

DECENTRALISED AND SIMPLIFIED LAND MANAGEMENT ADDRESSES THE ADMINISTRATIVE BOTTLENECKS TO SECURING RURAL LAND IN MADAGASCAR.

ILC'S DATABASE OF GOOD PRACTICES

LEARN, SHARE AND BE INSPIRED!

Country: **Madagascar** - Principal Organisation: **WORLD BANK**

ABSTRACT

The introduction of a decentralised and simplified land management system at municipal level has significantly reduced the regulatory burden of securing tenure of rural land parcels. Cost and time of land tenure registration have been reduced from USD 500 to USD 14, and from 6 years to 7 months. As a result of an innovative land reform, between 2005 and 2017, newly established communal land

offices in 535 out of 1695 communities in the country issued over 140,000 land certificates to households. Over 30,000 women, either alone or jointly, had their rights to their land parcels legally secured. An on-going pilot of a systematic approach in 13 communes has enabled the local government to demarcate and adjudicate over 100,000 in less than six months.

ILC COMMITMENTS



**SECURE TENURE
RIGHTS**



**INCLUSIVE
DECISION-MAKING**



COMPETENCIES

AREAS

RURAL LAND GOVERNANCE

WOMEN'S LAND RIGHTS AND GENDER JUSTICE

SKILLS

LAND CONFLICT RESOLUTION

MAPPING AND LAND REGISTRATION

ESTABLISHMENT AND STRENGTHENING OF LOCAL INSTITUTIONS

BACKGROUND

In Madagascar, securing land tenure is a crucial issue for development and peace: citizens, businesses and state agencies face widespread tenure insecurity and land conflicts. Tribunals are overwhelmed with land disputes accounting up to 30% of civil court cases in 2012, a percentage likely to have increased since. These disputes sometimes degenerate into violent

conflicts, resulting in clashes within families and communities. Poor land governance also hampers farmers' investment and access to credit, discourages private sectors investors, and prevents municipalities from controlling the emergence of informal settlements and collecting revenues from land.

THE CHALLENGE

The Malagasy land governance system was a title based colonial land tenure system, inspired by the Torrens Act, that significantly differed from the traditional land tenure systems based on social recognition. Title registration and transfers are burdensome with a 24 step procedure for first registration lasting an average of 6 years, and with administrative costs of up to USD 600, when the average GDP per capita is only USD 450 in 2017 (World Development Indicators).

Furthermore, the distance, cost of travel and poor transport infrastructure make it particularly difficult for rural people to register their land rights as applicants are required to go to the offices in person. During its century old service, 400 000 titles were issued covering 10 to 15% of the country. In the early 2000s, the administration was delivering about 2 000 titles per year, against half a million pending applications.



OVERCOMING THE CHALLENGE

In 2005, the Government of Madagascar embarked on an innovative land reform process heavily focused on decentralisation of land services with the aim to better serve people through the establishment of communal land offices. In addition, the introduction of land certificates simplified procedures and reduced costs associated with land rights registration. The decentralised land management system hence aimed to increase the number of rural households with registered

and secured land rights on their parcels. A Commission of Local Recognition composed of community representatives was established to facilitate, inform and validate the demarcation and adjudication process done in the presence of immediate neighbours. Technology was adapted to fit the context and GIS/GPS enabled tools were used to delimit parcel boundaries, in order to bypass the heavy land surveying requirements.

MOVING TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

The introduction of a simplified land management system at municipal level led to a significant reduction in time, cost and regulatory burdens on community members. The average processing time and cost to issue land rights documentation have thus been reduced from an average of 6 years and USD600, to 7 months and USD 14 respectively for land certificates.

From 2005 to 2017, 535 communal land offices received almost 200,000 applications and issued over 140,000 land certificates, covering a total

of almost 200,000 ha. Among the land owners with newly documented rights, more than 30,000 women received certificates either on their own, or jointly. While the progress was significantly slowed down as a result of the 2009 coup d'état that started a period of turmoil, land reform implementation is accelerating. An on-going pilot of a systematic approach in 13 communes has enabled adjudication over and demarcation of 100,000 land parcels in less than four months, thus almost doubling the number of parcels with land certificates.



THE GOOD PRACTICE IN FIVE SIMPLE STEPS

1

Land tenure diagnostic. A land diagnostic is first carried out prior to the establishment of communal land offices to analyse the local land tenure situation which includes the potential presence of titled land.

2

Establishment of a Commission of Local Recognition. A Commission of Local Recognition is formed to reconcile legal requirements and customary practices at the local level. The Commission, composed of community representatives, including traditional authorities, elders and neighbours, facilitates land demarcation and adjudication processes, and validate the outcome based on their knowledge of the local tenure situation.

3

Local land occupancy map. GPS tools are used to delimitate land parcels boundaries. The data collected is later integrated into the existing local land occupancy map that records the existing land titles managed and updated by the decentralised offices of the surveying department of the Ministry of Planning and Land Services. These maps are used as an interface tool between the Ministry's land administration services in charge of titles and the communal land offices in charge of land certificates.

4

Land conflict resolution mechanism. The communal land offices adopt an alternative land conflict resolution mechanism, with the communal council serving as an administrative appeal board and the cases only sent to the courts when the communal council could not solve the dispute. Using this local conflict resolution mechanism enables to expediate cases that would otherwise take much longer to be settled.

5

Taxation and planning. Land data can serve a dual purpose: taxation and spatial planning. Some communes are already using the land data generated as a result of the registration process for tax purposes, a practice that could be expended as the coverage of land certificates increases. Georeferenced data will also become an important tool for land use planning.



KEY FACTORS OF SUCCESS FOR REPLICABILITY AND ADAPTABILITY PURPOSES

5

1

In some contexts, community recognition is a legitimate and sufficient basis for land security. As such, the law and government must recognize traditional land rights. Such recognition incentivises land users to formally register their land rights.

2

Simple technologies are appropriate to meet the requirements for rural land registration and can tremendously reduce costs associated to land titling/certificating, making land rights registration affordable for rural households.

3

A comprehensive capacity building program is essential for the successful implementation of a decentralised land reform which requires a large number of trained staff. There is also a clear need for an institution to be in charge of training and quality control of decentralized land services offered to the people.

LESSONS LEARNED

Efforts to modernise land administration services were met with more organizational challenges than technical issues: difficulties for staff from various institutions to work together, ineffective institutional arrangements and reliance on donor-based financing models. These should not be overlooked.



FIND OUT MORE

http://agritrop.cirad.fr/546498/1/document_546498.pdf

<https://egov.unu.edu/events/archive/seminar/herilala-fanomezantsoa-4-april-2017.html#overview>

<http://www.cirad.fr/en/news/all-news-items/articles/2010/ca-vient-de-sortir/decentralising-land-management-in-madagascar>