, several key themes have emerged from participants. In the words of our trainers, “everyone has their own version of a security of tenure issue”, which when analyzed, the team was able to identify some common themes. Working with a graphic artist, illustrations were developed to bring these topics to the forefront of awareness campaign and training themes in order for them to be highlighted and discussed, with the Manuals providing specific supporting processes and legislation. Four (4) illustrative cases have been identified and developed. The four cases highlighted in the graphics below highlight the following identified issues:

1. **Case 1:** “Expropriation on the basis of public utility” deals with the legal rights of a land-owner when the State issues a declaration of public purpose on his (the land-owner’s) land.
2. **Case 2:** “Adverse possession and the rights of the land-owner” intends to portray the legal steps to carry out to protect the rights of the land-owner and the rights of the adverse possessor.
3. **Case 3:** “The Sale of State’s private or public domain property” intends to differentiate and provide insight on the sale of the State’s private and public domain property.
4. **Case 4:** “Rights and Obligations of the “Farmers of the State (“Fermiers de l’État”) is designed to encourage and advocate the need for the farmers of the state to meet their financial obligations to the State as they become due.

¹ Cf: Article 40 of the 1987 Haitian Constitution amended by the Constitutional Law of May 9, 2011 and published on June 20, 2012



Case 1 - Expropriation on the basis of Public Utility



Case 2 - Adverse possession: rights and obligations of the landowner



Case 3 - The Sale of State's Private and Public Domain



Case 4 - Rights and Obligations of State's farmers

TRAINER OF TRAINERS

In order to reach the maximum number of participants during the awareness campaigns and trainings on land tenure, new trainers became qualified as trainers and were integrated into the HPLWG trainer roster. This recruitment helped complete the number of trainers initially expected by the LAMP project and enabled LAMP to expand its target objectives. For the most part, the trainers have been members of the HPLWG, with experience in how to conduct trainings and awareness campaigns.

In order to ensure that messaging is consistent in the trainings and awareness campaigns it was necessary to provide trainers with a special training on land rights. In addition, this special training session at ProUniq (training of trainers focused on how to conduct a training session efficiently. This special training helped our existing trainers to refresh their knowledge and helped our new trainers to learn more about the technics of effectively and efficiently conducting a training session.

That special training of trainers lasted 24 hours split over several days. At the end of the training, each trainer had to apply what they have learned by conducting a simulation training.



Mr. Emmanuel Grégory MORISSETTE, a trainer of ProUniq leading a session on “How to manage challenging participants?”

LAUNCHING OF MANUAL TWO

Manual 2 “Securing Land Rights in Haiti: A Practical Guide” was printed in January (2015) and launched on March 31, 2015 at an event hosted by AmCham Haiti. 210 people, including 68 women attended this event where 250 Manuals [Vol. 2] were distributed.

This event included a panel discussion on the topic: “Land Tenure: Challenges and Opportunities.” Panelists participating in the debate included: Chantal Hudicourt (Lawyer at Cabinet Hudicourt), Gilbert Giordani (Notary at Étude Garry Cassagnol and Vice-Dean of Quisqueya University), Odnell David (Shelter Division Director at UCLBP) and Maxime D. Charles (General Director of Scotia Bank & President of the Professional Bankers Association).

Press coverage included news reporting by local TV, Radio and Print media outlets which helped raise even more awareness for the LAMP project and caused the HPLWG to receive requests for training from several foundations and organizations. [See Annex 1](#) for the *Le Nouvelliste* article covering the launch of the Manual 2.



The Panel was as diversified as the audience. Attendance consisted of representatives from the public, private and international development sectors including those governmental institutions most closely concerned with land law and reform.



210 people attended at the Marriot (Port au Prince) for the Launch of the HPLWG’s 2nd publication: *Securing Land Rights in Haiti: A Practical Guide*.



Le Nouvelliste, Scoop FM, Vision2000, RT Guinen, RTNH, Canal11TV, RTSuperstar, Tele Eclair, Tele Pluriel, Radio Antilles, RT Megastar, Radio Tropic and Melodie FM covered the launch event.



Retired HFHI Vice-President, Liz Blake took her 53rd trip to Haiti to attend the Manual 2 launch event. Here, she chats with Habitat for Humanity Haiti National Director, Claude Jeudy (center) and debate panelist, Maxime D. Charles (left).

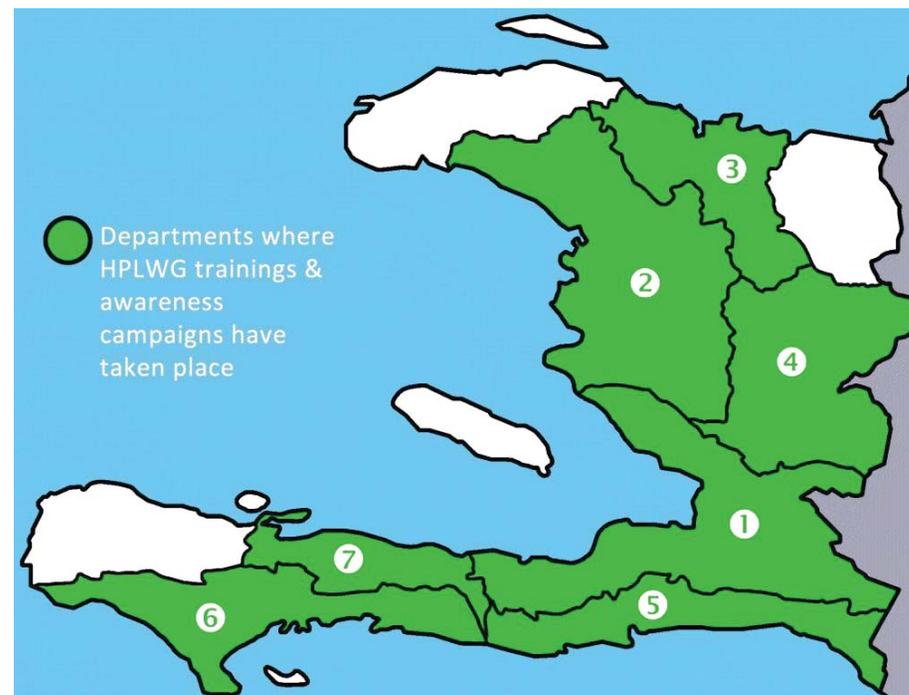
AWARENESS RAISING CAMPAIGNS FOR THE DISSEMINATION OF MANUALS 1 & 2

Habitat for Humanity Haiti organized a series of eight awareness campaigns during which copies of HPLWG Manuals Vol 1 & 2 were distributed to participants. Awareness campaigns and trainings are at the heart of the outreach objectives, and they are aimed at adding technical knowledge to a dialogue that is already taking place inside Haitians homes and communities.

Wherever we have taken the land law manuals, the debates and questions they inspire are always well-received. Activities such as the launch event for Manual 2 and the HPLWG meetings are also considered part of our awareness raising efforts as they too are opportunities for media and new members of the Group to learn more and, hopefully, serve as advocates of this important cause.

During the course of the LAMP project the awareness raising and training efforts have taken 21 trainers and Habitat Haiti staff to 7 of the 9 Departments of Haiti, namely:

① West ② Artibonite ③ North ④ Centre ⑤ Southeast ⑥ South and ⑦ Nippes.



Trainer, Clevens Sanon chats with students at Palais Municipal de Delmas [Mayor's office] as participants sign-in to receive their copies of Manuals 1 & 2.

← Awareness Campaign #1:

Municipal Palace of Delmas, WEST Department, March 20, 2015

Habitat was invited by Swiss Development Cooperation (SDC) to take part in an awareness day on “*Konsej pou moun kap konstwi*” (*advice for builders*) alongside Handicap International, MPTC, Protection Civile, Chevellin Illustration, and INFP (Institut National de Formation Professionnelle).

Besides organizers and exhibitors, between 300-400 people were in attendance at this event. Participants included graduating students, construction technicians, private firms, journalists, independent professionals, organization representatives and community leaders.

A total of 31 *people, including 2 women*, engaged with our team in a dialogue around the following issues: adverse possession, tenant farming, the rights of the property owner and the sale of private state domain land. 122 copies of Manual 1 were distributed during this event.

Awareness Campaign #2: Manual 2 Launch Event at the Marriot Hotel: Port-au-Prince, WEST Department, March 31, 2015

As noted above, the second awareness campaign was held during the launching of Manual 2 at the Marriott hotel on March 31st 2015. Two hundred and ten (210) people were present at this event, including sixty-eight (68) women and 250 Manuals volume 2 were distributed. The participants came from different backgrounds, including: reporters, business men, ministers, students, NGO's representatives, donors, engineers, mayors and embassy representatives.



The HPLWG steering committee joins Amcham board members and event panelists for a group photo. This event's success was the fruit of long hours of collaborative partnership.



Former HPLWG members: Coordinator, Tabitha Lumarque (center), Trainer and Law Consultant, Cleves Sanon (left) and Notary and lead writer for Manuals 1 & 2, Gilbert Giordani (right).



Amcham Haiti President, Philippe Armand also spoke with journalists emphasizing the complexities of land reform in Haiti and the utility of the HPLWG's land law manuals 1 & 2.

PROJECT QUOTE

I'm going to share all the tips I learned with my fellow organization members and also with many other people so they do not lose their property or face eviction. Actually, people should be aware of the property laws because they were implemented to protect us

Marthe is the coordinator of a consortium of female-led community based organizations



Awareness Campaign #3: Camp-Perrin, SOUTH Department, June 11, 2015

The third awareness campaign was held in the City of Camp-Perrin in the South Department, June 12th 2015. Fifty-two (52) people were sensitized (14 women and 38 men). There was a brief presentation on the HPLWG and in addition to the trainer explaining the land tenure and property right concepts, theories, and issues. The main goal was to help the participants understand / discuss the institutional complexity and the legal framework of land tenure and property right in Haiti and the multifaceted sources of land tenure insecurity. Ten (10) Manual 1 and 9 manuals 2 were distributed during this event.



The assistance during the awareness campaign on June 11th in the Commune of Camp-Perrin



Trainer answering questions during the discussion



Trainer, Clevens SANON with some judicial authorities of the Municipality of Camp-Perrin

Awareness Campaigns 4, 5 & 6: MATCON fair at SONAPI Industrial Park, WEST Department, July 10, 11 & 12, 2015

Upon Amcham Haiti’s invitation, campaigns #4, #5, and #6 took place over a 3-day period during MATCON, Haiti’s first international construction fair held at SONAPI Industrial Park in Port-au-Prince in 2015. Each day, Habitat for Humanity Haiti and the HPLWG hosted an awareness session in conference space provided by fair organizers. Each of our scheduled sessions was a significant success at MATCON. Each day the room was at full capacity which allowed the trainer team to engage with a wide range of stakeholders.



Each session started with a 30-minute presentation, an overview of the work of the HPLWG, the reason behind the creation of the group and finished with a brief presentation on the content of manuals 1 and 2.



329 people were sensitized on volumes 1 and 2 of the Manuals and a total of 245 volume 2 manuals were distributed along with 69 volume 1 manuals.

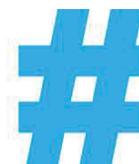


Following the presentation, one (1) hour of Q&A took place on the content of both manuals. Frequently asked-questions focused on adverse possession, procedures concerning the sale of private governmental land, tenant farming and co-ownership.



PROJECT STATISTIC

More than 3,000 women participated in outreach events related to the content of Manual 2: Securing Land Rights in Haiti



Awareness Campaign #7: Habitat for Humanity Haiti's Simon Pelé Office in Port au Prince, WEST Department, September 4 - 7 of 2015

By the 7th awareness event, held at Habitat for Humanity's Simon Pele office, we were pleased to report an increase in women's participation. Seventeen (17) women took part in this campaign and 34 men (51 people) and 55 copies of Manual 2 were distributed. Discussions got quite intense as a number of questions centered around the rights of families living and building on state land, particularly in the northern region of Port-au-Prince, in Canaan.



One of our "Star" Trainers, Julus Saintermé, takes questions from participants. Lawyer by trade, Saintermé is a devoted member of the HPLWG who has twice volunteered his time to conduct trainings. His long years of teaching experience have made him a natural.



During breaks, discussions continued amongst participants. There's a lot at stake for those dealing with land tenure conflicts. As the session went on a number of questions arose around the status of those living in Canaan.



Land law and its reform in Haiti are at the heart of any strategy for sustainable development of the country. LAMP is helping to give an audible voice to a dialogue that is mostly happening behind closed doors.

PROJECT QUOTE

*There needs to be a political will to resolve
land tenure issues in Haiti*



Jean Bernard SIMONNET
Owner of Cormier Plage Resort in Cap-Haitien

Awareness Campaign #8: Anse-à-Pitres, SOUTHEAST Department, September 6, 2015

The 8th awareness campaign took place in the Southeast Department, close to the Dominican border, at Anse-à-Pitres. Twenty (20) people participated in this event (3 women and 17 men). They made some interesting points about the inapplicability of certain laws in that area (sale by a notarial deed-la vente par acte authentique- different from sale by private agreement) due to the lack of organized services (absence of DGI-tax office-, no notaries present in the area).



3 trainers took part in dissemination efforts for Manuals 1 & 2 at Anse-à-Pitres. It was an opportunity for Group Coordinator, Tabitha Lumarque to evaluate new trainers' performance in a rural setting.



Anse-à-Pitres participants have already expressed their desire to have the HPLWG return a larger campaign. We are currently making plans to return to the area to serve several communes.



The participant comments and questions expressed the importance of advocacy efforts needed to raise awareness and bring GOH services to the region.

PROJECT QUOTE

The manuals are very practical and the explanations given by the trainers match the manuals' content. The trainers did an excellent job! All that was said are also in the manuals. They were also very patient. I hope that they continue this work in the whole country

Training participant in Cap-Haitien



Awareness Campaign #9: Jacmel, SOUTHEAST Department, September 13, 2015

The latest awareness campaign for the year 2015 took place in Jacmel; 2 trainers were dispatched for this activity. During this event 67 people were sensitized including 32 women. In this particular locality were most of the residents have precarious rights on their land, the main concern is related to the legal way to legalize their status on a land after more than thirty (3) years of occupation. Also, several questions about formalizing title when the initial transaction was made through private agreement arise from the participants.



Trainer Julius Saintermé Esq. leading an awareness campaign in the locality of Mathador in the South-east Department of Haiti on September 13th 2015

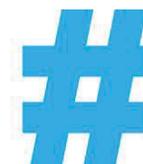


Most of the participants who attended this awareness campaign were peasants and Religious sector leaders.



PROJECT STATISTIC

Thirty-two (32) women participated in the Awareness Campaign organized in the South-East Department on September 13th 2015



TRAININGS FOR THE DISSEMINATION OF MANUALS 1 & 2

As the outreach strategies evolved, so has the demand for more information and dialogue on security of tenure issues. The ‘awareness campaigns’ have gotten longer in time and more in-depth in the conversations and knowledge transfer which takes place. This has led to participants of the awareness campaigns to even ask for a certificate of attendance.

However, the HPLWG does have a more formal curriculum which has been developed to take training participants through an adult learning process and cover the key topics and themes from Manuals 1 & 2. Building on training materials in French and Creole that were developed beginning back in 2013, this curriculum has evolved based on experience and the frequency of questions, topics and day-to-day issues which are faced by participants.

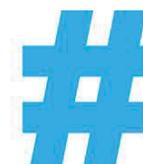
As awareness of the opportunity for trainings increased, so did the demand for trainings, both geographically and by value chain actors. Whilst trainings are adapted to the specific target audience and their role in the value chain, the general format of the trainings include:

- Introduction to the trainers and participants
- Introduction and background of the Haiti Property Law Working Group
- Overview of Manuals 1 & 2
- The basics of buying, selling and protecting land. Also, the roles of the notaries, surveyors and public institutions throughout the process.

The following pages highlight trainings completed across the country and with 10 key government institutions that have taken place as part of the LAMP project.

PROJECT STATISTIC

Over 6,000 copies of Manual 1 and Manual 2 have been distributed during the life of the LAMP project to a wide range of stakeholders



Training #1: Deschapelles: ARTIBONITE Department, May 7, 2015



Our first training took place in Deschapelles / Department of Artibonite on May 7th 2015.



For the most part, participants included farmers and community leaders interested in having a better understanding of land tenure issues in Haiti.



A number of the questions from participants focused on the informal sale of land as it traditionally occurs in rural areas of the country.

Training #2: For UNASMOH; Port au Prince, WEST Department, May 13, 2015



The second training on Manual 1 was held in Port-au-Prince/West Department, on May 13th 2015, 38 people participated at this event (37 men and 1 woman).



Most participants were engineering and architecture students who expressed a need to better understand land tenure as it relates to their professions.

Training #3: St Marc, ARTIBONITE Department, May 26, 2015.



The third training was conducted in Saint Marc in the Department of Artibonite, on May 26th 2015.



The majority of the participants were representatives of civil society organizations.

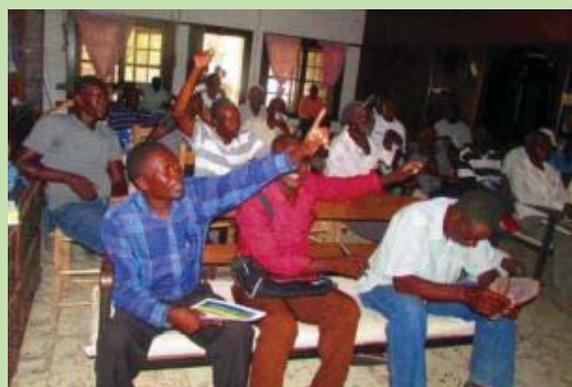


A total of 44 people participated in this event; 19 of whom were women.

Training #4: Deschapelles, ARTIBONITE Department, May 27, 2015



Training #4 was held in Deschapelles in the Artibonite Department of Haiti, May 27, 2015.



The majority of the participants were tenant farmers (36 people-34 men and 2 women).



Discussions and questions centered around farmers use of land and how to protect their rights.

Training #5: Trainer of Trainers, Quisqueya University, Port au Prince, WEST Department, June 1-2, 2015



Trainer of trainers was an important step to increase already legally qualified trainers' abilities to share their knowledge & understanding of Manual 1 & 2 with all types of audiences.



During this special training, our trainers became students, role playing potential scenarios, mimicking interactions with real-life training participants. The experience was enriching for even for our most qualified trainers.



Our trainers are working professionals who have volunteered their time and effort to participate in group activities because they understand the importance of the HPLWG's work.

Training #6: Paillant, NIPPES Department, June 10, 2015



This training occurred on June 10th 2015, in Paillant, Nippes Department, organized in collaboration with l'Institut National de la Réforme Agricole, (INARA) / The National Institute for Agrarian Reform (INARA).



The summer heat did not deter participants' attendance, which consisted mainly of tenant farmers from the area. Questions involving government officials' misappropriation of land in the area came up during this session.



A total of 38 participants (12 women and 26 men) with a notable increase in female participation.

Training #7: Camp-Perrin, SOUTH Department, June 12, 2015



Women's participation was represented through the attendance of 14 women, of 52 participants. At this awareness / training session the program lasted half a day to get to know the contents of Manual 1 & 2.



Following the initial awareness campaign, participants came ready to ask questions about land issues which directly affect their daily lives.



Training 8: Camp-Perrin, SOUTH Department, June 13, 2015



Clevens Sanon has been a part of the HPLWG since it was first founded. His experience, research and field work have helped the Group establish training priorities and elaborate better training tools and methodology as we move forward.



All trainings conducted by the HPLWG make it a point to encourage trainee participation through a series of interactive group exercises and case study analysis.



Trainings are usually requested by community leaders and/or community-based organizations. Here our Trainer Clevens Sanon poses for a group picture with judicial authorities in the commune of Camperrin.

Training 9: Habitat for Humanity Haiti office, Simon Pele, WEST Department, September 7, 2015



Clevens Sanon has been a part of the HPLWG since it was first founded. His experience, research and field work have helped the Group establish training priorities and elaborate better training tools and methodology as we move forward.



Trainer, Jacques Philippe answers participants' questions as work groups discussions continue around a case study proposed as part of this training.



A journalist from Le Nouvelliste, Chancy Victorin, who was attending the training as a civilian enjoyed the activity so much that he requested an interview on site. Read the article published in Le Nouvelliste in the Annex.

TRAININGS FOCUSED TOWARDS GOVERNMENT AND PROFESSIONAL ENTITIES

The Haiti Property Law Working Group also focused on outreach and capacity building towards Haitian government entities and professional sector entities working in property transactions. These sessions were part training and part workshop discussion / dialogue, allowing the trainers to present the tools / knowledge developed by the HPLWG; but also for the trainers to share experiences from the field and how citizens are managing property transactions in reality. The topics discussed during the sessions were chosen in advance by the participants. This set of trainings was possible thanks to the help of the institutions' Directors and Chief of Services who coordinated with the HPLWG and the participants. Overall, 482 employees participated in these training sessions, including 148 women.

The following institutions were trained during the LAMP project:

| | | | | |
|--|--|--|---|---|
| Ministry of Public Works, Transportation, Communication and Energy (MTPTC) | Housing and Public Buildings Construction Unit (UCLBP) | Ministry of Women's Rights and Affairs | Public Enterprise for Promotion of Social Housing (EPPLS) | Ministry of Interior and Territorial Communities (MICT) |
| National Cadaster Office (ONACA) | Association of Surveyors | Tax Office (DGI) | Municipalities | NGO's |

The first set of trainings was organized for key GOH agencies and ministries. They were mainly focused on Manual 1 and elements of Manual 2 related to how to buy and sell land / tenure types.

| GOH Agencies | Date | Topics Included |
|---|------------------|---|
| Ministry of Public Works, Transportation, Communications and Energy | March 8th, 2016 | Legal Sale of Property; Expropriation on the basis of public utility |
| Ministry of Women’s rights and Affairs | March 11th, 2016 | Legal sale of property; Rights and protections in precarious Land tenure situation |
| National Cadaster Office | March 15th, 2016 | Legal Sale of property and Securing land rights |



Training Session at the National Cadaster Office (ONACA) on March 15th 2016



Training at the Ministry of Public Works on March 8th 2016

The participants of this set of trainings were the executives of the tax office (DGI) and municipality representatives of the tax office. The participants were composed of executives from the Corporate Department in Port-au-Prince and the Operations centers of Delmas, Pétiön-ville, Tabarre, Croix-des-bouquets, Carrefour, Gressier and Kenscoff.

For the municipalities, participants were from the municipalities of Delmas, Port-au-Prince, Pétion-ville, Tabarre, Croix des Bouquets, Croix des Missions, Carrefour, Gressier and Kenscoff.

| GOH Agencies | Date | Topics Included |
|----------------|---------------------------------------|---|
| Municipalities | April 25th to the 27th | Legal sale of property and the role of the Municipalities in securing land rights |
| Tax Offices | May 2 nd and May 4th, 2016 | Legal sale of property and The role of the Tax Office in securing land rights |



Training at the Municipality of Port-au-Prince on the April 27th 2016



Training for the Tax Office @ IDB on May 2nd 2016



Rose-Berthe AUGUSTIN Esq, leading a training session @ the Municipality of Delmas on April 25th 2016

Upon express request from the institutions who were trained in the first set of trainings, two (2) additional trainings were provided by HPLWG.

| GOH Agencies and Ministries | Date | Topics |
|---|---------------|--|
| Executives from Cadaster office, UCLBP, EPPLS, etc. | May 9th 2016 | Co-ownership; Allotment and Expropriation on the basis of public utility |
| Ministry of Women's Rights and Affairs | May 11th 2016 | Possession; inheritance (regarding their rights if they are widowed) |



Julius SAINTERMÉ, Esq. leading the additional training session for UCLBP, ONACA, MTPTC and EPPLS @ IDB on May 9th 2016

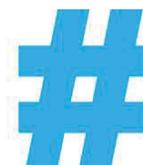


Trainer Boaz DESIR, leading the additional training for the Ministry of Women's Rights and Affairs on May 11th 2016

The work of the Haitian Property Law Working Group has absolutely created an increased demand of trainings which has been garnered by the support and motivation generated by the USAID LAMP program. However, despite the country's political instability the HPLWG, tried to create solid linkages with several political actors who are in office. This instability threatens to affect the work of professionals in the legal field who are directly concerned by land tenure matters and who are also ready to get involved in improving basic services offered to the people. The LAMP team finally organized trainings for two more GOH agencies, mayors, NGO's, and legal professionals.

PROJECT STATISTIC

*Upon the request of the Government of Haiti,
the Haiti Property Law Working Group
Members have trained 10 ministries on land
laws in Haiti*



During the project period, new mayors were elected. The Group took advantage of this situation and organized new trainings for all the mayors of the West department. Additionally, the Group was able to organize two (2) trainings for the Ministry of Interior, upon their request, and NGO's.

| Agencies | Date | Topics |
|---|---|---|
| UMCOR | August 29th | Presentation of the HPLWG/Awareness on legal sale |
| Ministry of Economy and Finance | September 7 th 2017 | Legal Sale of Property; Expropriation on the basis of public utility; Role of the Ministry in securing land rights |
| Center of Cooperation Haiti-Canada | September 19 th 2016 | Legal Sale of Property and Securing land rights in Haiti |
| Ministry of Interior and of local authorities | September 9 th and September 25 th 2016 | Legal sale of property; Rights and protections in precarious Land tenure situation; Role of the Ministry in Securing Land Rights |
| Mayors of West Department | October 27 th 2016 | Legal sale of Property and the Role of the Municipalities in securing land rights. |
| Surveyors | September 6 th 2016 | Legal Sale of property and the role of the Surveyors in Securing land rights. |



On August 29th, the HPLWG met with UMCOR Staff. A presentation of the Group was made by Daphne Leblanc and a presentation of both Manuals was made by Alexandra and Leilah, both Project Manager and Coordinator



Rose-Berthe Augustin, Esq, leading a training session for the Haiti-Canada Cooperation Center



An additional training for the Ministry of Interior took place on September 25th. Desir Boaz and Jean Nerva Samedy, Esq led this training session.



Training for the Mayors of the West Department @ IDB on October 27th 2016.



Julus Saintermé and Jacque Philippe, Esq leading a training session for the surveyors @ IDB on September 6th 2016.

THE PROPERTY LAW WEEKS (OUTSIDE OF PORT-AU-PRINCE)

In order to prepare the “*Property Law Week*” for each department the Group organized a pre-awareness event to meet with the leaders of the groups targeted to be participants during the activities scheduled to take place during the “*Property Law Week*”. The information collected on the land tenure situation in the targeted geographical location allowed for a bespoke planning of the awareness campaigns and trainings. This step helped to understand the situation regarding the land tenure for each area and informed on the necessary topics focus upon, increasing the effectiveness of the events.

The Property Law Weeks (Outside of Port-au-Prince) geographically targeted the North department, South, Center department, Artibonite department, and the South-East department

During each pre-awareness campaign and training, the HPLWG (staff and trainers) met with the leaders of local community organizations, religious leaders, notaries, lawyers, land surveyors, municipalities, the Tax Office, Dean of the Faculty of Law and a number of women organizations/associations.

The local representatives in each geographical location, agreed that it is important and necessary that a mass awareness campaign should be organized throughout all the departments in order to sensitize the population on the several legal tools available and to inform the principal actors on their role in securing land rights in their respective jurisdiction.

As a result, the HPLWG developed the *Property Law Week* during which a series of awareness campaigns and trainings which take place in a concentrated set of events. In the context to increase outreach and awareness of Manual 1, Manual 2 and the abstract and train stakeholders on their contents, the five departments were selected.

CALENDAR OF HPLWG'S PROPERTY LAW WEEKS

| Departments | Dates (2016) | Areas | # of people reached | # Of Trainings | # of Awareness Campaigns |
|-----------------------|--|---|---------------------|----------------|--------------------------|
| North | 14 th June to June 17 th | Cap-Haitian / Milot | 1062 | 4 | 3 |
| | 28 th November to 2 nd December | Grande Riviere du Nord / Caracol | 362 | 2 | 1 |
| South (Pre-Awareness) | 30 th to 2 nd September | Cayes / Roche a Bateau / Coteaux | 53 | N/A | N/A |
| Center Department | 19th October to 24th October | Mirebalais / Hinche / lascahobas | 514 | 4 | 3 |
| Artibonite | 7th November to 9th November | Lakou souvenance / Bigot / UPAG / UNDH-Alliance Francaise | 678 | 0 | 5 |
| South-Est | 14 th November to 18 th November | Marigot / Jacmel / Cayes | 557 | 3 | 4 |
| Totals: | | | 3226 | 13 | 16 |

Cap Haitian

With a population of 261,864 people², Cap-Haitian is the 2nd most important city in Haiti. Although considered as Haiti's historic cradle, Cap-Haitian has been also facing numerous land issues. All of the people we met during our visit in April 2016 confirmed that there are a lot of land issues in Cap Haitian. Their biggest concern is the phenomenon of *Dechoukaj*³ in which land that belongs to families for more than fifty (50) years is being squatted on without any possibility of it being retrieved by the owners even with a court's decision. They also identified as an important issue the fact that the legal procedure for buying and selling lands are too long and expensive. In fact, it can take more than ten (10) years for the owner to get his/her land back.

For local leadership, the initiative of having a *Property Law Week* in Cap-Haitian is laudable because it's important for the people to know how to legally buy and secure a land. It's important for them to know who are able to sell a land and, depending of their personal situations, who are the competent authorities to give legal advice on buying and selling land. The *Property Law Week* was consisted of several events:

To implement these simultaneous events, a staff / training team of sixteen (16) members was mobilized to go to Cap-Haitian. The materials were mostly composed of illustrations related to several land tenure situations, one thousand (1,000) copies of Manual 1, seven hundred (700) copies of Manual 2 (both in French version), two thousand (2,000) pamphlets⁴ and three (300) hundred activity agendas. In addition to those tools, we also brought training materials (pre-test, legal texts...) related to each topic discussed during the trainings. This activity was a huge success thanks to the support of the Cap-Haitian population who helped the Property Law Week reach one thousand eighty-nine (1,089) people.

² Haitian Statistic Institute (IHSI) Report on 2012.

³ In the Cap-Haitian land tenure context, "*Dechoukaj*" means the fact of being violently dispossessed of a land owned for more than a decade by one or more families.

⁴ These pamphlets offer summarized informations about the Group's context of creation, realizations and social media accounts.



Ronald AUGUSTIN, Esq leading a training session at Imperial Hotel for the legal professionals on June 16th 2016



Pierre J. COLAS, notary in Cap-Haitian participated in the June 16th 2016 training for the legal professionals



Our trainers, Ronald AUGUSTIN and Boaz DESIR leading a training session for the Businessmen on June 16th



Mass awareness campaign in Grande Rivière du Nord on December 29th 2016



Trainers, Jacques Philippe and Jean Nerva Samedy leading a training session @ RIVACOM in Grande Rivière du Nord on December 30th 2016.



Training at Caracol on December 1st 2016. All participants were peasant and local residents dealing with serious land tenure issues

Pre-Awareness Campaign in the South Department - Les Cayes

In order to prepare trainings and awareness campaigns in Les Cayes in the end of October 2016, the HPLWG staff members went to several localities in the South Department between August 30th and September 2nd, 2016 for a pre-awareness campaign. During this pre-awareness campaign, the team met fifty-three (53) representatives in Les Cayes and localities such as Roche-à-Bateau and Aux Côteaux. The team collected information about the land tenure situation in these regions. Following the Cap-Haitian experience, in regards to the particular land tenure situation of the South, it was agreed that we would encourage the participation of the population in the HPLWG activities scheduled for the end of October.



Meeting with several institutions representatives at Le Manguier Hotel on September 30th 2016 (Pre-awareness @ Les Cayes)



Meeting with Government Commissioners affiliated to the Civil Court of the locality called Aux Côteaux



Jean Forest JOINT, Esq, main Government Commissioner of the Civil Court in Aux Côteaux, explaining the particular land tenure situation of this locality

Unfortunately, because of the Hurricane Matthew on October 4th, it was impossible to travel to the South and put on the HPLWG Week as it was planned. However, the training and awareness events took place in the departments of the West, the Center, the Artibonite, the South-East and the North. The targeted audiences who participated in these events included representatives of government ministries, department directors, local authorities, local community leaders and local citizens.

The Property Law Weeks in the Center Department

From October 19th to the 22nd, the HPLWG accompanied by a team of trainers went to the Center Department. During this period, the Group organized six (6) activities. A total of four hundred and eighty-six (486) people participated in these activities including ninety (90) women.

The profile of the participants of those activities were notaries, surveyors, public institutions agents and local residents. One of the main problems shared by the participants was the absence of a cadaster system. Because of that, the State can't identify its properties, therefore, individuals are often evicted by the State.



Mass awareness campaign @ Centre Culturel de Mirebalais on October 19th 2016



Training at Hinche on October 21st 2016



Mass Awareness Campaign in Lascahobas on October 20th 2016

PROJECT QUOTE

Thanks to USAID's support, we were able to benefit from this activity which is, according to me, important. I think that we will work in order to improve the Municipality's situation in terms of selling land and increase the community's trust to engage land properties transactions. I really think that this training was very important for us

Training participant in Center Department



The Property Law Week at Artibonite Department

From November 7th to the 9th, the HPLWG headed to the Artibonite Department. Gonaives was our main targeted town and we organized three (3) mass awareness campaigns. During the pre-awareness, the team decided that the targeted audience would mainly be students and local authorities, notaries and surveyors.

During those three (3) days of activities, six hundred and seventy (670) people were sensitized with the participation of three hundred and three (303) women. The particularity of this town is the level of involvement of the students in land tenure issues. The team has the opportunity to count among awareness campaign participants' students from University of Notre Dame, Public University of Artibonite in Gonaives and, of course, the famous Faculty of Law of Gonaives.

Also, the Notaries and the surveyors were very satisfied and suggest that the Group continue this work all over the country. It is important to note that the main tenure issue in Gonaives is inheritance. Most of the heirs are not aware of their rights when their parents de cease.



Mass awareness campaign in Lakou Souvenance/Gonaive on November 7th 2016



Mass awareness Campaign @ the Public University of Artibonite in Gonaives on November 8th 2016



Intervention of a well-known notary in Gonaives, Mr. Marc-Henry MOÏSE during a mass awareness campaign in Alliance Francaise for the Legal practitioners

The Property Law Weeks in the South-East Department

From November 14th to the 18th, it was the turn of Jacmel to host the HPLWG Property Law Week. Overall, the Group organized three (3) awareness campaigns and three (3) trainings. Five hundred (500) people were reached. Most of the participants were community leaders, local authorities and legal practitioners (lawyers, notaries, surveyors).

As opposed to the legal situation in Gonaives, Jacmel has a different reality. Indeed, for most of the participants, the main concern is the surveyors, the notaries and the Government Commissioners. During the pre-awareness campaign in September, the team realized that the South-East Department is experiencing important land tenure issues.



One of our trainers, Julius Saintermé leading an awareness campaign in Marigot on November 14th 2016.



The Second Mayor of Jacmel participated in an awareness campaign which took place in the Convention Center on November 15th 2016.



A view of the public during an awareness campaign in Jacmel on November 15th 2016.

One of the methods used by trainers to collect recommendations from participants or to evaluate their knowledge about land tenure security are workshops. This picture shows a group of participants in a workshop discussing on the better way to reinforce tenure security. Ideas from each workshop is afterwards shared with the trainers. This method helps engage real conversation about such important matter.



Rose-Berthe AUGUSTIN, Esq, explaining the legal roles of the Notary during an awareness campaign in Jacmel



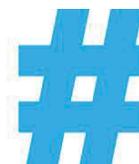
This is an example of a workshop exercise during an awareness campaign in Jacmel



Jacmel's Municipality team delivering a Thank You speech to the HPLWG, highlighting the importance of the trainings for the Public institutions.

PROJECT STATISTIC

Over 3,226 participants were reached due to the Property Law Weeks which were conducted by HPLWG trainers and Habitat Haiti team members in 5 departments across the country.



The Property Law Weeks were made possible by the generous time and connections made by the host communities and the local leadership / private sector in each of the zones. The table below highlights the key actors who helped facilitate the week's events, the topics which were covered and the profile of the attendees.

| Thank You to our Hosts / Locations | | | | Topics Covered During the Property Law Weeks: <ul style="list-style-type: none"> • Debate on Property Law • Legal sale of property • Role of Governmental Institutions in Securing Land rights in Haiti • Rights and protection in precarious tenure situation • Role of legal professionals in securing land rights in Haiti |
|--|---|--|---|---|
| North Department (Cap-Haitian and Grande Rivière du Nord) | | | | |
| School of Law in Cap-Haitian | Hostellerie du Roi Christophe | Parish of Immaculate Conception in Milot | Administrative Complex of Vaudreuil | |
| Imperial Hotel | Chamber of Commerce and Industry North | Rivacom | Caracol | |
| South Department | | | | |
| Le Manguier Hotel | Government Commissioners affiliated to the Civil Court of Aux Coteaux | Chamber of Commerce and Industry of the South Department | Municipalities of Les Cayes and Maniche | |
| Center Department | | | | |
| Centre Culturel de Mirebalais | Centre Social de Lascahobas | Auditorium Complexe Administratif de Hinche | Municipality of Lascahobas | |
| Artibonite Department | | | | |
| La causerie | Lakou Souvenance | University Notre Dame | Université Publique de l'Artibonite au Gonaives | |
| Alliance Francaise | | | | |
| South-East Department | | | | |
| Ma Folie (Marigot) | Convention Center | Public place of Jacmel | Le Rendez-Vous Hotel (cayes-Jacmel) | |
| Jacmel Mayors Office | | | | |

Attendance during the meetings / events:

- General Public
- Legal professionals (Judges, notaries, Lawyers, land surveyors...)
- Public institutions,
- Leader of belief / faith / religious entities
- Businessmen / women
- Teachers and college students
- Local citizens
- Members of Local Community Organizations
- Legal professionals

OTHER DISSEMINATION ACTIVITIES

The HPLWG teams continued to generate awareness of the Manuals and the potential for training support; this is especially helpful in discussions with development and private sector actors who continue to find security of tenure issues a barrier for investment in Haiti.

The Embassies

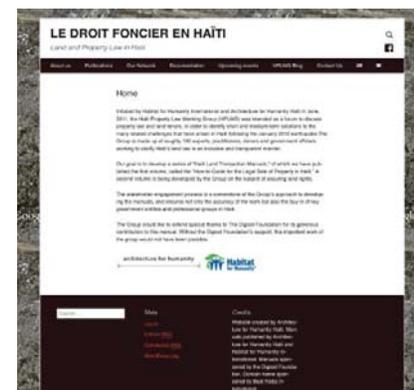
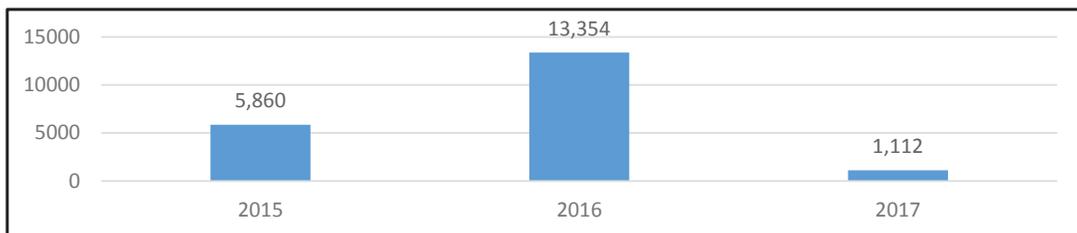
The HPLWG has had a growing interest from the embassies for hard-copy of both Manuals 1 and 2. Especially those that have development projects in Haiti which face land issues. The Canadian Embassy requested hard copies of the Manuals and has been supplied with copies. Various meetings were scheduled with different embassies to help disseminate the manuals to a larger public audience.

Chambers of Commerce

Mr. Gregory Brandt, the President of the French-Haitian Chamber of Commerce participated in a number of the HPLWG meeting and has asked for hard copies of the manuals, in addition to digital copies. The team continued to connect with other chambers of commerce and provide printout / digital copies as requested. In addition to the Chambers based here in Haiti, Habitat Haiti was represented at the Haitian Chamber of Commerce in Florida members meeting, where the HPLWG work was presented to the members of the Chamber. Habitat Haiti staff and HPLWG Steering Committee members were able to answer questions related to Habitat’s work and the continued investment being made by USAID on tenure security issues in Haiti.

WEBSITE: LANDLAWSHAITI.ORG

Over the past years, the Haiti Property Law Working Group had a basic website to make the group’s publications and events available electronically. During the project period the website has been accessed by **20,326 visitors**. As stated in the report, as awareness grew of the HPLWG activities under LAMP, so did the traffic to the website, an increase of 126% between 2015 and 2016. In the first month of January 2017, the site has already been visited 1,112 times.



Old Website

Whilst the website served the function of making the manual’s electronically available, this did not provide the level of functionality expressed by the HPLWG steering committee. As prioritized by the HPLWG membership, the LAMP team has upgraded the website platform to a dedicated www.landlawshaiti.org hosting and content management system which could provide a more functional website for digital outreach and linkages with social media. The functionalist of the new platform allows for:

| | | | |
|-----------------|-----------------------|--------------|-----------------------|
| News Updates | Blog | Events | Donor Recognition |
| Project Updates | Social Media Linkages | Publications | Request for Trainings |



Screenshot of the new Habitat Property Law Working Group website homepage

SOCIAL MEDIA

The HPLWG also launched itself of three social media platforms:



Facebook

Groupe de Travail sue le
Droit Foncier en Haiti

Instagram

@GroupeFoncierHT

Twitter

@GroupeFoncierHT

LAND TENURE DOCUMENTS INVENTORY

In order to provide a solid and researched reference base for the HPLWG's recommendations to the Government of Haiti the Group commissioned a research to look at the land tenure situation in Haiti over a ten (10) year period, from 2005 to 2015. The research, entitled 'Land Tenure Documents Inventory', conducted by the Frédéric, Guillaume and Associates Legal Firm, consists of the following sections:

- a. Executive Summary
- b. Methodology
- c. An inventory of existing documents (research, books, reports, case law, case studies, events) on land tenure in Haiti produced by concerned institutions, highlighting key recommendations of the publication and a summary
- d. Summary and analysis of each key recommendations from the inventory

The full research, available in French and English, consisting of 95 pages, is an in-depth catalogue of existing material.

RECOMMENDATIONS TO THE GOVERNMENT OF HAITI

The HPLWG committed, under objective 3 of the LAMP project to develop a series of recommendations for the Government of Haiti and related professional associations.

The source of these recommendations has come from three (3) core areas:

- 1) The Haiti Property Law Working Group members' discussions over the last two (2) years
- 2) Observations and discussions from the field collected during the awareness campaigns and trainings
- 3) The above-mentioned Land Tenure Documents Inventory research and analysis

These recommendations were validated by Haiti Property Law Working Group members and the Steering Committee, and presented during an event on December 8th 2016. Once again, in collaboration with the American Chamber of Commerce in Haiti (AmCham), and as official sponsor of the 2nd MATCON event, the Haiti Property Law Working Group launched its recommendations.

Facilitated by Claude JEUDY, a founding member of the group and current steering committee member, he presented the history of the HPLWG and the achievements to-date. The panelists went on to discuss:

- A summary of the above-mentioned Land Tenure Documents Inventory research by Mr. Alain GUILLAUME of Frédéric, Guillaume and Associates Legal Firm
- The legal aspect of security of tenure in Haiti, presented by Me. Chantal HUDICOURT-EWALD, Lawyer and founding member of the HPLWG; and Me. Gilbert Emile GIORDANI, Notary and vice-Dean of Quisqueya University's Faculty of Law and Political Sciences.
- The economic aspect of security of tenure in Haiti, presented by Me. Ronald DESHOMMES, Director of the Ministry of Finance's Legal.
- Finally, Claude JEUDY presented the key recommendations which the HPLWG are making to the Government of Haiti and related professional associations.

The recommendations presented fall into two categories: 1) recommendations related to the acquisition process and land tenure security; 2) recommendations related to the regularization of land occupation (including urbanization, land-use planning, geographical determinations of land use). Additionally, the recommendations are split into short-term and mid-term recommendations. The short-term recommendations do not require legislative reforms, entirely new public policies, or redefinitions of institutional architecture. They relate especially to the need to disseminate clear standards, and to ensure their consistent application. The mid-term recommendations are structural. They involve legislative reforms, the formulation of new public policies and major changes in institutional landscape.

RECOMMENDATIONS RELATED TO THE ACQUISITION PROCESS AND LAND TENURE SECURITY

Short Term Recommendations

- 1) Publication and regular updating of the ministerial officers list (notaries and surveyors), in print and audio-visual media, and by posting in strategic locations (courthouses, town hall, local Taxes Agencies, etc.). This should be done in interaction with their associations.
- 2) Effective exercise of control over ministerial officers, while clearly delimiting their material and territorial competences.
- 3) With the help of the Ministry of Justice, set up the Superior Council of Notaries (in accordance with the Decree-law of 1969).
- 4) Scale trainings particularly in the Creole language, for target groups such as churches, peasant organizations, associations etc. Include preliminary notions of land law in civic education programs for wide audiences (schoolchildren, students...). Organize a national awareness campaign on the notions of rights of land use and habitation / surface rights / state farmers' rights / family rural property rights.
- 5) Encourage the use of Co-ownership, notably vertical co-ownership of buildings through the dissemination of related information and motivation of stakeholders (ministerial officers, real estate promoters etc.).
- 6) Sensitize the public actors, especially, the parliamentarians and the local elected representatives, on land questions. Provide specific training for Municipalities on the rules of urban planning that are currently applicable.
- 7) Coordinate the action of actors involved in the relocation of victims of the past socio-natural disasters (January 12, 2010 earthquake, and especially the 2016 Hurricane Matthew).

Mid-term Recommendations

- 8) Regulation of the profession of real estate agents.
- 9) Reopening of the National School of Surveyors.

- 10) Undertake major research on customary practices and the *contra legem* methods⁵ to gain access to land, as a prelude to any legislative reform in this field.
- 11) Consider customary practices when legislating on land tenure.
- 12) Transform the Department of Domain into a technically deconcentrated organism of the Ministry of Economy and Finances, distinct from the Tax Office, which would be refocused on its fiscal competences.
- 13) Appoint a “curator for unsettled estates”. In theory, the law of June 14th, 1841 had provided a curator for unsettled estates in each Municipality. But the law of March 19th 1928 delegates to the Tax Office the competences and duties of a curator for unsettled estates. The first article of the law of March 19th, 1928 requires that it is the General Manager of the Tax Office who must appoint agents to exercise this function.

It would be much more interesting to go back to the old formula which is to appoint a curator for unsettled estates in each Municipality where there is Tax office, or an Office of Domain (If the Department of Domain is transformed in a technically deconcentrated organism of the Ministry of Economy and Finances, distinct from the Tax Office, as previously proposed). The curator would have the status of a public officer and would report directly to the General Manager of the Office of Domain.

- 14) Prevent land tenure disputes and facilitate the settlement of disputes by appointing a pre-trial judge. This will enable some problems to be resolved upstream, in order to avoid disagreements related to procedural matters in the proceedings. This can be usefully supplemented, by official development of civil procedure guides, intended to provide to legal practitioners and litigants with an exhaustive list of the steps to be taken for each type of circumstances. Far too often, litigation of relatively important issues are settled on matters of form and in an unfair way, resulting in an inefficient use of the resources of a State justice.
- 15) Make the ministerial officers more accessible, especially for the populations living in rural areas.
- 16) Formulate legislation and a new policy to deal with human migration during socio-natural disasters and manage property security when these circumstances arise...
- 17) Reform the property taxation system to make it applicable to non-built land in accordance with spatial planning policies. Creating a tax on non-built land will enable an inventory of both empty land and built properties for each Municipality.
- 18) Clarify the competences of the various public actors, especially, with respect to the methods of identifying assets. This will boost institutions such as the National Cadaster Office, the National Geospatial Information Center (CNIGS), the National Agrarian Reform Institute (INARA) etc.
- 19) Protect and enhance the rural lands through the adoption of appropriate legislative measures, with a view to making agricultural and pastoral activities profitable. Encourage the pooling of land intended to agricultural purposes, using cooperatives, in order to prevent the subdivision of rural land.
- 20) In the context of an Allotment, all the transactions must now take place in a single notary’s office, or a college of Notaries, to ensure that signing is done progressively. This can also apply to the initial land surveying.
- 21) In the context of a simple sale, it will be necessary for the notary acting on the new transaction to send a sale certificate to the initial Notary, informing him about the transaction, or the extraction, so that the he can annex these data to the minutes in his records. Thus, in case of a request for a second authentic copy, the title given will be prepared according to the data.
- 22) In the context of a sale under private agreement, as of now their validity should depend upon a survey of the concerned parcel prior to the transaction, and a reference of any transaction to be made in the bill of sale under private agreement.
- 23) Re-boost the profession of Surveyor. The State should provide financial support to surveyors, in order to enable them to acquire state-of-the-art, high quality materials and instruments. It is necessary to establish a close link between the Cadaster office and the profession of surveyor, and to systematically have the plans of survey validate by a certificate of conformity delivered by the National Cadaster Office.

⁵ *Contra Legem* methods refer to customary practices that are contrary to the existing and applicable legal provisions. This situation exists mostly in rural areas.

- 24) Assign appropriate responsibilities and closer control to professionals involved in the land sector, especially, ministerial officers, notaries, surveyors. Review their disciplinary system and establish appropriate ethical standards applicable to them. The system for Notaries has to be modernized. A thorough overhaul is necessary. It is vital to create the Chamber of Notaries with a view to maintain real disciplinary control over them, but also, to ensure the continuous training of the members of this profession.

In the context of this reform, it is also advisable for the notaries to be allowed to associate together for the exploitation of their studies. Notaries can be employed in large studies. An extension of the scope of territorial competence of Notaries will be considered. We will ultimately have major notary studies as in France, providing their own training, and better services to the community.

- 25) Review and update legislation on expropriation on the basis of public utility, in order to clarify the actor's competences and the procedure in a way that emphasizes both the effective protection of citizens against abuse, and on general interest.
- 26) Develop a strategy for identifying state-owned properties and clarify their management methods, including reviewing the definition of 'privileged management' skills for private state domain property by the municipal councils. It is very important to clarify the responsibilities of the municipality, and those of the Department of Domain regarding the State private property management. The current confusing situation is creating legal uncertainty for the population. Municipal authorities often rely on a certain interpretation of the Article 74 of the Amended Constitution to carry out transactions with third parties on State properties. These transactions can subsequently be put into question by the Tax Office. Several warnings of the Ministry of Finance regarding the management of State Private Domain have been ignored by the Municipalities.
- 27) Allocate state-owned property between the State and the infra-state public entities (autonomous organisms, territorial collectivities).
- 28) Work progressively towards implementing the cadaster according to the approach initiated by the CIAT which also needs to be systematized. Once this is done, with the help of the Notaries and Surveyors, the State could launch a vast campaign of titling and regularization of property deeds.
- 29) Restructure legislation, especially, through the codification of certain topics such as public property, expropriation and construction.

RECOMMENDATIONS RELATED TO THE REGULARIZATION OF TERMS AND CONDITIONS OF OCCUPATION (INCLUDING URBANIZATIONS, LAND-USE PLANNING, GEOGRAPHICAL DETERMINATIONS OF LAND USE

Short Term Recommendations

- 30) Carry out a mapping of vulnerable areas mapping which should be regularly up-dated.
- 31) Reinforce the National Protected Areas Agency and promote a real implementation of their corresponding legal provisions. Many officially protected areas are squatted and many constructions are erected without authorization. This is partly due to the deficiencies of the institutions responsible for their management and their monitoring.
- 32) Providing with human, financial and material resources to entities entrusted with the implementation of land legislation, in particular all those involved in territorial planning and building regulations (MTPTC, municipal engineering services, etc.). For Municipalities, using the method of "public officers' attachment", even as a temporary alternative, may be a good solution for a transfer of skills.
- 33) Promote investments in high-quality residential properties, in particular by means of taxation. The application of the decree of July 23rd, 2013 would be part of this approach.

- 34) Ensure the effective observance of the rules related to adjoined fence during the process for granting the building permit. By this means, we would contribute in reducing the issues' vulnerability to natural disasters of all kinds.



Our panelists during the 2016 MATCON Event @ Hotel Karibe on December 8th. From left to right: Mrs. Chantal Hudicourt-Ewald (Lawyer), Gilbert Giordani (Notary), Alain Guillaume (Lawyer) and Ronald Deshommes (Director of Legal Department @ Ministry of Finance).



Mr. Claude JEUDY presented the history of the HPLWG and the achievements to-date at the MATCON event organized by Amcham Haiti.



Mr. Alain Guillaume, Esq from Frédéric, Guillaume & associates Law firm presenting the Land Tenure research document and the recommendations to the MATCON event audience.

Mid-Term Recommendations

- 35) Reinforce the National Academy of Engineers and Architects; improve the rules applicable to these professions, as well as that of foreman, and lay down the mandatory rules for using their services.
- 36) Develop a true social housing policy as a key element in the fight against the disorderly occupation of spaces, and the anarchic constructions. This can be done in partnership with the private sector. A rental housing park with low rental units could also be a joint initiative.
- 37) Ensure the conservation and promotion of the Haitian architectural heritage, among others, through the regulation of construction methods.
- 38) Review, legislate and adopt as law, the National Code of Buildings.
- 39) Develop a containment strategy of slums, in order to secure the occupants' rights on some spaces which have been subject to anarchic occupation, and avoid their extension. It is possible in this context, to regularize the legal situation of the illegal occupants of certain State's public and private domain.
- 40) Carry out, where it is still possible, a true urban planning, by laying down areas intended for different types of activities, as well as the non-constructible areas for environmental reasons.
- 41) Take the initiative to build new sustainable cities in appropriate spaces, where it is still possible to apply strict standards of construction and urban planning law.
- 42) Update the obsolete or inadequate laws, especially those related to urban planning while taking into account the current context, new knowledge and sociological data.

- 43) Draft legislation about mountains and catchment areas, and implement it by deploying, in particular, the appropriate institutional capacities.
- 44) Develop a coastal zone management legislation in order to determine the consistency and regulate the activities that take place without disregarding some realities and the need for a social re-engineering approach. Indeed, the coastal zone suffers from a deficit of legislative definition, while being classified as public domain property. Numerous anarchic constructions are erected and important economic activities also take place there.
- 45) A strengthening of the collaboration between public entities with similar competences through the creation of appropriate institutional means; The creation of the Interministerial Committee for the Regional Development (CIAT) participates of such an approach, since it is question of a structure that combines ministries involved in spatial planning, and having a joint executive secretariat. The development of a synergy between the Public Buildings and Housing Unit and the Public Enterprise for the Promotion of Social Housing would also be a part of this commitment.

Habitat for Humanity Haiti, the Haiti Property Law Working Group members and the Steering Committee will continue to refine and prioritize the recommendations, packaging them into accessible user-friendly communications materials, along with advocacy strategies to introduce the ideas and concepts to different levels of the Haitian government and professional associations.

LAMP results

Objective 1: Increase Outreach and Awareness of Manual 1 and Train Key Stakeholders on its content

| # | Indicator | Target | Achieved | Tracking | Analysis / Comments |
|-----|---|--------|-------------------|-----------------------|---|
| 1.1 | Number of manual (1) on land administration and management distributed. | 1900 | 2781 | ↑ 46% over target | |
| 1.2 | Number of manual 1 downloaded from the website | TBD | N/A | | A target for this indicator was never set during the course of the project implementation. This was due to the limits of the website functionality. During the course of the project a new website was launched www.landlawshaiti.org and will track this moving forward. However, we are pleased to report that the website was visited 20,326 times during the implementation period of LAMP. |
| 1.3 | Number of trainers trained on the content of manual 1 | 21 | 21 | ✓ | The trainers along with the Habitat for Humanity Haiti team, formed the core outreach team which allowed the team to implement awareness campaigns, trainings, Property Law Weeks, and facilitate the HPLWG meetings. |
| 1.4 | Number of key stakeholders (women, men, trained on the content of manual 1 | 425 | 1,525 (948 women) | ↑ 258% over target | Forming the key to the outreach was the awareness campaigns and the more formal trainings. Whilst it was originally envisaged that these would be two distinct targets, even the awareness campaigns became an in-depth engagement and dialogue with participants, to the point that some community members requested a certificate of service for the awareness campaigns. |
| 1.5 | Number of women and men who participated in an outreach event related to manual 1 | 1950 | 3302 | ↑ 61% over target | Given the increased number of requests for outreach, Habitat for Humanity was able to significantly over achieve indicators set. |

Objective 2: Complete and disseminate Manual 2 on securing Land Rights in Haiti

| # | Indicator | Target | Achieved | Tracking | Analysis / Comments |
|-----|--|--------|----------|----------------------|---------------------|
| 2.1 | Number of Manuals (2) on securing land and rights in Haiti distributed | 2600 | 3261 | ↑ 25% over target | |
| 2.2 | Number of manual 2 downloaded from the website | TBD | N/A | | As above. |

| # | Indicator | Target | Achieved | Tracking | Analysis / Comments |
|-----|---|--------|----------|----------------------|---------------------|
| 2.3 | Number of women and men who participated in an outreach event as regard to manual 2 | 1950 | 3302 | ↑ 70% over target | As above. |

Objective 3. Provide Policy Making and Advocacy Recommendations to Increase awareness and utilization of information among organizations committee or stakeholders in Land securing and rights in Haiti.

| # | Indicator | Target | Achieved | Tracking | Analysis / Comments |
|-----|--|--------|----------|-----------------------|--|
| 3.1 | Number of advocacy events conducted on securing land rights in Haiti and policy writing promotion. | 8 | 31 | ↑ 287% over target | These meetings represent the HPLWG meetings in which advocacy topics are discussed, prioritized and until now have been formulated into the manuals and training / outreach materials. In addition to the awareness campaign events. |
| 3.2 | Number of advocacy recommendations made to GOH | 6 | 54 | ↑ | Through the continued dialogue and consensus building around issues with stakeholders, in addition to independent research, the HPLWG has 54 recommendations and launched them during the MATCON Connect event, hosted by Habitat Haiti and AmCham in December 2016. These will be consolidated into an accessible document around themes. |

In addition to the contractual obligations of the LAMP project, the Habitat for Humanity Haiti team and the Haiti Property Law Working Group are pleased to share other impacts of the project in numerical results form.

| # | Indicator | Achieved | Analysis / Comments |
|-----|---|-------------------------|---|
| x.1 | Number of hours leveraged by HPLWG pro-bono expertise | Over 2,234 person hours | Given the nature of the HPLWG members and steering committee, Habitat Haiti has leveraged the pro-bono / volunteer support of members who have contributed towards the achievement of the LAMP project. The publications drafted, reviewed, and published demonstrate both the commitment of the members, but also the significant value that has been leveraged, equally thousands of hours and financial value. |
| x.2 | Number of Creole Abstracts Distributed | 989 | Nearly 1,000 Creole illustrated abstracts of the two manuals were distributed to project participants. These abstracts are aimed at participants who have less education / literacy level, yet still need a way to gain important information about their land / tenure rights. |
| x.3 | Number of GOH Ministries Trained | 10 | As awareness of the training program grew, so did the requests from the Government of Haiti. Specifically, 10 ministries were trained. The impactful manner in which these took place was the fact that the majority of the trainings took place with a variety of functions or geographical locations of the participants, adding to the richness of the dialogues which took place. |