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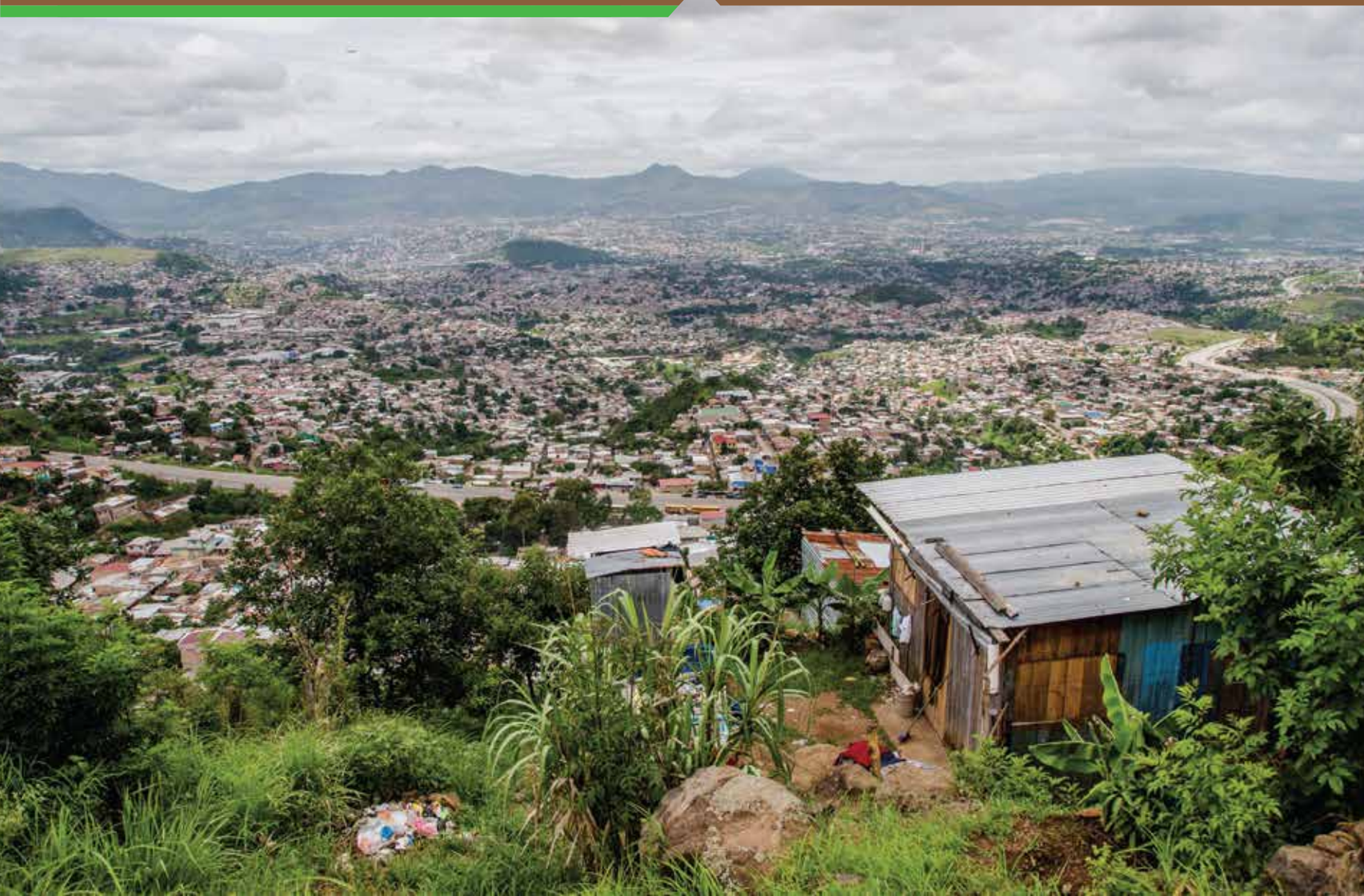
2017

PROTECTION OF LAND, TERRITORY AND HOUSING OF FORCED DISPLACEMENT VICTIMS IN HONDURAS



This publication has been prepared with financial assistance/support of the United Nations High Commissioner for Refugees (UNHCR). The content of this publication is the sole responsibility of the author and can not be considered as reflecting views of UNHCR.

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We thank all State entities, civil society organizations and communities that generously shared their vision and analysis about the mechanisms of abandoned property protection on the occasion of forced displacement. We hope that this report together with their recommendations strengthen the national protection system in Honduras and constitute the beginning of the process of consolidation of a national system of registration of abandoned properties in Honduras.

PROLOGUE

Forced internal displacement in Honduras is a reality that is not very visible but of great impact for thousands of people who have been forced to leave their place of origin.
The dispossession of homes and lands is among the multiple causes that generate internally displacement in the country.

Protection plays an essential role in the prevention of violations of rights that cause displacement, protection of life, security, and possessions of displaced persons, and in the meeting of solutions in the medium and long term to forced internal displacement.
If there are weaknesses in the registration systems of rights over property, there will be incentives to force the exit of people or to take advantage of their flight in order to seize their possessions.

These same weaknesses will limit the alternatives of protection and defense of properties by affected persons, also making it more difficult for the State to comply with its obligation of protection of rights. In a vision of medium and long term, the absence of mechanisms for registration, protection and restitution of housing and land, could be the cause of new and profound social conflicts between the original holders and those who, at the end of the years, exercise possession of the properties; the foregoing, without counting the impact generated to the families that will see their ability to return and recover their physical assets to advance in their economic recovery and in the solution of displacement.

In his report on Honduras,* the United Nations Special Rapporteur for Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani recommended the establishment of "A confidential system of registration of abandoned homes and property, which would make it possible to initiate judicial process to offer reparation to those people." This recommendation reflects the crucial role of protection of property rights throughout the displacement cycle.

Addressing an institutional response to forced internal displacement requires understanding the relationship between dispossession and displacement, identify mechanisms that discourage the possibility of legal appropriation of property, establish mechanisms for the registration of abandoned property and procedures that allow the recovery of it, or in their absence, the compensation of the people affected.

* United Nations. Report of the Special Rapporteur on the human rights of the internally displaced about his mission to Honduras. A / HRC / 32/35 / Add.4. April 5, 2016. Par 93
https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/068/68/PDF/G1606868.pdf?OpenElement

The presentation of this report aims to deepening the analysis of dispossession as cause of displacement, in the clarification of existing gaps in the legal and institutional system, that limit the possibilities for the protection of rights, and in the identification of alternatives that allow progress in strengthening cadastral and registration systems and in the search for solutions in the medium and long term of displacement.

The report is especially timely considering that the interinstitutional Comission for the Proteccion of forced displaced persons due to violence has recently completed a draft project of Law for the prevention of displacement and protection of displaced persons.

As UNHCR, we hope that this report will contribute to this debate and, beyond that, facilitate the progress in the design and implementation of mechanisms that strengthen the capacity of institutions, the communities and the people affected to protect the assets and assets of the victims of displacement.

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PRESENTATION

In Honduras, Decree PCM-053-2013, issued in 2013, initiated an institutional effort directed to the recognition, in the country, even after the armed conflict of 1907 and 1969 that the phenomena of forced displacement, violence and dynamics of dispossession of lands, territories and dwellings persisted.

Even in a greater intensity and under mechanisms that are more difficult to identify, since these are associated with activities of the agriculture, tourism mining sectors, and of course the dynamics of drug trafficking and organized crime that use displacement and dispossession among the strategies.

The displacement and its relation with patrimonial assets of the citizens is not at this time legible for the Honduran State, it does not have the instruments to register it, to conceptualize it and only since 2013 through Decree 33288 the first legal instrument is available to initiate its protection. Institutional designs on land, social participation, ethnic diversity, among others, have been a combination between state models that have persisted since the establishment of military regimes towards the middle and end of the twentieth century, the incorporation of international instruments for the protection of Collective rights and the modernization packages of their economy.

In contrast, civil society, especially grassroots social organizations, have embarked on major struggles to achieve recognition of this problem and seek greater responses from the state.
They have been the main actors of transcendental litigation brought before the Inter-American Court of Human Rights, but they have also been victims of murders and disappearances that the leaders of these movements have had to face, mainly the rural women.[1]

The role of civil society in the social transformations of Honduras is historic. The Honduran campesinos (farmers) have actively participated in different moments of agrarian reforms, nonetheless, the lag in the redistribution of the land still continues. According to official figures from the United Nations Food and Agriculture Organization (FAO), despite the two agrarian reforms (1962 and 1972 - 1975) and the programs implemented by the Honduran State in redistributive matters, 50% of the agricultural land is concentrated in 15% of the owners. Due to this situation the availability of land for exploitation is low, and peasant groups only work 20% of the agricultural area, thus 71.1% of rural population lives in extreme vulnerability conditions (FAO, 2014).

[1]According to Oxfam figures, in Honduras, currently, 23% of the population are rural women, out of which 1.3 million live in poverty conditions, only 4% benefited from the agrarian reform and only 11% of these women Access some type of credit. However, currently it is women who are the stand-bearers of the struggle for land, which has made them victims of persecution.

Following is the result of the consultancy on the protection of lands and territories of victims of forced displacement, which focuses on the current situation of the lands, territories and dwellings of people at risk of forced displacement, mainly, with the aim of presenting a diagnostic of the entities that have a direct or indirect relationship with the issue, as well as proposing a typology of dispossession and abandonment, propose a set of recommendations addressed to the State, civil society and organizations accompanying them. Although the consultation does not delve into the historical dynamics of lands and territories in the country, or the social organizations that have led its recovery, it is well worth starting from recognizing some constituent elements of today's Honduras in the field of human rights.

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INTRODUCTION

This consultancy is part of the analysis and recommendations presented by the report of the Special Rapporteur on the Human Rights of Displaced Persons in his visit to Honduras in 2015; the report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Honduras in the same year and the Report of the Special Rapporteur on the Human Rights of Indigenous Peoples published in July 2016.

In these three reports, as well as in the characterization document on Internal Forced Displacement in Honduras published in 2015 by the Inter-Institutional Commission for the Protection of Persons Displaced by Violence,[2] it is evident how the situations of insecurity and violence in the country have affected forced displacement of individuals and communities, without, having to date, a special legal framework or public policy to provide a comprehensive response to these violations of human rights.

An institutional starting point has been the active context since 2013, with the creation, by presidential decree (PCM 053-2013),[3] of the Inter-Institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV). This is undoubtedly a recent milestone that gives greater visibility to the situation of people affected by displacement.

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Thus, the UN Rapporteur on the Human Rights of Displaced Persons stresses the need to raise awareness of the problem of internally displaced persons and the specific issue of their rights to land, territories and housing, noting the importance of characterizations and typologies that deepen in the way in which the victims have been affected in their right of tenure of their goods.

[2] Study with technical and financial support from UNHCR, INE, ERIC and JIPS, available in: http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2015/10242

[3] http://extwprlegs1.fao.org/docs/pdf/hon132079.pdf

To contribute to this inter-institutional work, the result of this consultancy is structured into three major chapters of review and analysis. To begin with, chapter one contains a descriptive and analytical account of the legal framework of nine institutions and programs with direct and indirect powers in matters of land, territories and housing. This allows presenting a vision of the situation of lands and homes of internally displaced persons, and identifying the protection gaps that exist in the current legislation and public institutions. The second chapter focuses on an exploratory exercise of categorization of the modalities of dispossession and affectation of rights to land, territory and housing. For this, emphasis is placed on modalities where dispossession includes loss of material goods or limitations to the use of land and natural resources. With these elements, chapter three offers proposals for their treatment in the new context of the CIPPDV, which identifies key institutional scenarios and recommendations that can be considered in the design of a public policy and special legislation necessary to overcome the situation. These recommendations take into account that putting the protection of land and housing for the internally displaced in the public agenda is an action that requires greater institutional commitment, articulations and alliances that can continue to be promoted by the UNHCR office in Honduras in its role of advising CIPPDV.

It is important to point out that one of the greatest difficulties the that any analysis of housing and land in Honduras encounters is the lack of information related to the subject, so the consultancy chose to work with three sources to analyze the institutional gaps: the first, an analysis on the legal sources on land administration and the functions of nine entities directly or indirectly responsible for land and housing; Second, a qualitative work with focus groups of rural and urban populations to understand the gap between institutions and citizens with situations of risk of displacement. In concrete terms, the results of the work spaces with Lenca, Pech, Miskitu, Tawaka and Garifuna communities, with social leaders and leaders from different places of the rural and urban national geography, are the primary sources of this research, as well as the conversations and interviews with officials, as detailed below:

With ethnic groups:

Leaders of five Lenca communities in the municipality of La Paz developed a rapid diagnosis workshop in the community El Ocotal, Department of La Paz. As well as an information workshop on the territorial situation of the indigenous communities Pech, Miskitu, Tawaka and the Afro-descendant Garifuna people of the Mosquitia region. Department of Gracias a Dios.

- With urban communities a meeting with leaders of projects promoted by the NGO CDH, in the Colonias Generación 2000 and Capital of the City of Tegucigalpa.
- With female leaders the community Alemania, a meeting was held with semi-structured interviews in the municipality of El Progreso, department of Yoro.
- With officials from the nine selected entities selected in relation to land and / or human rights management, a dialogue was held focused on their responsibilities on land and housing, their possibilities and institutional limitations.

1. ANALYSIS ON THE LEGAL FRAMEWORK FOR LAND, TERRITORIES AND HOUSING IN HONDURAS AND GAPS FOR CITIZEN ACCESS

The following is an analysis of the legal nature of the nine main Honduran public entities related to land administration in the country, and which are responsible of the legal security of ownership, possession and occupation of land. The ethnic territories.

It mainly analyzes the legal and institutional responsibilities related to the cadaster and the registry of land and housing; the agricultural processes of access to property; the entities related to the use of land and finally the control and monitoring of fundamental rights in the Honduran State.
Based on this review of the scope and limitations of each entity responsible for the issues noted, the main gaps are identified so that victims of forced displacement can access state mechanisms of protection of rights to land, territories, and housing.

There is a brief mention of the Institute of Forest Conservation, an entity that was not an objective of analysis in this consultancy, but that represents a key instance in the measures to protect the territorial rights of the peoples who live in forest protected areas such as the Mosquitia.

Before doing this review by each entity, it is necessary to point out that the current Honduran Civil Code on property, collects the Latin American legal tradition based on Roman and French law on the ways of acquiring and guaranteeing the right to property, possession, tenure or occupation of housing and land. In this sense we have the following ways of acquiring property: occupation, accession, tradition, prescription and succession because of death.

The Honduran code, like the others in the region, establishes legal institutions for times of institutional and social normality, that is to say, there are no situations in which there is generalized or massive violence, which may render inapplicable or difficult to carry out principles of the Civil Code itself in times of peace and stability.
In this sense, internally displaced persons who have property rights, possession (because they do not have a public deed), occupation (which is exercised on idle or state) or simple tenancy (such as tenants), have difficulties to guarantee their rights and access to justice with the ordinary rules of the current Civil Code, taking into account that it does not consider in principle its particular situation in the midst of violence and / or territorial control exercised by maras, gangs, drug traffickers or other violent or depriving actors.

Just to give an example: of the protection of the right to property, the Honduran Civil Code has the action of possession or claim that is "the owner of a singular thing, which is not in possession, so that the possessor of it be condemned to restore it.[4] " The owners of this action are those who have full ownership, the nude property or the regular holder who would be entitled to the possession by prescription.[5] This action is directed against the current possessor of the thing[6] or against who alienated it, who must restore what he has received for it.[7]

[4] Civil Code of Honduras, artículo 871.
[5] Civil Code of Honduras, artículo 872.
[6] Civil Code of Honduras, artículo 873.
[7] Civil Code of Honduras, artículo 877.

This action, although it constitutes a guarantee to the owner who is not in possession of his house or land, it has serious limitations for the internally displaced persons, in that they must denounce and prosecute, with their own resources, a group or real criminal groups that through violence, exercise territorial controls in a colonia or a pathway and that at times coopt the local institutionality. In the same way, that no probative instruments are considered, such as the reversal of the burden of proof or institutional accompaniments to collect evidence and accompany them in administrative or judicial processes, which would allow access to solutions to their claims under protective conditions.

Also in relation to the protection of possession against violent acts, the Honduran Civil Code stipulates that whoever has been violently stripped of his possession or mere possession shall be entitled to restitution of the asset in the state that they were before the acts of violence. The only evidence necessary to for this action is to demonstrate the violent dispossession, however this action has a time limit of 6 months, which limits its exercise for people with high vulnerability, such as internally displaced by violence, who have precisely fled to save their lives and personal and family integrity.

Following this brief introduction, we will analyze the institutional activity in the area of housing, land and housing, the current regulation on registration and cadaster, and the existing gaps for internal displacement in the current context.

1.1 Property Institute - IP

1.1.1 Nature of the entity

The Institute of Property of Honduras (IP), was created by Legislative Decree 82 of 2004. The Law determined that the institute would be a deconcentrated entity of the Presidency of the Republic, would have legal personality and own equity. According to article 4 of Legislative Decree 82-2004, its operation would be technically, administratively and financially independent.
The IP aims to integrate the Property Rights System for the construction of a public policy; the implementation of the cartographic standards for the adequate representation of the national territory; ensure legal certainty and a fair settlement of disputes over property; and to carry out the land regularization process continuously throughout the national territory.

1.1.2 Administration bodies and dependencies related to land, territories, and housing

The property institute consists of a Board of Directors, the Executive Secretariat, the general directorates, the National Property Regularization Program, the National Property Commission (CONAPON), the General Inspectorate and the Superintendence of Resources (Article 6 Property Law).

In order to understand land management in Honduras and its relation to forced displacement, it is important to bear in mind that the IP has two key directorates for the subject: a General Directorate for Land Regularization and a Registry, Cadaster and Geography and that the Honduras Land Management Program is an entity attached to the IP.

1.1.3 Main function of the property institute related to land, territory and housing rights of forced displaced persons

General functions, according to Decree 82/2004:

- **Coordination of an integrated publicly owned property information system. As well as the use of databases that facilitate its operation; make available to the public the information on rights and registers of its competence.**
- **The administration and supervision of uniform procedures so that the constitution, recognition, transmission, transfer, modification, encumbrance and cancellation of the property rights subject to registration can be carried out in a quick, economic and secure manner.**
- **The issuance of administrative rules for the establishment and operation of property registries, which are under its competence; guarantee the security and conservation of the registrations made.**
- **The design and execution of a program of regulation and registration of real property that is not registered or that when registered faces problems.**
- **Contribution to safeguard the historical memory of the nation through the preservation of the main archives.**
- **The declaration of acquisitive and extinctive prescription. With this declaration the IP sends the process to the judge of civil affairs of the circuit where the property is located.**

1.1.4 Function related to property registration

By mandate of the Property Law, the Single Property Registry was created, which will be in charge of the Property Institute. The registration is of a public and mandatory character, when the law states this. The obligatoriness is related to the effects of the legal business before third parties, because for an affectation to the property affects third parties it is necessary for the property to be registered.

The Single Property Register consists of: the registry of movable property; Registry of real property; Registry of commercial property; Registry of intellectual property; Special registries; and associated registries.
As for the records that are relevant to the rights to the lands, territories and homes of the displaced, we have:

- **The real property registry: it will include the real rights[8] constituted on real estate, as well as the encumbrances and preventive annotations that are constituted on them.**
- **Special Registers: will include Civil legal entities, concessions and franchises granted by the State, cartographic information, geographic information, historical heritage, cultural heritage, world heritage, protected areas, tourist reserves and others that the Institute of Property) creates or enters into.**

As for the Single Registries System (SURE), it is assumed that it will operate in the registry districts that are qualified and organized with the territorial jurisdiction determined by the Directive Comittee

[8] Real Rights are those that a person has on things directly and before all people (erga omnes)

The registry works through private, municipal or national real folios; Which according to article 34 of the property law, are composed of:

- **A unique number of real folio.**
- **The unique cadaster number.**
- **Legal nature of the property.**
- **The potential vocation or use of the property.**
- **Identification data of the owner of the property.**
- **Extension, conditions, charges affectations, or limitations of the right that is registered.**
- **The ordered set of registrations and cancellations.**

As for the subscriptions in the registry it is worth mentioning that there are two types: the definitive registration that has permanent effects; and the provisional or preventive registration which will have time limits. According to article 35 of the Property Law, preventive annotations are of a restrictive nature. These are:

- **When there is a legal process (trial) on property ownership pending.**
- **One that by judicial decree obtains the embargo, sequestration, prohibition of celebrating acts and contracts on legal assets.**
- **When the final registration cannot be made due to certain lacking legal formalities.**

In turn, the Property Institute has the following functions of registration and cadaster, which are key to protect rights in general, and especially the lands and homes of displaced persons:

- **"Create, develop, and manage a national system of territorial information on property.**
- **The coordination and development of the cartographic system of the country.**
- **The certification of the entries of the registry and cadastral situations.**
- **Coordinate their actions with national or municipal entities related to land use planning.**
- **Authorize, define, carry out, verify, approve or validate the projects systems, techniques, methods studies and cadastral works that will be or will be carried out in areas of the territory of the Republic.**
- **Prepare and authorize the forms or formats that will be used to document the acts, contracts and other actions that must be recorded in the registries.**
- **Make the official declaration of territorial area or area that will be subject to cadastral registration survey activities, its closure, and the official and definitive declaration of territorial zone or area that will be subject to cadastral registration survey, closure and official and final declaration of zone or territorial area registered with all its effects. With the declaration of the zone the municipalities must give all the cadaster information of the zone.**
- **Keeping, maintaining, updating and operating registers and cadaster using techniques and systems according to methodological and technological advances are available and suitable for obtaining, processing, identifying, registering, and nomenclature, safeguarding and preserving the information to ensure the optimal delivery of the services."** [9]

[9] Decree 82 of 2004, article 24

1.1.5 IP Cadaster functions

Likewise, the IP has functions regarding the cadaster. According to article 56 of the Property Law, the cadaster will operate in accordance with the procedures, manuals and instructions that are operated by the IP Board of Directors. The registry of the cadaster is carried out by the Associated centers of the Property Institute[10] (IP) 177/5000, which must supply the information, digitally to the cadastre address.

The main functions of the cadaster registry will be to register, maintain, organize, provide and all the authorized information that results from the data collection from cadaster registries for each property with its individualized cadastral number. According to article 57 of the Property Law, the information in the cadastral register must be linked to the registration of the property.

The cadaster procedure is enshrined in articles 60 and 65 of the Property Law. The Property Institute may carry out cadastral work where the IP Board of Directors instruct they be carried out. The cadastral work includes a time of disclosure by the IP, in addition to a delimitation of the properties according to the titles of possession or tenure.

In order for a zone to be declared registered in the cadaster, the IP must: display the cadastral information collected with the corresponding plans and maps, including the list of properties and the names of the alleged owners through an administrative public hearing.[11]

Once the zone is declared, any centralized government institution that has worked on its own cadaster will make it available to the IP, within 30 days from the corresponding notification, so that the integration process begins at the cadastral information system.

After this information has been presented, the interested parties have 30 days to challenge it, otherwise, the information collected will be considered as a regular cadaster and will be registered in the national cadastral information system.

If the information was disproved, it will be understood that there is an irregular record and will go to a conciliation hearing.

[10]Are considered Associated centers of the Property Institute (IP) all those institutions, projects and public programs, national or municipal, that develop cadastral, registry and territorial ordering activities.

[11] Public hearing: is a form of making public the regularization processes before the beneficiary communities, and in many cases this is done through the patronatos (community boards). During the hearings there are land regulations groups in the community. In some cases the people who occupy the land do not come to the hearing because of violence reasons, in which case a note is included that the occupiers are unknown

1.1.6 Main dependencies of the property institute related to land and housing

Dependencies	Functions
Board of Directors	**The Board of Directors is the highest decision-making and protection body of the Property Institute. It also has functions that directly affect property rights to land and housing, including:** **Approve the plans for the implementation of the regularization process.** **Approve the manual and instructions instruments for the operation of registration of the cadastral information. (Article 56 Property Law).**
Land Regularization Directorate	The Land Regularization Directorate, which depends on the Executive Secretariat, is responsible for the implementation of the property regularization process. For this purpose, it must solve conflicts **over land tenure; land titling, registration and incorporation to the national cadaster,** and registration in the Property Registry. Officials reported on the insecurity situation, which have led to experiences, such as the Colonia Villa Cristina in Tegucigalpa, where the insecurity situation did not allow officials to enter the area to conduct the regularization work. The Property Institute can initiate the land regularization process ex officio or at the request of a party, as long as the property is not located in national forests, protected areas and national parks. With regard to issues related to indigenous and Afro-Honduran peoples, there is a special process of regularization of real property for indigenous and Afro-Honduran peoples, enshrined in Chapter III of the Property Law. The end of the process is the recognition of the rights of communal property of these peoples, by delineation of collective lands, so that the communities have their full control..
Registry and Cadaster Directorate	The General Directorate of Registries has the responsibility to safeguard the property right and maintain the certainty of what is registered. To this end, it must direct, **coordinate and follow up the different activities carried out by the registries under its responsibility;** Shall ensure legal certainty and enforce the laws, regulations and registry provisions and of the Executive Secretariat; propose solutions to efficiently satisfy the technical, legal and registry functions of its area of responsibility.

General Cadaster and Geography Directorate	Created from the merger of the Executive Directorate of Cadaster and the National Geographic Institute. The Property Law assigns the following functions, which relate to the right to land:[12] ⊕ Verifies that Projects and Programs that perform cadastral work comply with the rules established by the Directorate. ⊕ Updates and manages the cadastral information generated through the Projects or the requests to demand that are made in the Cadaster Directorate. ⊕ Is responsible for promoting municipal cadasters according to the procedure established in the Property Law (declaration of area to cadastral, gathering of information, validation of information with public hearings and the declaration of a zone in the cadaster).

1.1.7 Scope of the institutional meetings held by the consultants

Discussions of the meetings held on 19 and 26 September.[13]

These meetings dealt with the following topics related to the operations and administration of land in Honduras:
The Institute administers the National, the Single Registration System (SURE) with 1,250,000 estates registered nationwide.
Since 2014 by legal provision, the cadaster and registration process was unified. This process is conducted at the IP on demand. According to the officials, if the owner of a property leaves the house, and no request is made, the IP cannot take any action. In the property updates made by the IP through regularization processes (Regularization Directorate), if noticed that there are no owners, it is registered as unknown occupants. They insisted that the proceedings before the Registry are rogatory and at the request of a party. There are currently 24 regional offices, 16 of which are digitized.

The route to become an owner in Honduras is as follows, in an example of a purchase-sale contract:
A contract of sale of the property is made that must include a topographic survey of the land it is registered before a notary (public instruments).
Then it is registered in the IP, where it is related to existing digital records. The legal reform of the year 2015 of the Property Law obliges the buyer to register the acquired property.

Regarding the preventive annotations made in the property registry, the interviewed officials discussed the possibility of making registrations in the cases of abandonment of lands or dwellings due to forced displacement, seeking an advertising effect and of prevention of later dispossessions. Although most of them said that it was not viable, some IP officials do see such registration as possible.

[12] Webpage of Property Institute of Honduras, revised on December 6th, 2016.
http://www.ip.gob.hn/index.php/direccion-de-registros-de-catastro/acerca-de-catastro
[13] Attendees to the meeting of September 19th, 2016: Luis Cruz- Head of Predial Office - IP / Carmen Cárdenas. Director's Assistant - IP / UNHCR Team. Román Álvarez and the UNHCR team attended the meeting held on September 26th.

At the second meeting on September 26 with the IP, a dialogue was held with the regularization team about the processes it is responsible of, the main issues addressed in the meeting were:

- Inquiring about the issues of security, violence and forced displacement in relation to the tenure of housing, land and the work of the Directorate, it was announced that in the framework of the Pilot Plan for.

Regularization of Property in the City of Tegucigalpa, field work is being carried out with the colonias of Los Pinos, (Los Pinos, Los Pinos Altos, Los Pinos Planos). Surveys of economic and social content are being carried out in the field work.

- The plan in the colonias Los Pinos, includes approximately 300 land properties, through the collection of field information and the cadastral bank it has been possible to identify three specific situations regarding properties:
    - Land titled: there are 100 properties that were titled and are in the SURE.
    - Properties with unknown occupants.
    - Property that have not completed the titling process: special care must be taken for these properties, since people will not be able to pay for them due to lack of resources and at some point, State support will be needed to avoid the risks of informality and lack of records.
- The existing community boards, are collaborating with the entry of the civil servants into the communities, since, without their support, it would not be possible to go to the field for security reasons. In addition to the support in security matters, the leaders, members of the community boards collaborate with the socialization of the information.

1.1.8 Institutional and legal gaps identified

- When there is an abandonment or usurpation of land or housing, the institution does not have the capacity to act ex officio to make the annotations in the property register that establish an alert or makes the land inactive for housing and land market while the abandonment or usurpation is maintained.

- The preventive annotations can only be made by order of the Public Ministry or a judicial office, which ordering the removal of the good from the trade market, by establishing a prohibition of signing acts or contracts on the property. However, if the land or dwelling does not have a formalized registration, that is to say, without full domain because they are possessors, occupants or holders, they cannot have such annotation. The latter being the most common situation among vulnerable people (including displaced persons), with informal occupations in urban or rural areas.

- Through the field work of the Property Institute, its officials have found some security problems to advance in the regularization processes in colonias and rural areas, however, given they are not the competent entity in security matters, they cannot solve the claims stated by the community members. No coordinated process was found with the Public Ministry to intervene in these cases.

- Through the work done with the focus groups, problems were identified related to the probative value of affidavits submitted by members of a community in the property regularization processes that have been advanced by the IP or PATH II. The communities stated that, after providing affidavits to the officials, they are sometimes not taken into account in the securitization or regularization of their homes or land.

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2. TYPOLOGIES OF TERRITORY, LAND AND HOUSING DISPOSSESSION OF INTERNALLY DISPLACED PERSONS

Following, several typologies of deprivation of rights over territories, lands and housing of the internally displaced are proposed. This approach is the result of the information obtained within the framework of the consultancy,[32] from three sources: meetings and workshops held with representatives of urban and rural communities living in situations of risk of forced displacement or already displaced; Meetings with NGOs working with these communities; And finally, the information gathered in the interviews with officials of State entities that have some responsibility related to the rights to housing and land and / or the guarantee of human rights.

Although it is not an exhaustive classification, the development of the consultancy allowed the identification of several types of dispossession, in the search of a classification from the perspectives detailed below.

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[32] According to definition of Pinheiro Principles and Patrimony of Displaced People and Refugees

2.1 Of the negative impact on victims of dispossession

The particularities of forced displacement in Honduras imply a review of urban and rural dynamics. In cities, violence, almost always related to drug trafficking, maras and gang structures, generate expulsion of population and risk of loss of housing. These cases difficult to identify for the reasons exposed in the previous chapter, form a scene of material dispossession located in Colonias. In contrast, forced displacement in rural contexts involves the study of other factors and other actors involved, as well as the analysis of organized groups that expel families or local populations in search of territorial control.

This first typology emphasizes the negative impact on people who are victims of dispossession whose relationship with land or housing is informal and on the factors that exacerbate this preexisting vulnerability. Thus, two subcategories could be recognized:

2.1.1 Victims of urban forced displacement with informal land or housing tenancy

These are the cases of people forced to leave urban dwellings or estates as a result of violence in their colonias due to the threats from maras, gangs or drug traffickers and who do not have public documents duly registered of full property in the Institute of Property (IP). They are usually vulnerable people or family groups, with no property titles in colonias under the control of organized criminal groups, whose informality of tenure (holder, holder or occupier of idle or municipal lands), makes their protection more complex to respond to forced abandonment. Sometimes the dwellings or estates are used, destroyed or controlled by the same criminal groups.

2.1.2 Forced displacement victims with informal tenency in rural zones

It is the situation of people or families who live in rural areas and are forced to abandon land or housing because of the violence produced by organized groups. These people have forms of tenure without full ownership of the State, under varying forms of possession, tenancy or occupation of land based on local access practices. That is, they are individuals or families without formal titles whose forced displacement makes the protection of their rights to land and / or housing even more precarious. It is probable that in this modality, the lands or dwellings are in abandonment or usurped by illegal groups that originated the displacement.

2.2 Forced displacement as a strategy of dispossession, abandonment and ursurpation

As detailed above, in Honduras there are territorial conflicts of different origins, whether involving urban populations or disputes between the State and rural communities, or confrontations with private companies that place their interests in areas of community use, as well as the tensions of the agrarian conflicts between indigenous people, Afro-descendants, rural communities and large landowners. None of these situations, a priori, would generate forced displacement. What makes them a risk is the interest and participation of organized crime groups in these conflicts. Therefore, following are detailed types of dispossession depending on the context in which they occur and the type of conflict, including the impacts of tourism and agro industrial development projects that generate scenarios of violation of territorial rights or ethnic and farmer populations, and taking this into account, when it involves subjects of special protection, forced displacement does not always impl<<y forced expulsion, but can be expressed as the limitation or loss of possession, use or administration of environmental goods and services.

2.2.1 Conflicts resulting from development projects that violate human rights

These conflicts are caused by advances in development models that lead to violations of human rights, such as the loss of public assets for use and enjoyment of places of environmental or cultural importance. Several communities pointed out that in the development of infrastructure works or large agro industrial projects, tourism or local development works, the rights to prior, free and informed consultation are not respected, with the aggravating circumstance that violence is used and sometimes their leaders are exposed to the risk of forced displacement. However, this type of dispossession is mainly expressed in the loss of places of use, such as beaches, water sources, access to forests or other ecosystems from which they derive their livelihood.

2.2.2 Non-resolved agrarian or territorial conflicts in rural zones and aggravated by organized criminal groups

Those that happen between communities that have resisted, but continue at risk of displacement [33] and groups of drug traffickers, maras or gangs that affect the tenure of the land or houses of people or communities. Communities with unresolved territorial conflicts were identified and constantly harassed by criminal groups that pressure or control them for conflicts to be solved in favor of third parties or their own interests. In these cases, people are threatened and permanently suffer violence situations, sometimes with the complicity or omission of public officials. Permanent threats and control of Maras and gang groups lead to risks of forced displacement and abandonment of land and / or dwellings of communities and individuals who are part of a given agrarian conflict.

2.2.3 Destruction of housing in the framework of the conflicts with maras and gangs

In urban areas, gangs or maras destroy the homes of the people they themselves have displaced. This is a modality that operates as a form of social sanction directed at people who do not accept their controls or orders in the colonias. The destruction of homes prevents their occupation and becomes a public landmark that includes the loss of their heritage. This strategy is also used as a modality to expand buffer zones or to expand the boundaries of opposing maras or gangs.

2.2.4 Housing or land with property titles occupied by gangs, maras, or organized crime

During the workshops with communities, it has been repeatedly pointed out that there are cases where people are forced to leave their neighborhoods, leaving their houses for which they have title deeds. Later, the properties are occupied by organized criminal groups that use them for illicit activities. It occurs in colonies mainly in large cities, where maras or gangs threaten potential buyers or renters of abandoned housing, as a form of additional retaliation on families forced to leave, who must also continue to pay taxes and public services, despite not being in control of their assets. In this sense, during the consultation, the cases of loss of control and abandonment of houses near maximum security penitentiaries were referenced, which once expelled their owners, are used as rings of security or protection at the service of members of maras or Gangs

[33] Refers to the communities or groups that, despite facing violence situations, remain in the territory using resistance practices, collective actions, political organization forms and civil society support networks.

2.3 Those related to dispossessions through transfers or administrative decisions

This typology focuses on those situations involving the transfer of a public / private document or changes in the legal regime, where the State does not take into account the situation of victims of violence to conduct the legal act or institutional decision. It can be presented in rural and urban contexts in the context of formalization processes, individual titling or recognition of collective ownership and is characterized by a lack of putting the situations of displacement or manifest risk into context.

2.3.1 Disarticulated state intervention

Disarticulated actions between entities of the State that affect the traditional territories of ethnic groups, by granting concession rights arbitrarily to companies, resulting in conflicts between private and indigenous or Afro-Honduran communities. For example, in the case of the Lenca people, its leaders have indicated the alleged violation by INHGEOMINof their indigenous autonomy and prior, free and informed consultation by issuing permits to private companies for mining-energy projects. In these cases, other instances, such as DINAFROH, would have to act as official guarantors of the rights of communities.

2.3.2 By urban or rural property regularization processes

These are the processes of regularization of urban or rural property, led by the State, which do not take into account the situation of houses or lands that are abandoned due to violence situations. This creates the risk that the properties awarded to second occupants identified at the time of official visits of the regularization processes, whether they are occupants of good or bad faith. These formalization measures lack planning and development, and tend to recognize the situation of forced abandonment that exists in national territory, which aggravates the patrimonial situation of the victims of forced displacement.

2.3.3 Agrarian conflicts, resulting from collective titles without defyning the situation of third party's tenancy

The recognition of collective titles to indigenous or Afro-Honduran communities, without cleaning or delimiting of third parties living inside the titled territory, is a potential source of conflicts that generate the risk of forced displacement and deprivation of territorial rights. Sometimes, these state actions allow third parties outside the territory to occupy them irregularly. Collective titles alone do not guarantee community governance, in the case of Honduras, it has been identified that the lack of demarcation and the need for cleaning leave the protection of ethnic territories incomplete due to various external factors that undermine the processes of consolidation and autonomy in the territories

Also, there is a lack of programs to improve the technical and administrative capacity to guarantee governance. Better training and strengthening of the technical dimensions of exercising governance by ethnic peoples is needed. Proof of these is the lack of mechanisms to solve inter- and intra-community conflicts that could help to manage tensions at an early stage, and prevent them from escalating into overt conflicts and direct confrontations that may lead to situations of forced displacement.

3. INSTITUTIONAL SCENARIOS AND RECOMMENDATIONS FOR THE PROTECTION OF LAND, TERRITORY AND HOUSING RIGHTS OF THE POPULATION VICTIMS OF FORCED DISPLACEMENT BECAUSE OF VIOLENCE

3.1 Possible institutional scenarios to promote the protection of land and housing of forced displacement populations

The following are the institutional scenarios identified through dialogue with public institutions. The mechanisms identified are divided into four sections: sensitive information systems to identify forced displacement, land registration and forced population displacement systems, pedagogical processes, institutional strengthening, and coordination processes.

3.1.1 Information systems that are sensitive to: land, territories and houses and human rights violations

Considering that the entities visited by the consultancy, in fulfillment of their institutional mission, produce information with some regularity, the investigation of the existing databases and the variables used to capture information on land and housing was prioritized. It was found that, with the exception of CONADEH, there are no databases with variables that narrate the facts of violence and violations of human rights related to ownership and possession of land or housing. This situation neglects the problem of the lands and houses of the forced displaced, while limiting the possibilities of protection of the property stripped by violence and its future restitution.

For physical or digital files to identify affectations to ownership, possession, occupation or tenure, it is necessary for entities to include in the databases they manage, variables that link in their records the violence events associated with the properties. These new variables could provide information related to the impact of violence in Honduras and its special effect on land, territory and housing tenure. A subject that until now has not been widely researched and analyzed at the institutions level. Some specific recommendations are detailed below:

- **Impact of violence on housing and land:** In the visits of the consultant to the competent entities in regularization matters, it was evidenced that the abandoned houses and lands that are object of formalization, are classified during processes under the category of "Occupants unknown." Thus the Land Program (PATH) and the IP, should include in their databases associated with each property, variables on violence, human rights violations and forced displacement, both in the planning and information gathering processes in the field, as in the results of the field work carried out by these entities.

  Information classified under the name of unknown occupants used in SURE and fed by the Cadaster Office of the Property Institute, to identify houses or lands in which they are not owners, may be the starting point of a database that provides clues about forced displacement events in areas of greater violence or insecurity, and possibly this information could be compared with geo-referenced data on violence.
  These variables would contribute to deepening the characterization and information of the relation housing, land and forced displacement, in urban colonias and rural areas. Although today it is not known how much statistical weight forced displacement by violence may have in dwellings or estates classified as unknown occupants, these databases could be improved with the use of the variables mentioned.

  Specifically, it is proposed that variables related to violence, human rights violations and agrarian conflicts can be included in PATH's RENOT[34] land and housing information system. This way information could be produced which includes both information on the land market and the protection of land abandoned by victims of forced displacement.

[34] The final objective of RENOT is to show the normative attributions that a property has, to assure that the interested parties know the conditions that implies a transaction on the property. The RENOT also reflects the regulatory framework in terms of land use planning to promote its link with the transactional processes of the institutions that execute resources and policies in territorial matters.

- **Update the system of complaints of the CONADEH SIQUEJAS** it is imperative to advance in the incorporation of variables into this system that capture data related to forced displacement, including facts about human rights violations articulated to conflicts over land tenure or deputies for natural resources. An exercise of this magnitude will contribute to guide the work of the entity better, in terms of statistics, production of reports and strategic decisions related to agrarian conflicts and situations of forced displacement. In addition, it would link information to the events of violence and human rights violations with dwellings, lands and territories to generate point analyzes, risk maps and identify areas with abandonment and dispossession events, so that other State entities may use them and incorporate in the information base for their actions.

3.1.2 Systems to register land and housing of forced displacement populations

- **To promote greater use of the powers of the Public Ministry** (prosecutors who are in charge of criminal cases) and of judges, to order, in criminal cases in which there is abandonment of land or forced displacement housing, that the IP make the preventive inscriptions in (SURE), which purpose would be to protecting the right to tenure of the displaced, through effects such as: removing the property from the trade (prohibition of contracts) to prevent possible business on abandoned land, publicize the situation of the property to third parties who may be interested in goods that may belong to persons who have been displaced by force and prevent the dwellings or land from being taken by second occupants.

- AMHON officials discussed the possibility of creating registers in the municipal cadasters files that would be sensitive to the situation of violence in the municipality and mainly forced displacement. The importance of having records or annotations on abandoned land and housing in the cadasters administered by the municipalities and the possibility of carrying out controls of the property of the persons forced to displace as part of the function of the cadasters. Once the assets are declared, AMHON officials consider that it is possible to make an annotation in the cadastral code of the property, to have a record on the abandonment or dispossession of the property.

- During the consultation the legal feasibility of the annotations made by the municipalities was analyzed, since at present they have the authority to administer the cadaster of their territory. This function would allow to have the first institutional record on land abandoned and dispossessed due to violence in Honduras. Although land and housing registration of IDPs in municipal cadasters would be an ordinary, non-specialized protection mechanism based on human rights principles for the specific needs of the victims, can in fact contribute to make the situation of land tenure and displaced persons visible and serve as a temporary mechanism, while creating special routes into the future, in legal frameworks and public policies on forced displacement.

- In the work of the consultants with CONADEH officials, they agreed on the importance of this proposal and see practical feasibility, even with the current legislation. Although it was proposed that IP should support the initiative and create guidelines for cadasters to perform the function of registration of abandoned homes and lands.

- In order to strengthen this initiative, it was considered that CONADEH could accompany, by the municipal cadasters, the processes of receiving declarations or denunciations about abandonment or dispossession of land and mainly accompany the victims to register their property in the Municipal Cadaster, as a measure to protect the victims and their property.

- **Alert systems in CONADEH:** the entity should work to include standard variables on land tenure and housing of internally displaced persons in its databases, both in the data collection and reporting tools of the Complaints Unit, and in those of the Internal Forced Displacement Unit.

- It is necessary to make visible in the follow-up to grievances or complaints about forced displacement, that these situations usually include violations of the rights associated with land and housing tenure. This will help strengthen the intervention in the handling and reporting of cases. It is important to include an alert system that allows activating preventive procedures in areas at risk or of forced displacement. It is important to recall that the Rapporteur pointed out the responsibility of the CIPPDV to develop systems to register persons displaced by violence, which can be crossed with information systems on land and housing.

3.1.3 Learning processes

- To conduct inter-institutional learning processes with CONADEH and the Property Institute, to deal with issues related to land tenure and the rights of victims. The learning processes could focus on the advances of the jurisprudence of the Inter-American Court of Human Rights and international instruments such as the DENG and PINHEIRO principles.

- In its role of promoting the creation of municipal cadasters and their regulatory functions in this area, the IP, based on its legal powers, could provide instructions to the municipal administrations, on the administration in the municipal cadaster, of the information relating to buildings abandoned due to forced displacement. For example, regulating the inclusion of new boxes for this information and the cadastral management of these cases.

- **Municipal use of urban and rural cadastral records.** One of the most urgent conclusions arising from the technical work sessions between the UNHCR Land and Housing consultancy and AMHON - Bureau of Territorial Planning, is to initiate pilot projects in municipalities targeted by their situation of violence to make technical cadastral records used in that municipality and to analyze the possible inclusion of one or several boxes that record the situation of houses or land abandoned in rural or urban areas because of forced displacement. In any case, it was indicated in the meetings, that a learning process on forced displacement and land tenure, directed both to the municipal administrations, and CONADEH is necessary.

- Once the technical work on the cadaster files, above described, is completed, a series of training processes are proposed, that would be convened by AMHON, CONADEH, other entities working in the sector and UNHCR, and directed to municipal cadasters offices with which AMHON works in those communities in which been more cases of forced displacement, according to information that can be provided by UNHCR and CONADEH through different sources.

- It is important to initiate training processes for officials of the Public Ministry and the Internal Forced Displacement Unit of CONADEH regarding the rights to peaceful tenure of lands and housing, as well as international instruments and guarantees for the rights of the displaced population.

- Throughout this process, it would be very useful to review in depth the Colombian experience and other relevant experiences, and to promote knowledge exchanges among civil servants and civil society in Honduras with public administrative and judicial officials, academics and victims who in Colombia promoted the creation of the National System of Attention for Displaced Population, and initiated the

specific mechanisms of individual and collective patrimonial protection. A series of exchanges at the level of social and state organizations is highly recommended, rather than a timely visit, as a process of exchange of knowledge, for example, with civil society organizations that have followed the policy of land protection and the adoption of a restitution measure before the Constitutional Court. At present, the European Union is funding an important initiative in Colombia to strengthen the participation of civil society in restitution processes. On the side of the entities, the Restitution Unit, the Office of the Attorney General through the Delegate for Restitution and delegates of the restitution jurisdiction within the judicial branch, could be key allies in a process of appropriation of knowledge of the concrete experience of these actors.

3.1.4 Institutional strengthening

- CONADEH could, as a protection measure, accompany land and housing regularization processes in colonias and rural areas organized by IP and PATH, where there is a knowledge of the risks of forced displacement or information on displacement events, in order to guarantee the rights to the property, possession, occupation and tenancy of internally displaced persons.

- The IP should strengthen the role of community boards and accompany identification of homes and properties in their territories, supporting their independence and autonomy from gangs or maras that control their jurisdictions, or in cases of cooptation, not use information of the community boards that could be manipulated by these illegal groups.

3.1.5 Coordination processes

- It is necessary to articulate the information systems as to form an integrated system on houses and land with public access, as well as the use of databases that facilitate its operation. One of the main purposes of these information systems, should be to make public information about property rights on e-portals or open reports to citizens.

- Greater coordination is required between CONADEH's work units, and between this entity and those in charge of land administration in the country, in order to know and publish institutional routes for access to rights over territories, land and housing. For example: in regularization programs such as IP and PATH are advances, in the knowledge of how municipal cadasters operate and their relationship with the rights of victims of human rights violations. To make the existing judicial mechanisms and the access routes known to the judicial power, in which property is defined, as well as to facilitate the operations of the judicial apparatus on land (precautionary measures, among others).

- **There is a need to maintain institutional work plans for CONADEH in the field, where the facts on land and housing happen. The fieldwork would strengthen the quality of the work of the officials, the knowledge of on the ground cases, and the immediacy of the tests and the possibility of receiving the different perspectives about the facts.**

- **A process of coordination between the mining cadasters and the municipal cadasters should be carried out to identify properties that could be affected by mining-energy processes and to publicize information, as a mechanism to prevent conflicts and forced displacement.**

- **Institutional articulation and coordination should facilitate the training of judges and prosecutors in the field of forced displacement and rights of ethnic groups. This could include coordination at national and regional levels with the participation of academic institutions that support and guide the training scenarios.**

3.2 Mechanisms and initiatives recommended to civil societ organizations

The following recommendations are based on the conversations of the consultants with social, community and NGO organizations leaders, authorities of indigenous and Afro-Honduran communities, as well as on the identification of gaps in lands, territories and housing protection identified in the meetings with public officials of different entities of the Honduran State.

Several recommendations are part of the review of initiatives already carried out by the communities themselves, which participated in the visits of the consultancy, or of new ideas that were discussed in the framework of the project and considered relevant for the protection of their rights.
Other recommendations belong to the catalog of protection practices that have been implemented by civil society in other international experiences, mainly in Colombia.

It is important to mention that most proposals are medium- and long-term tools, and that their adoption must take place in the context of organizational processes or community support which should be permanent. What can be seen in other Latin American contexts, where communities and people displaced by violence are trying to protect their homes, lands and territories, is that not only economic resources are required, but it is also necessary to develop of broader and more institutionalized collective strategies.

3.2.1 Strengthening of the agenda of forced displacement caused by violence of social and community organizations

It is recommended to include in the strategies of social organizations better treatment of the scope of protection of international legislation, with emphasis on the Principles of Restitution of Refugees and Patrimony of Refugees and Displaced Persons (Pinheiro), mainly in terms of the Obligations of States, on:

- Offer protection to individuals and communities so they will not be arbitrarily or illegally displaced from their homes, lands and territories by state and non-state actors, highlighting the rights of women, indigenous peoples and Afro-descendants.

- The establishment of "procedures, institutions and mechanisms that, in an equitable, timely, independent, transparent and non-discriminatory manner, and with their support, allow the evaluation and follow-up of claims related to restitution of housing, land and heritage" (Principle 12.1).

- Develop programs for registration and documentation of housing, land, territories for displaced persons, for protection purposes and the subsequent restitution processes. Do not consider valid any transaction of housing, land or property, carried out under pressure or under any other type of coercion or direct or indirect force (Principle 15).

- Clearly prioritize the right of restitution as a preferred means for restitution of their homes and property. (Principle 12.6).

The analysis and use of the conclusions and recommendations of the rapporteurs, documents and reports of the United Nations System (UNS), as well as the active and organized participation in the follow-up are necessary, especially:

- Report on Characterization of Forced Displacement by Violence. UNHCR 2015

- UN Special Rapporteur on the Rights of Indigenous Peoples Report. 2016

- UN High Commissioner for Human Rights Report on the Human Rights Situation of the Office of the. 2015

- Report of the Special Rapporteur on the Human Rights of Displaced Persons. 2016

It is of great importance to strengthen the informed and technical participation of civil society in instances such as the Inter-institutional Commission for Forced Displacement by Violence, and public policies related to housing and land, to make proposals to be adopted and implemented in the Honduran context.

3.2.2 Strengthening of the support networks to protect displaced persons by violence and their rights to the peaceful tenancy of housing, land and territories

- Expand the scope of national and international alliances on land, territories and housing.
- To make the situation of the internally displaced persons and their rights visible in the public opinion, mass media and by the State.
- Inclusion of agenda of the victims of forced displacement and protection of housing, lands and territories in the agendas of national and international organizational and support networks.
- Maintain a systematic follow-up of legislative and public policy developments to contribute, from their organizational experiences, in the development of legal instruments of the concepts of internally displaced persons, dispossession of dwellings, lands and territories, among others, in the Honduran context.
- Demand the participation and consideration of the displaced population or at-risk in institutional programs and projects that define property rights which may affect their rights to housing, land and territories, for example:
    - Regularization processes of housing and urban land, advanced by IP, PATH, and the Municipalities.
    - Participation in agrarian processes carried out by the INA in rural areas
    - In the projects for the registration of lands of displaced population that are established in the country.

3.2.3 Use of instruments to strengthen the organization capacities to defend and protect housing, lands and territories of displaced population

- It is recommended to use social or community mapping tools, census and characterization of territories in organizational processes, including the characterization of the effects of violence on housing, land and territories, so that the resulting information can be used in protection and / or restitution processes.
- Community demarcation of the territories occupied by farmers, urban, indigenous and Afro-Honduran settlements, based on the criteria of the communities, occupations dynamics occupation, tenure and disposition that are exist in their territories.
- To know experiences in this matters that have been advanced in other regions of Central and South America, based on the use of participatory geographical information systems. Like the case of the indigenous people and quilombolas of Brazil from the experience of self-mapping,[35] or the processes supported by the academy in Colombia[36] and in Peru.[37]

[35] See www.novacartografiasocial.com
[36] See www.etnoterritorios.org
[37] See www.ibcperu.org/investigacion/mapeo-territorial/

3.3 Initiatives recommended to be supported in urban contexts

- **Strengthen and expand community protection mechanisms for key individuals, developed in various regions of the country in urban contexts, to collectively protect, surround and accompany community leaders, threatened or at risk, especially those related to the community boards or people who defend the communities' interests, including their rights to the territory. These experiences have included mechanisms of permanent accompaniment to leaders in their homes and mobilizations; Basic communication systems, temporary exit of communities and promote plurality of leaders.**

- **Given that it was evidenced, at least in the colonias in Tegucigalpa, that the presidents of the community boards sometimes issue a "location card", when they award a land plot in the colonia, the wider use of this instrument could serve as a proof of family occupation, for example, for land regularization processes, where it could help to clarify the tenure in formalization processes. Their convenience, however, must be analyzed in the context where maras, gangs or other groups exert controls on these community boards to deliver this card.**

Strengthening of community and organization processes of indigenous and Afro-Honduran people:

For the specific situation in the Mosquitia region, the MASTA and UPIN organizations are recommended to start building a work agenda with the support of the State and / or international cooperation, including proposals from indigenous and Afro-Honduran people to the government. In particular, ethnic organizations should be able to influence and co-create the participation mechanism and methodological tool prepared to develop the pending cleaning processes of the land with titles in favor of the indigenous and afro-Honduran communities in the region.

In the case of the Lenca people, it is recommended to work with the technical support of international cooperation and NGOs, which can provide support in the following strategic items:

As proposed by the Confederation of Indigenous Peoples of Honduras (CONPAH), it is necessary to create indigenous self-government structures and clarify their competencies with respect to other state entities, including central and municipal governments. To advance in this direction, the Confederation has proposed the elaboration of a Special Law of Rights of the Indigenous Peoples and Afro-Hondurans (CONPAH 2015).

- **A mapping process from the indigenous perspective and the own law is recommended, which considers the information of the existing municipal cadasters, to contribute to the clarification of boundaries and land uses in their territories.**

- **Initiate processes of indigenous territorial planning, which develop the rights of autonomy of the people and serve as instruments for technical and political dialogue with projects that reach their territories and the titling and cleaning of their lands.**

- **Integrated work between the indigenous authorities and NGOs is proposed, including legal services to accompany the situation of the Lenca people regarding the validity of their rights derived from prior free and informed consultation and the risks of forced displacement related to Megaprojects in their ancestral territories.**

One of the most challenging regions to guarantee ethnic territorial rights is the Mosquitia region, according to experts in this region, development dynamics linked to organized crime groups coincide. Proof of this situation is the diffusion of African palm plantations in the north region of the country, which represents a significant threat also for indigenous territories, since the sale of land to give way to plantations contributes to promoting the transfer of cattle raising farms to the interior of this region (PRISMA 2012). "The expansion of cattle raising is not a new phenomenon in La Mosquitia. It is a dynamic that has been deployed in the region for several decades, exerting constant pressure on the resources and territories of its four people (Miskitu, Pech, Tawahka and Garífuna). However, there is much evidence of an intensification of this activity, closely related to the growth of drug trafficking in the last 10-15 years "(McSweeney and Pearson 2013).

These same authors insist that drug traffickers need to control the territory through which the drug passes, to launder their profits and legitimize their presence as supposed cattle raisers. The purchase of land and the sowing of vast pastures allow them to reach those objectives. "The response of the state - promoted and supported by the United States - has been the militarization of La Mosquitia. But there is a strong concern that the military presence will not be used only to curb drug trafficking, but also to safeguard the economic interests of influential people in the region "(PRISMA 2012, McSweeney and Pearson 2013).

It is striking that researchers at the prestigious research center The Wilson Center, have made publications in which they affirm the relationship between drug trafficking, violence and land grabbing. They affirm that all the indigenous peoples of the country, to a greater or lesser extent, face the same reality in their territories and communities. They stress that the pressures are not disconnected between them. In addition to financing livestock expansion, there is evidence that drug profits are penetrating other sectors of the national economy, including mining, energy, agribusiness and tourism (Bosworth 2010, McSweeney and Pearson 2013).

Consensus on the severity of these situations could not be greater. Forest Trends (2015) warns that the overlapping of mining and hydroelectric concessions, expansion of livestock and monoculture, land grabbing by external actors, drug trafficking and violence are unleashing profound impacts of deterritorialization and fragmentation of the territories of Indigenous peoples. These impacts are aggravated by legal reforms aimed at favoring investments or combating drug trafficking, which lead to the gradual weakening of national legislation that provides legal security to lands and territories.

All of these situations identified in both primary and secondary sources justify the need to work on building observatories on human rights violations in regions with greater forced displacement or risk of displacement. It was pointed out as a priority in areas occupied by the Lenca peoples, in the Mosquitia and Colonias or neighborhoods controlled by maras or gangs. These observatories could include variables that account for the situation of territorial rights, land and housing with the technical support of universities and NGOs working on the subject.[38]

[38] For example, it is worthwhile to go in depth on the information and investigation lines in the Land Planning Observatory of Universidad Nacional Autónoma de Honduras - OUOT

Although during the consultancy, it was not an issue of inquiry, the secondary sources of representative organizations insist on taking into account the territories of ethnic groups that coincide with conservation areas, since conflicts have arisen for the recognition of their autonomy in these areas. Although the Forestry, Protected Areas and Wildlife Law recognizes the right of indigenous peoples to own their forest areas, this law grants the Forestry Conservation Institute exclusive power to regulate the country's forest resources (Article 14), thereby denying the right of indigenous peoples to participate, with their own self-governing bodies, in the management and monitoring of forests in their territories. To remedy this situation, CONPAH proposes a reform of articles 14, 17, 18, 19 and 20 of the law, which codify the competencies of the ICF; of articles 21-28 concerning Consultative Councils; And article 109 on the declaration of protected areas (Forest Trends, 2015).

The academy would have to play a more active role to account for the problems associated with land, housing and displacement in Honduras. There is a technical capacity in the country's universities, since there is a significant number of applied researches, but not enough technical tools have been developed to allow monitoring, follow-up and active participation with key information to support the reading of these issues. A short-term task would be to review state information systems to help improve the standards for recording data on displacement or access to land. Another work perspective would be to articulate the research centers that exist in isolation on displacement, on the one hand, agrarian conflicts on the other, natural resources and violence on the other hand. Integrality in the territorial study would be a great contribution of the academic institutions in the national and the regional levels, which can be oriented through the methodologies of observatories or monitoring centers.

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Inter-American Commission for Human Rights
www.cidh.org

United Nations Food and Agriculture Organization
www.fao.org

Oxfam International
www.oxfam.org

United Nations Territorial Information System
www.sinit.hn

National Property Administration System
www.registronacional.com

Acnur – Documents Repository
http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2015/10242

FAO- Documents Repository
http://extwprlegs1.fao.org/docs/pdf/hon132079.pdf

ANNEX

Technical Assistance provided during the consultancy to key stakeholders on protection of forced displacement population

The technical assistance provided by the consultant to the key actors on protection of forced displacement population began with a first round of meetings between the consultant and the state entities that have influence in this topic. The purpose of this round was learn about the institutional scenario of Honduras and locate possible mechanisms to protect the rights of people displaced by violence in Honduras. This was done with the following institutions: Property Institute, Land Management Program, Association of Municipalities of Honduras, National Human Rights Council, National Agrarian Institute, National Indigenous and Afro-Honduran Directorate, Public Prosecutor's Office for Ethnic Groups, Honduran Institute of Mines and the Honduran Tourism Institute.

In the first round of the work, possible work scenarios and effective protection niches, especially with the Association of Municipalities of Honduras were identified. In the context of developing concrete actions to protect the rights of displaced persons, the consultancy continued a cycle of meetings with the Association of Municipalities where it discussed the possibility of making a pilot protection plan, taking into account the land protection model of Colombia.

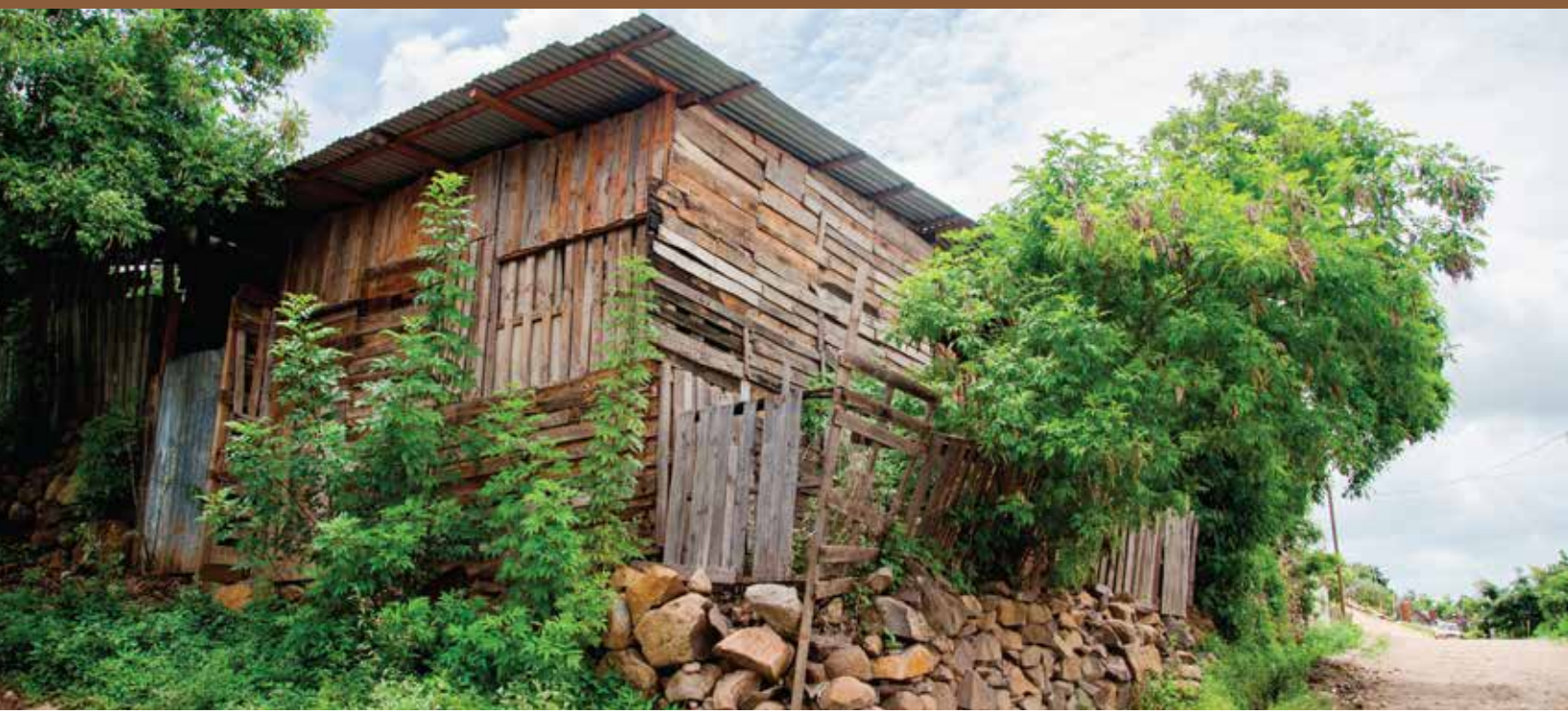
It was explained to the Association of Municipalities of Honduras that, in the Colombian experience, municipalities have the authority to initiate mechanisms for the protection of lands and dwellings, through a public declaration, which main effect is protection, to remove the abandoned property from the estate market, by making an annotation in the sheets of real estate registration, which can only be lifted by a special committee coordinated by the mayor. This mechanism is a special power in the field protecting the land of displaced population attributed to municipalities in coordination with national land administration entities.

On the other hand, it was explained how, by generating these declarations of land and housing protection, the municipality in the Colombian experience, can institutionally generate special measures to protect the assets of the displaced population, such as special payments, amnesties, public services or municipal taxes to alleviate the vulnerability situation of the displaced. The dialogue with the Association of Municipalities of Honduras allowed to visualize the scope of the measures that must be taken to protect homes and abandoned land, it was analyzed that measures must be taken both to record the lands and houses abandoned by the victims, and to have controls that prevent other people from taking advantage of this mechanism to register assets that do not belong to them.

Three meetings were held, with CONADEH, in the first one the consultancy was informed about the situation and action of the entity on issues of forced displacement. In the second meeting, there was the opportunity to have a presentation by the consultancy, the group of delegates and members of the Displacement Unit of CONADEH, on land tenure, land and displaced population and examples of protection and restitution in the Colombian experience. In the third session, the progress of the consultancy was presented to the group of delegates, related to institutional and legal gaps in the area of housing and land in nine public entities related to land administration and human rights; The information systems used by CONADEH (SIQUEJAS) and its limitations to record variables of forced displacement and dispossession was discussed, as well as the need for the new information system projected in the entity to include boxes to identify the cases of forced displacement and abandonment and dispossession of territories, lands and dwellings, which today can only be identified in the facts narrated by the victim, but are impossible to identify through the information currently in the system.

Likewise, work was done with various communities in the Honduran territory to learn about their territorial situation. The workshops with the communities allowed a knowledge transfer of the Colombian experience on the protection of abandoned goods.

Following a summary of the other entities with which the consultant worked with and the type of assistance they provided:

Entity	Spaces	Type of assistance
Property Institute	Meeting September19 and 26.	Dialogue on the registration process for property in Honduras; role of community boards in Honduras
Land Administration Program of Honduras	One meeting with the technical advisor of the national coordination and integrator of PATH II	Discussion around the information systems. Feedback from the consultant about the importance of these system in the protection of assets abandoned due to violence.
Association of Municipalities of Honduras	Meeting September 20th, and October 14th	Dialogue with the entity to analyze possible protection routes for land by the municipalities. The consultant provided advice regarding the project of land protection in Colombia.
National Commissioner on Human Rights	First meeting: all the CONADEH delegates of the Forced Displacement Unit; second meeting: officers in charge of receiving the complaints; third meeting: delegates of the departments of Olancho, Cortés, Colon, Comayagua and the forced internal displacement Unit of CONADEH	Dialogue with the institution. Also, the consultant gave advice on the importance of having a specific category on displacement or forced abandonment, in the siquejas format, to identify forced displacement phenomena. Institutional gaps were presented.

National Agrarian Institute	Meeting on September 19, 2016	Meeting in which jointly with the INA officer the existing tensions due to land matters in Honduras were identified.
National Directorate for Indigenous and Afro-Honduran people	Meeting with: Tulio Mariano Gonzáles - DINAFROH General Director. Naum Misael Batiz, DINAFRO OFFICER, Rusell Garay (UNHCR)	Discussions around the scope of the free, prior and informed consultation.
Public Ministry: Prosecutor's Office of Ethnic Groups	One meeting with the officers of the Prosecutor's Office of Ethnic Groups	Dialogue with the officers of the Prosecutor's Office of Ethnic Groups about the cases in process, identifying problems and the scope of the Prosecutor's Office of Ethnic Groups functions
Honduras Mines Institute	Graciela Reyes - INHGEOMIN General Secretary	Interview with the officer to cross reference existing information between the different State databases
Honduran Tourism Institute	Analesky Fonseca - General Secretary of the Tourism	Clarification of the institute about its mandate