

Decentralisation of land management in Madagascar

process, innovations and
observation of
the first outcomes

Land reform from below ?
Decentralized approaches to land reform in southern Africa
22-23 April - Johannesburg

The official report



The Land Tenure Crisis

- Madagascar land tenure in transition? :
 - Weakening of customary authorities
 - Increasing demand for land services
- Strong demand for land titles
 - Close to 0.5 million requests for titles
- Limited capacity for deliverance
 - only 330,000 titles since the creation of the land services (1896)
 - 1,000 titles delivered in the last 15 years
 - 20% of the occupied land is titled

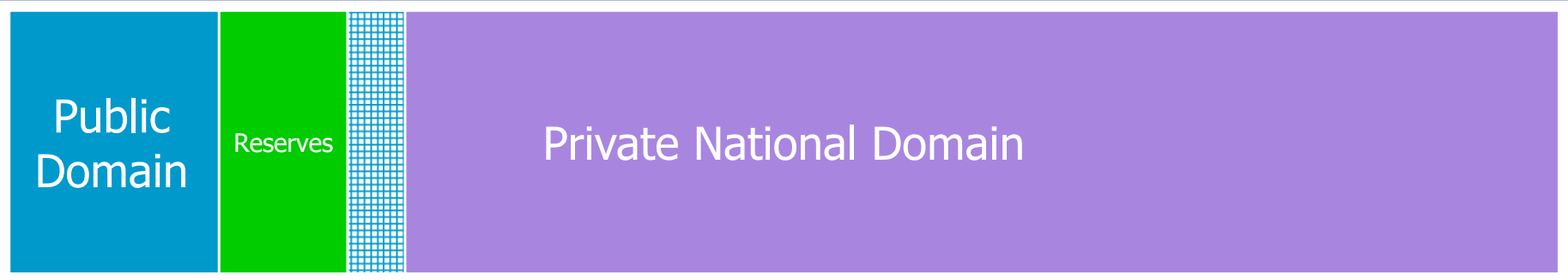
Causes of the land tenure crisis

- Lack of familiarity with land laws
- Complexity of the individual registration process
 - Several steps, long delays, requirement for high level validation with too many actors involved
 - Several years and approximately \$350 to obtain a title
 - While some quality control is needed, today it takes too long and there are too many steps

Causes of the land tenure crisis

- Saturation and impoverishment of the land services...
 - Insufficient budget allocation
 - Personnel has declined (- 164 agents in 10 years, - 25%), few new recruitments within 15 years
 - Antiquated equipment
- Gap between the capacity of the State and the commonwealth principle of land management
 - The central State has the ambition to manage all the free and vacant grounds...
 - only the State can assign individual land rights and this a capacity constraint
 - ... however, without resources to do so

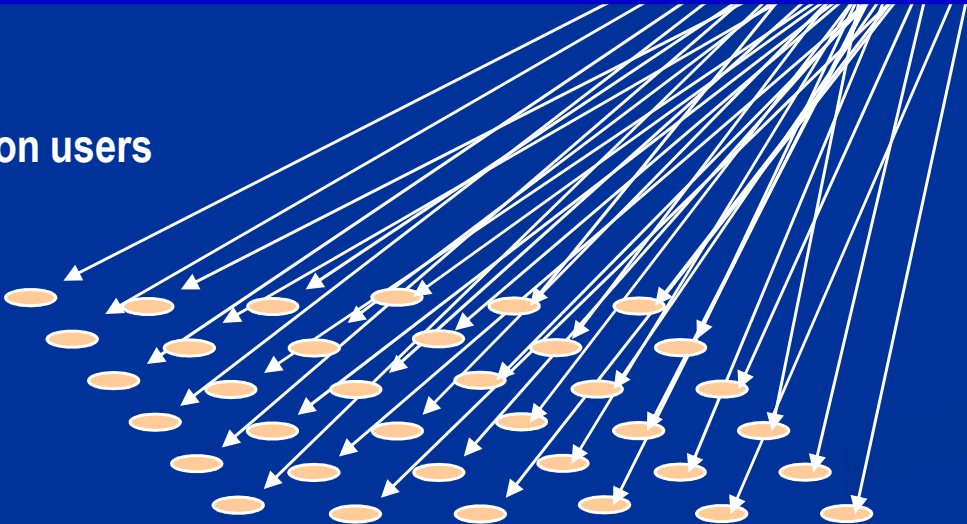
Cause of the land tenure crisis:



No intermediaries: Very few auxiliary professions



Million users



The land tenure crisis was initially explained by this pyramidal plan: a transfer of the State directly towards the individual.

The citizens' response to the crisis

- The users want an individualized “paper”
- “Papers” are not recognized by the administration which only accepts titles
- The “little papers” are an almost generalized phenomenon: in fact, the land in Madagascar is managed by the local level

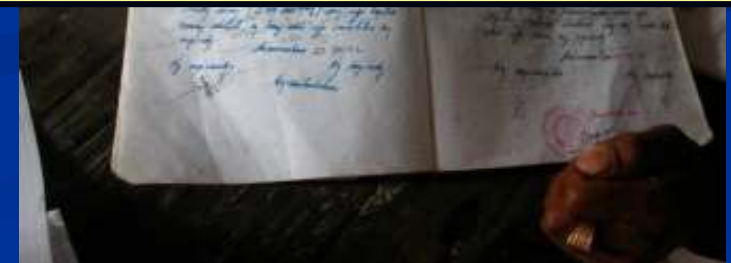


Stakes in land reform:

to reconcile the legal and the legitimate,

to merge laws that are rarely acknowledged with common practices that are not legally recognized

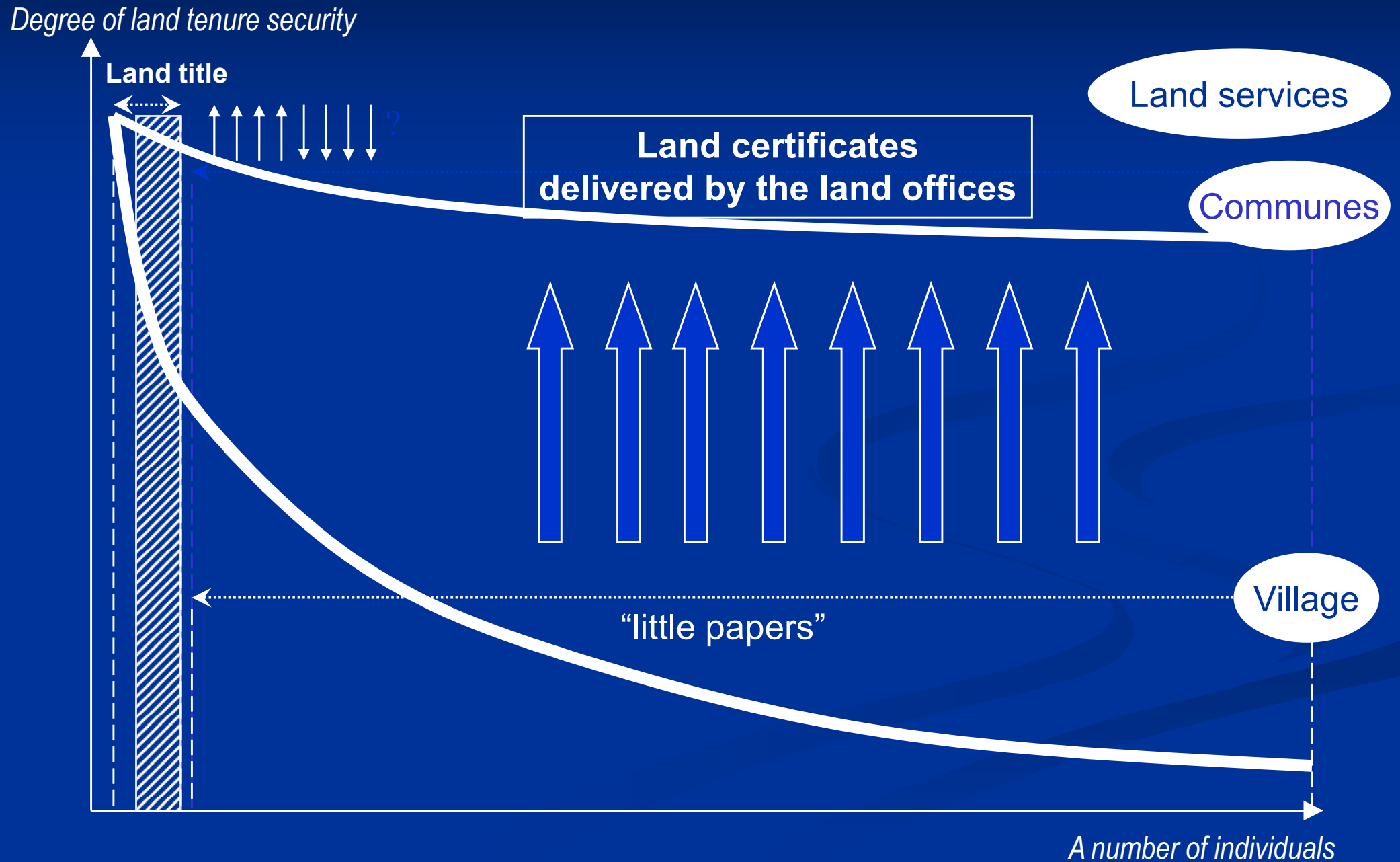
to decentralize land management



Land reform in Madagascar: initial idea and process



The key concept

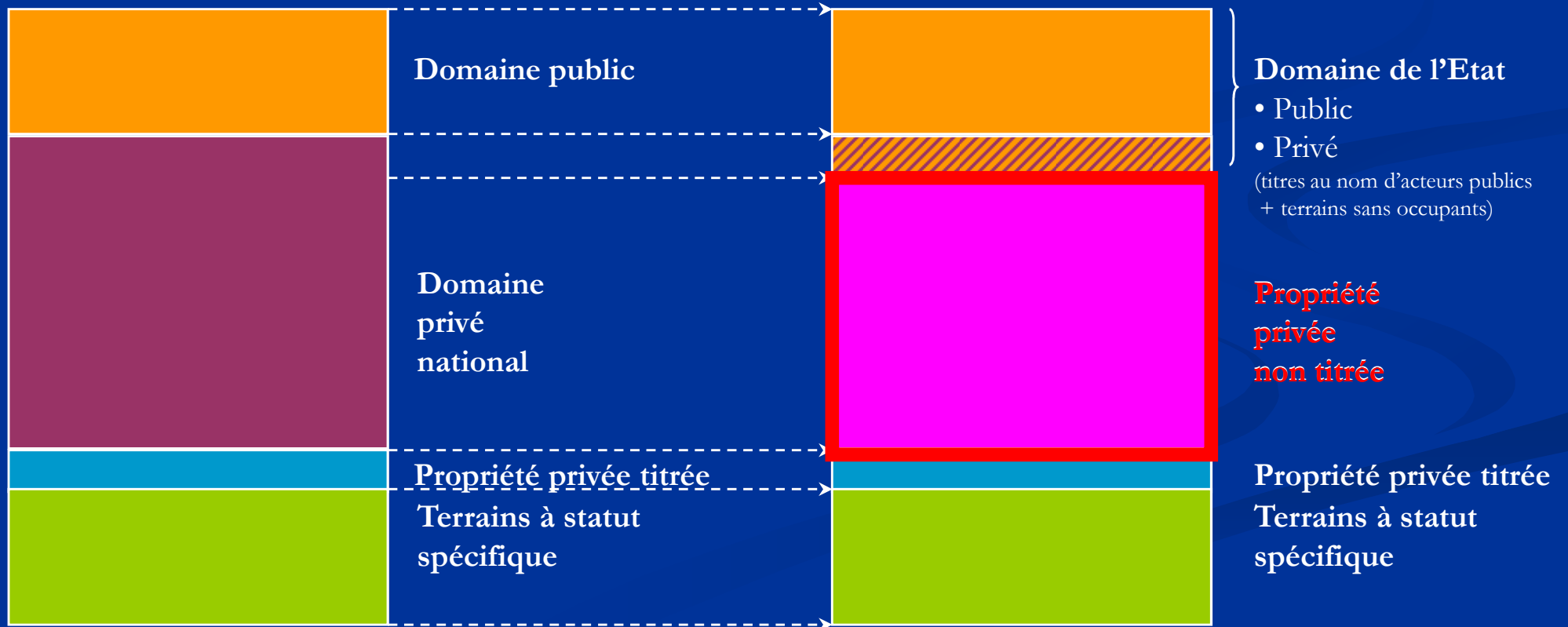


Commune competencies

- Communes have a land management skill with a *Guichet Foncier* or “communal Land Management Office”, in charge of acknowledging private property rights by issuing *Certificat Foncier*

Before October 2005

Since October 2005



Communal Land Management Office

- Financial and organisational aspects
 - The running cost of the *guichet foncier* is part of the general Commune budget
 - The Communal land agent salary is based on general system
 - The *certificat foncier* prices are determined and voted by the Commune council
- Technical aspect
 - A new mode of recognizing land rights

A new mode of recognizing land rights

Verbal process

Land Certificate
Mr. Rakoto

PLOF

CF

TF

Rakoto

Razaka

Local recognition committee



Representative commune



Village chief



2 sages

All the neighbors + villagers

Results...

- High demand for Commune Land Office: 300 planned for 2008 (20 % of Communes).
- 40 are operating in which 12,000 requests were registered and 2,400 Land Certificates were issued (2006 – 2007)

	Land title	L. certificates
Average issuing time	6 years	3.5 months
Average price paid by requestor	US\$ 507	US\$ 24

Results...

- Orientations of land policy were decided through a participatory process
- A major change of the legal framework took place
- A “strong idea”, the decentralization of land management was consolidated and received a favorable reception from the public opinion
- The reform benefited from the convergence support of political leaders and financial partners
- Communes start to issue land certificates

First observations and emerging constraints

- Technical constraints
 - Deterioration of land records and landmark plans
 - The Commune's boundary are not clearly delimited
- Financial constraints
 - High cost of initial investment: imagery, IT equipment
 - Affordability: Certificates costs are still an obstacle for the access for deprived group
- Capacity constraints
 - Weak ownership of the new communal land office
 - Weak capacity for the Communal staff to manage the *guichet foncier*

Questions?

An observatory

- Risks and added value of decentralized land management?
 - Benefits in productivity of the public service
 - Transfer of competences = transfer of corruption?
 - ...
- ...Necessity for an observatory

Thank you for your
attention



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