

**Building Public Confidence towards  
Cadastral Systems :  
the case of Honduras**



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## **MAIN MESSAGE**



- **The cadastre is a public institution, serving public and individual interests.**
  - It is not only technical.
  - It is not only a tool at the service of few private interests.
- **Cadastre is about people ... not only data and land surveying!**
- **Bridging the gap between cadastral specialists and people.**



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# INTRODUCTION



- Research works on the recent cadastral reform of Honduras
  - *Ley de la propiedad (2004)*
  - *Why is the cadastral reform of 2004 a success, while those initiated from 1960's were failures?*
- Comparative analysis with the Quebec's cadastre



# CADASTRAL INSTITUTION



- **The cadastre is a PUBLIC INSTITUTION.**  
 (Deininger, 2005)

- **Legal framework**
- **State data infrastructure**
- **Standardised processes**
- **Recognized specialists**
- **Accessibility**
- **Adaptation**
- ...

in•sti•tu•tion |ɪnstɪˈtʃ(y)oʊ sɪ ɒn|

noun

- 1 a society or organization founded for a religious, educational, social, or similar purpose : a certificate from a professional institution.
  - an organization providing residential care for people with special needs : an institution for the severely handicapped.
  - an established official organization having an important role in the life of a country, such as a bank, church, or legislature : the institutions of democratic government.
  - a large company or other organization involved in financial trading : the interest rate financial institutions charge one another.
- 2 an established law, practice, or custom : the institution of marriage.
  - informal a well-established and familiar person, custom, or object : he soon became something of a national institution.
- 3 the action of instituting something : a delay in the institution of proceedings.

ORIGIN late Middle English (in senses 2 and 3) : via Old French from Latin *institutio(n-)*, from the verb *instituere* (see INSTITUTE). Sense 1 dates from the early 18th cent.

# CADASTRAL INSTITUTION



- **What makes a viable cadastral institution?**
  - **One under-estimated factor is the public (popular) confidence expressed towards the cadastral institution.**
- **How can we build this public confidence?**
  - **Time**
  - **Participation / Involvement (owner, occupant, interested)**
  - **Equity**
  - **Wholeness**
  - **Organisational stability**
  - **Public officer**

**con-fi-dence** [ˈkɒnfədəns; -fəjdn̩s]  
noun  
the feeling or belief that one can rely on someone or something; firm trust: *we had every confidence in the staff* | *he had gained the young man's confidence*  
• the state of feeling certain about the truth of something: *it is not possible to say with confidence how much of the increase in sea levels is due to melting glaciers*  
• a feeling of self-assurance arising from one's appreciation of one's own abilities or qualities: *she's knowing with confidence* | (in sing.) *he would walk up those steps with a confidence he didn't feel*  
• the telling of private matters or secrets with mutual trust: *someone with whom you may raise your suspicions in confidence*  
• (often **confidences**) a secret or private matter told to someone under such a condition of trust: *the girls exchanged confidences about their parents*

**PHRASES**  
**in someone's confidence** in a position of trust with someone.  
**take someone into one's confidence** tell someone one's secrets.

**ORIGIN** late Middle English; from Latin *confidentia*, from *confidere* 'have full trust' (see **CONFIDENT**).

# HONDURAS



- **Few data**
  - **112 500 km<sup>2</sup> area / a lot of mountains**
  - **8 millions people**
  - **18 departments / 298 municipalities**
  - **1700 \$us per capita income**
    - **60 % of the people under the poverty line**
  - **Before 2004:**
    - **90% of rural lands and 50% of urban parcels without land title**



## LAND AND CADASTRAL REFORMS



- **1960's = Agrarian reform programs**
  - Reorganise the unbalanced distribution of land
  - Very few land titles / Inaccessible for the poor
  - Cadastre for fiscal purpose not for registration
- **1975 = National Agrarian Cadastre**
- **1980's = Agricultural Land Titling Program**
  - 174 175 parcels / 32 024 titles
  - Creation of a National Cadastre (*Ley sobre el catastro*)
    - No land surveyor / *Delineador* = Topographic technician
  - Political objectives = Scepticism of the population
  - Spoliation of those who couldn't afford to pay for their title and the land itself

## LAND AND CADASTRAL REFORMS



- **1990 = Fiscal Cadastre**
  - Municipal responsibilities
  - Lack of standardisation / Not technical uniformity
  - Notion of simplified cadastre
- **2002 = Need for "another" cadastral reform**
  - No possibility to recover the national cadastral data stored on no further used digital support (main frame disks)
  - No legally habilitated land surveyor
    - *What the Honduran do when there is a property boundary conflict?*

Municipal cadastre of Pimienta



## HONDURAS



## PROPERTY LAW (2004)



- *Ley de la propiedad*
- **Creation of a national cadastre**
  - **Matriculate each individual parcel**
  - **Legal link between the cadastre and the land register**
  - **Property Institute**
  - **Public participation (in order to acknowledge and approve the cadastral plan and each individual parcel)**



## PUBLIC PARTICIPATION



## NATIONAL INFORMATION SYSTEM



# CADASTRE OF QUÉBEC



- **Created in 1860**
  - 1449 original plans (in paper)
  - 30 years period
- **Centralized administration**
- **Base of the land rights security system (according to the Civil Code of Lower Canada)**
- **Contribution of (private) land surveyors**
- **Weak process of updating**
- **Reform since 1985**

# CADASTRE OF QUÉBEC



- **After all these years, people tends to take the cadastral institution for granted.**
  - Cadastral surveys and Examination of titles
- **New issue at stake**
  - Land Title Insurance

## CONCLUSION



- Land surveyors should focus their attention to the people rather than to the measurements.
- Keep alive the dream of the next generations
- Land surveyors should think of themselves as the blue helmets of the land tenure peace and spatial organisation.



## QUESTIONS ?

