LAND INFORMATION SOURCES IN LATIN AMERICA: VOL. III: SOUTH AMERICAN COUNTRIES

by

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All views, interpretations, recommendations, and conclusions expressed in this paper are those of the author and not necessarily those of the supporting or cooperating organizations.

Prepared for the Land Tenure Center
University of Wisconsin-Madison

June 1996
I. National Land Markets and Land Information Institutions:

The Venezuelan civil code is the basic document that governs property ownership and tenure. It is modeled after the French and Italian civil codes. As such, Venezuelan law recognizes standard property rights, including the right to buy, sell, trade, mortgage and inherit property. The Venezuelan definition of "property" set forth in the Civil Code states that it is a "right to use, enjoy and dispose of an item in an exclusive manner in accordance with the restrictions and obligations imposed by law" dropping the word "absolute" contained in the definition of property in the French Civil Code.

In general, property in Venezuela is legally divided into real property ("propiedad inmueble") and personal property ("propiedad mueble"). Real property in particular is governed by Civil Code Articles 526-30 and 759-70. Venezuelan "inmuebles" can be either public or private property. And all lands that have no other owner, belong to the government. Property belonging to the country, states or municipalities can be characterized as public or private property. "Public property," as defined by the Civil Code, includes roads, lakes, rivers, property held for national defense purposes, coasts, ports and so on. "Public property" cannot be sold or given away, and cannot be subject to a mortgage or lien.

In contrast, private property belonging to the country, states or municipalities is defined most easily as whatever is not covered as "public" property. These properties can be mortgaged, given away or sold, provided the formalities are followed. Public land in Venezuela is sometimes called "ejido." Other times, land is called "baldia." In general terms, "ejidal" land is that land that belonged to the municipalities at the time of colonization. It also consists of other lands acquired by the municipalities. "Ejidal" land generally cannot be sold or mortgaged. "Baldia" land consists basically of land belonging to the government that was not "ejidal" land, and which had no other legal owner. This land can be sold or assigned by the government.

Venezuelan law recognizes contractual rights and guarantees, including liens on property. These guarantees can give one creditor a preference over another, and limit the owner's right to sell the property until the underlying obligation is paid. Creditors may demand immediate payment of a secured obligation in the event the security decreases in value, even if the term of the obligation has not passed. Also deep-rooted in Venezuelan law is the concept that possessors of land should have ownership interests in the land. Its counterpart in the Anglo-Common Law tradition is perhaps adverse possession. Venezuelan law also recognizes occupation and possession as the first steps toward ownership of property that has had no prior owner.

The usucaption rights were further extended in 1982. This provided persons who had
inherited property or purchased it contractually, who had been on the land at least 10 years, to receive title, provided certain formalities were met and procedures followed. In this regard, Venezuela was following the lead of other civil code jurisdictions. 19

Property Taxes

Related to the registry-cadastre theme is the agrarian property tax. At the moment there is no tax over agrarian land, but an income tax is imposed on income earned from agricultural and livestock activities. There already exists the juridical base to develop the agrarian parcel tax in Article 20, first paragraph of the Agrarian Reform Law. For urban areas, new legislation allows for a municipal property tax. Each municipality is addressing this in an ad hoc fashion. This means systems are incompatible and follow non-standard design methodologies, translating into gross inefficiencies and waste.

Land Administration Institutions

In Venezuela, there are several major institutions involved in the mapping and inscription process. The Public Registry is used to inscribe land transactions, while the cadastre is used to define property limits in geographic terms, giving information on their relative position. The Public Registry ("Registro Publico") inscribes definitive titles issued by IAN, giving these titles legal security. The National Cadastral Office ("Oficina Nacional de Catastro de Tierras y Aguas" or ONC--National Office of the Cadastral Survey of Land and Water) of the Agriculture Ministry is in charge of mapping lands in its possession. It also maintains its own Rural Property Registry (Franco Garcia, 1974).

The National Agrarian Institute ("Instituto Agrario Nacional" or IAN) also maintains a list of agrarian reform beneficiaries and descriptions of their lots. Ever since 1949, Venezuela has had an agrarian reform institution, even though the new agrarian reform legislation was not passed until 1960.20 The National Agrarian Institute's Board has the responsibility to formulate the carrying out of the agrarian reform, the handing out of "dotaciones", acquire and expropriate property as necessary, return land to indigenous peoples to the extent practicable, promulgate regulations for administered lands and emit bonds to pay for property expropriated, among other duties.21 All land adjudicated should have the boundaries marked and registered according to Art.83-84 of the 1943 Public Registry Law (Franco Garcia, 1974). Yet rural land reform beneficiaries in Venezuela have participated to a much lower degree with the Public Registry, compared both with their affluent, urban neighbors and with agrarian reform beneficiaries in other Latin American countries. Only 12% have definitive titles, of which 14% are inscribed in the Public Registry (Hendrix, 1995). For those few agrarian reform beneficiaries who are successful in the titling process, there remains a substantial question concerning the accuracy of the data inscribed, leading to legal uncertainties.
II. Details of the National Cadastre System:

A. Origin and Purpose

The cadastre is used to define property limits in geographic terms. Venezuela does not yet have a comprehensive national cadastre. In urban areas, perhaps seven municipalities (out of 276) have up-to-date cadastral information. Still, the concept is not new. In 1936, the Public Lands Law (Law of Idle Lands—Ley de Tierras Balvias y Ejidos) and related Administrative Rules for the Mapping of Public Land (Reglamento de Catastro de Tierras Baldias) ordered a new cadastre. In 1960, Article 167 of the Agrarian Reform Law gave new life to the cadastre. ONCTA was created to undertake cadastre work not just for inventory but also for planning; the information could reveal which idle lands would serve for adjudication. The idea was to inventory the entire country according to a determined plan, assign parcel numbers (“cédulas”) to each lot, and integrate this system with the Public Registry.

The legislation has imposed many goals for whatever cadastre project, including: (1) the determination of the rights of each parcel holder (2) the inscription of all properties in a special registry and (3) the valuation of property. However, the Agrarian Reform Law did not put a set date to finish the cadastre, and the reform proceeded without it being done. The slowness of mapping activities has been widely noted. During 1960-67 only 1 million hectares of the 40 million hectares territory were mapped (Corredor, 1971); only 16,480 of the 321,000 farm units were even identified, with 9462 of these inscribed in the Rural Property Registry (Franco Garcia, 1971).

The non-action by the government on the cadastre means that the country does not have a comprehensive and trustworthy system to guarantee parcel borders. Property transactions inscribed in the Public Registry are not connected with the physical geographic descriptions and maps of the actual property.

B. Methods and Production

Franco Garcia (1969) outlines the basic steps of the physical to judicial to fiscal cadastre transition: 1) do the parcel maps 2) gather agroecological information 3) give a certificate of the data census 4) review available information on the title and rights 5) expedite

6 Ramón José Duque Corredor, Derecho Agrario: Instituciones (Caracas, 1985) página 275.

7 Art. 56 (2nd paragraph) of the Agrarian Reform Law, Gaceta Oficial No. 611 (extraordinario), March 19, 1960.

8 Personal interview by Steve Hendrix with Jesús Antonio Garcia and Marino Ostos Flores of the Catastre Office, Agricultural Ministry and Cria (December 9, 1991, Caracas).
the inscription constancia 6) evaluate the fiscal value of the land and 7) describe the area in an
estate map. The basic elements of the cadastre are the control systems used to determine the
accuracy of the survey and the method of fixing property boundaries to assure precision. In
Venezuela, polygon sketches are used, with width-length determined by compasses, transits, and
steel tape (Franco Garcia, 1969). Horizontal control was established by using aerial photos
and photomosaics over an area of 463,284 has. in 1964 (Franco Garcia, 1969).

To date 89% of rural, agricultural land has cartographic cover (1:50,000), with parcel
identification up to 96% (30,901 "parcels" have been identified). Cadastral mapping is 24% complete. However, much of the mapping lacks prior legal and agricultural land use qualification studies. The information is not being up-dated. There are errors in the cadastral information on nearly 2/3 of the agrarian reform titles (Hendrix, 1995). Still, at the present, there is high accuracy cadastral information in about 60% of the areas north of the Orinoco River.

C. Costs and Maintenance

It has been estimated that the cost to register 2,171 titles over 463,284 hectares was
822,000 Bolivars or some $.5-$1/ha. (Franco Garcia, 1969). In the years of 1974-8, the
Venezuelans invested Bs. 94.7 million (in Venezuelan Bolivars, equivalent to about US$ 22.0
million) in the taking of aerial photography, creating the base cartographic map, parcel
identification, cadastral maps and land use maps. In the period 1987-1992, IAN spent about
Bs. 723.6 million (then equivalent to about $28.9 million) for cadastral mapping.

Today, most of the cadastral budget is spent on salaries, with little for training,
transportation or supplies. Functionaries are civil servants and hense have a low salary
structure. Thus, the ONC finds itself unable to attract well-trained staff. Currently, the World
Bank and the ONC are in discussions about a project to revitalize the cadastre. One sample
budget from the Ministry calculated anticipated project costs at $85MM.

D. Staff, Technical Capacity, and Access

Most of the cadastral budget is spent on salaries, with little for training, transportation
or supplies. Functionaries are civil servants and hense have a low salary structure. Thus, the
ONC finds itself unable to attract well-trained staff. However, there does exist a professional
association of surveyors and civil engineers in Venezuela.
III. Details of the National Property Registry:

A. Historical Precedents, Origin and Purpose

Although the Registry was established in 1836, it never had a clear legal definition, only mandates in legal statues such as the Public Registry Act of 1940 and the Civil Code of 1942 (Franco García, 1971). The Venezuelan Registry System developed over many years and during the successive partial reforms of the Public Registry Law within the French Registry System or the Transcription System, in which the acquisition and constitution of domain and other real rights is produced independently of the registry institute, from which is accompanied the negative preclusive force (that which is not inscribed does not damage that which is inscribed).9

The system is a compulsory recording of rights in real and personal property (Franco García, 1971). The system aims to protect property against third parties rather than exactly describe borders. When the law demands that a registered title gives value to a right, this cannot not have another type of proof added, except for special dispositions, but the mixed court system of Venezuela has the characteristics which can go into a folio real or personal system.10

Beginning in 1989 as a consequence of the sentence of the Supreme Court of Justice in Venezuela, the Supreme Court located the Real Estate Registry system within the Spanish-German types, and due to the successive partial reforms of the Public Registry Law, they have influenced according to others in an apparently inadvertent form but profoundly the character of the Venezuelan Public Registry. According to the high court, the registry inscription also has a certain cleansing effect that leads it to be classified within the German-Spanish system, and according to the court, this has not produced a deliberate reform, but it is the reform of later partial reforms, which is why the Venezuelan Real Estate Registry System has not been structured in an organic form as in other places with judicial order.

Although the Ministry of Justice has the obligation to oversee the registries through semi-annual inspections, in practice there is little control by the National Registry Inspection, according to a registrar. The inspections are few and not periodic or objective. A registrar can escape inspections and maintain good political connections within the Ministry.11

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9 Ramón María Roca Satre, *Derecho Hipotecario Tomo I* (1.968) página 45.

10 Emilio Calvo Baca, *Derecho Registral y Notarial* (1.993) página 84.

11 Personal interview by Steven Hendrix October 25, 1993 with a subalternate register who asked not to be named. It is worth mentioning that we attended an appointment with Dr. Jiménez López, Director General Sectorial de Registros y Notarias Públicas del Ministerio de Justicia, to hear his observations, but he did not receive us.
B. The Public Registry—Norms of Operation

Documentation related to property and its registry is controlled by special laws.\textsuperscript{12} There is a principal registry office in Caracas and in each capital city of all Venezuelan states.\textsuperscript{13} In addition, each district of each state has at least a registry office (Alternative Registry Office).\textsuperscript{14} The registered documents have the weight of "public faith."\textsuperscript{15} This is to say that the register has verified the contents and at least the publicity of the transaction. In case of whatever doubt there is reference to the validity of registration, the law allows the registrar to reject the inscription application.\textsuperscript{16}

The Public Registries inscribe a wide variety of documents, not just property titles.\textsuperscript{17} Once inscribed the documents have effects in all the country.\textsuperscript{18} Each of the twenty-one state offices and the principal office has a registrar, nominated by the Presidents through the Justice Ministry,\textsuperscript{19} who is to see the order and functioning of all the registry offices and fulfilling the

\textsuperscript{12}Public Registry Law, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978; for historical perspective see Aníbal Dominici, 4 Comentarios al Código Civil Venezolano (Caracas, 1896)(reprinted 1962) páginas 346-58.

\textsuperscript{13}Art. 2, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

\textsuperscript{14}Art. 2, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

\textsuperscript{15}Art. 10, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

\textsuperscript{16}Art. 11, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

\textsuperscript{17}Venezuela: Personal interview by Steven Hendrix with Jesús Antonio García and Marinom Ostos Flores of the cadastre Office, Ministry of Agriculture (December 9, 1991, Caracas). This appears in the “Deeds Registry” of Guyana: Steven E. Hendrix, "Land Tenure in Guyana: A Rapid Appraisal Report with Recommendations on Policy Formulation and Registry Modernization for the A.I.D. P.L. 480 Program" (University of Wisconsin Land Tenure Center, Junio de 1993) page 14.

\textsuperscript{18}Art. 54, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

\textsuperscript{19}Art. 13, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.
The Registrar has the obligation to live in the same city as his/her office. The Public Budget Law fixes the Registrar's salary as that of an employee.

The estimated volume of the registry activity was 165,765 transactions in 1967, of which 21% occurred in Caracas (Franco Garcia, 1971). The Venezuelan data on titling are alarming when compared to surveys in other countries. Studies in Ecuador and Central American countries have found that about 50-60% of parcels are not inscribed in the Public Registry. In contrast, Venezuela compares extremely unfavorably, with 2% of agrarian beneficiaries inscribed in the Public Registry.

The extreme lack of rural registry inscription compares badly even within Venezuela when contrasted with urban lands. The "Proyecto Piloto SITVÉN" ("Sistema de Información de Tierras de Venezuela" or Venezuelan land information system) performed a survey in Sector 1 of the "Alcaldía" of Mitarío, "Parroquia" of Palo Negro, "Municipio" Libertador, Aragua State. The survey was designed to verify cadastral and registry data. It was hypothesized that all properties would be registered, since this is an affluent, urban area. Still, a certain level of informality was found. From a sample of 422 urban lots (two of which were lots owned by the municipality itself), 32 lacked any registry information at all, about 13% (87% had at least some information inscribed in the Registry). The problem of dual inscription also exists.

The law controls the registrar and the office functions. Photocopies and microfilms, when available, have been accepted as judicial documents always when they are produced by the registry employees. In practice, microfilm doesn't exist, but photocopies are available. The Registrar of the Second Circuit, Libertador, estimates that perhaps 90% of the urban registries of the country have photocopies.

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20 Art. 4, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

21 Art. 25, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

22 Art. 16, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

23 Art. 31 (parágrafo único), Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

C. Financing and Maintenance of the Registries

Articles 113 and 114 of the Public Registry Law set forth the financing norms, and levels of fees and recording costs, to administer the Registry (Franco Garcia, 1971). For instance, an additional transaction tax exists based on the value of the transaction, with the rate increasing with the value. Yet the law often does not coincide with practice with registry financing. It is interesting to note that the registrars have to self-finance their operations. This concept is not in the Law of the Public Registry, but it is a fact in practice. The Justice Ministry pays their employees the minimum salary according to labor legislation. This is not enough for employees to live on. At the same time, it is observed that the Ministry does not pay all the office and rental expenses. The registrars have to pay the difference. And they do this charging for the operations performed by the registry. The funds are used to pay the difference between what is spent and what is received from the Justice Ministry.25

With this type of informal budget, the Registrar is capable of establishing and fixing the remuneration of each employee, including the Registrar himself although salaries are drawn from the government payroll. In the alternative offices, there are norms of functioning and financing which are not written.26 The law specifies commission and expenses.27 It is officially impossible to impose another fee although in practice it is done.28 In general, the commissions are related to the registry function and not the size or value of the land: the registrars and their employees have been prohibited to accept gifts, with a fine of Bs. 25 and Bs. 400 (less than $5).29 Registrars cannot inscribe a transaction affecting a personal interest.30

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25 Personal interview by Steve Hendrix on October 25, 1993 with a subalternate register who asked not to be named, and personal interview by Steven Hendrix and Beatriz Perez Perazzo with Dr. Demitria Mujica de Andrade, Subalternate Registrar of the 1st Circuit, Libertado Municipality, Caracas, October 29 1993. Many registries do not have telephones, including in Caracas (and not even a fax), since these are not expenses foreseen by the Ministry of Justice. Of course the office do not have computers.

26 Personal interview by Steve Hendrix October 25, 1993 with unnamed registrar.

27 Art. 113, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

28 Art. 124, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978; Personal interview by Steve Hendrix on October 25, 1993 with a subalternate register who asked not to be named, and personal interview by Steven Hendrix and Beatriz Perez Perazzo with Dr. Demitria Mujica de Andrade, Subalternate Registrar of the 1st Circuit, Libertado Municipality, Caracas, October 29 1993.

29 Art. 39, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

30 Art. 29, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.
In the Alternative Offices of the First and Second Circuit of Libertador Municipality there is good access to the documents. The assistents at the registry watched over the use of the books. Moreover, according the registrar of the Second Circuit, they have had only one case of document destruction in the last four years by a user, a case of robbing a testament. The First Circuit suffered a case of mutilation of a document and five equipment robberies during the last four years. But the offices lack vigilance during the weekends creating the possibility of document insecurity. In the First Circuit Office, we noted the existence of smoke alarms to give more security.

According to general norms, the registrars by law cannot accept to registar documents which are not typed, save those offices with the use of registry mechanisms based in photocopying instruments to be registered, the registreres cannot accept non-typed documents; they should be foled in a visible form, in letters and numbers. Thus the large part of the registries in well-populated areas are still based in a photocopying system. But, in the less-modernized, the normal rules do not permit them to accept documents produced by computers, printers, photocopies, not typewritters. If the registry is modernized, but the document is not in the said formed, a certified copy is still done, and this is inscribed even though the original may just be typewritten.

The Public Registry Law contemplates the production of back-up copies. Every few months, the local registries send copies of their records to the principal registry. In such a manner, the principal registries send their copies to the Justice Ministry, who store them. The individuals have the right to solicit copies of whatever public document. The registrar can copy it by hand, by machine or photocopy it. All this signifies that the registry users by custom have to present a written document (or by machine in a modern registry) in triplicate for the traditional inscription of a parcel.

In visits to the circuits, it was assured that the back-up copies function. Its system was updated, very clean, and well-organized. We were surprised to find climate control by air

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32 Art. 78, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

33 Art. 60, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

34 Art. 56, Ley de Registro Público, Gaceta Oficial No. 2209 (extraordinario), 4 de abril, 1978.

35 Artículos 104 y 105, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.
conditioning in both offices, which is very important for document preservation and forgotten in much of Latin America. We did not find any books on the floor. The books seem to be in good form and condition. And full public access of the registry provides publicity, while the Registrar as a public official provides authenticity to the process (Franco Garcia, 1971).

D. Staff, Technical Capacity and Public Access

Without sufficient funds from the Justice Ministry, the registrars are not able to create opportunities for training or continual education for their employees. When they finance training courses they use the informal funds. The Registrars technically must be lawyers or pass a Ministry of Justice exam (Franco Garcia, 1971). Yet no career path and right of tenure exists. According to a Registrar, there does not exist in the country a form of preparation or formal education for registrars or employees. According to other registrars, there is a Registry School in Merida, and courses in other universities.

In theory, real estate is registered in a local registry. But, the law recognizes that many times it is more feasible to inscribe documents in another registry office, although it is not nearest. In such case, an additional commission is charged to compensate the registrar and finance the additional work and expenses. It is also possible that the registrar travels to a site to inscribe a document. And there are cases in which a registrar can be punished in civil court for not responding to this type of request or for negligence.

IV. The Coordination of the Cadastre and Registries into a Folio Real

In summary, the cadastral and registry efforts in Venezuela reflect inadequacies in: (1) flawed data collection, (2) inadequate data maintenance, (3) the lack of standards and technical specifications for producing cadastral information and carrying out the cadastre, (4) poor supervision of contractors gathering information, and (5) lack of training and professional qualifications within the ONC. Based on these serious, systemic inadequacies, it is apparent that Venezuela will not be able simply to convert data into a more contemporary format. Original data collection and verification will be required.

36 Personal interview by Steve Hendrix October 25, 1993 with unnamed registrar.

37 Personal interview by Steve Hendrix and Beatrix Perez perazzo with Dr. Demitria Mujice de Andrade, Subalternate Registrar of the 1st Circuit, Libertador Municipality, Caracas, October 29, 1993.

38 Art. 113 (primer parágrafo), Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.

39 Art. 131, Ley de Registro Público, Gaceta Oficial No. 2.209 (extraordinario), 4 de abril, 1978.
V. Other MPLIS Land Information Sources (i.e. utility or soil maps which may be integrated into a computerized data base)

There are a lot of entities in Venezuela who maintain their own maps in a format not shared, linked or compatible with the other entities. These institutions could potentially merge their data collection efforts into a MPLIS to reduce costs and gain efficiency. They include: the National Agrarian Institute (IAN), the Ministry of Agriculture and Livestock, the Office of Assessments (of the Development Ministry, the Justice Ministry through the Public Registry, the Municipality Offices (especially for urban cadastre and taxes), the Ministry of Environment and Renewable Natural Resources (MARNR), the Venezuelan Corporation of Guyana (C.V.G.), Venezuela Petroleum (PDVSA, with its affiliates MARAVEN, CORPOVEN, LAGOVEN, PALMAVEN y PEQUIVEN), the Central Office of Coordination and Planning of the Presidency of the Republic (CORDIPLAN), the Central Office of Statistics and Information, the Ministry of Energy and Mines, the Armed Forces (especially the Directorate of Geography and Cartography), the General Directorate of Urban Planning of the Urban Development Ministry, Autonomous National Telephone Company of Venezuela, (CANTV), the Autonomous Company of Electricity Development (CADAFE, the national electricity company) and site-specific electricity companies, the Attorney General's office, among others.

References

This was a synthesis of 2 reports and additional sources:


1. Art. 545 of the Civil Code. Translation is of the author. N.B. Art. 99 of the Constitution of the Republic of Venezuela (Jan. 23, 1961), guarantees the right of property. However, it also subjects property to a social function, allowing for restrictions on the rights of property holders.

2. José Luis Aguilar Gorrondona, Cosas, Bienes y Derechos Reales (Caracas, 1991) at 170-1.


5. Article 539 of the Civil Code.

6. Art. 539 of the Civil Code; José Luis Aguilar Gorrondona, Cosas, Bienes y Derechos Reales (Caracas, 1991) at 77-81.

7. José Luis Aguilar Gorrondona, Cosas, Bienes y Derechos Reales (Caracas, 1991) at 81; Civil Code Art. 543.

8. José Luis Aguilar Gorrondona, Cosas, Bienes y Derechos Reales (Caracas, 1991) at 83-4


11. Art. 3 (1) through (4), Ley de Tierras Baldías y Ejidos (Aug. 19, 1936).


15. Ramón Vicente Casanova, El derecho a la reforma agraria (Mérida, Venezuela, 1989) at 37-40; For a historical perspective, see Aníbal Dominici, 1 Comentarios al Código Civil Venezolano (Caracas, 1896)(reprinted 1962) at 820-68.

16. Art. 796 of the Civil Code; Ali José Venturini and Román José Duque Corredor, La usucapión especial agraria (Caracas, 1991) at 23.

17. Emilio Calvo Baca, Manual de derecho civil venezolano (Caracas, 1984) at 145; Interview with Israel Arguello Landaeta, Superior Court Judge, Second Circuit, Civil and Mercantil (Dec. 10, 1991, Caracas), who assets that the "acción de permanencia" is the most popular claims made in agrarian tribunals. This is base on Art. 690 of the Civil Procedure Code ("Código de Procedimiento Civil").


19. Ali José Venturini and Román José Duque Corredor, La usucapión especial agraria (Caracas, 1991) at 41-2 notes that Brazil has had a very active policy of promoting usucaption interests. Colombia's period for adverse possession is only five years--more advantageous still for the campesinos. See Ali José Venturini and Román José Duque Corredor, La usucapión especial agraria (Caracas, 1991) at 42-3. Other countries with similar provisions include Costa Rica, Italy and Peru. See Ali José Venturini and Román José Duque Corredor, La usucapión especial agraria (Caracas, 1991) at 43-5.


22. Mirna Mendoza, "Sólo 7 municipios del pais tienen sistemas de catastro actualizados," El Universal (Oct. 24, 1993) page 2-36. In part, they included: Carora, Distrito Torres in Lara; Morón, Carrabobo (up-dated by Fudeco); Lagunillas, Zulia (up-dated by Lagoven); and the Libertador Municipality (Caracas, with up-to-date information).

23. J. David Stanfield, "Rural Land Market Implications of Titling and Registration Programs in the Latin America and Caribbean Region" (University of Wisconsin Land Tenure Center, 1991) at 1; DAI, "Ecuador Land Titling Project Evaluation," (Dec. 1990) at
24. Personal interview by Steven Hendrix with Celio Padilla (Manager, SITVEN Project), and Alejandro Mateos (GIS Chief, SITVEN Project), Maracay, Venezuela (Oct. 26, 1993). We collected the data for this calculation from the SITVEN database. SITVEN stands for the Venezuelan Land Information System (Systema de Información de Tierras--Venezuela).