





Land reform in Madagascar: best practices and challenges in improving land governance

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Introduction: The Malagasy Land Reform



The contents of land reform in Madagascar

Legal innovations:

- Recognition of customary occupation rights as a presumption of property
- o Introduction of the **land certificate**, a new document formalizing property rights with the same legal value as land title

Institutional innovations:

- o giving competence to Communes (municipalities) through decentralization of land management
- o local recognition committee to certify property rights
- o Municipal council competent in land disputes arbitration

The institutional arrangement of the land reform

Strategic Orientation and monitoring board (COS): parliament, donors, public administrations, mayors association, CSO, private sector, university, research institutions National Land Forum Land Administration Services Regional Land Forums D National land Program (PNF) Land Governance Assessment National 0 Framework (LGAF) & monitoring Ν level Land Observatory (OF) committee O Land Observatory website R Civil Society organizations for land Research debate workshops rights security (SIF) Publications (newspaper) Land laws renovation committee (CRTF): land administration, ministry of justice, OF, PNF, CSO, private sector (surveyor, notaries) Inter-ministries reflection committee Regional land administration services Judiciary clinics (paralegal): legal advising, Regional information, legal empowerment, human rights level watch Special Bureau (BS): technical support to Local Land Office Local land office: land rights formalization Land certificate Municipal council: land disputes arbitration Local level Local recognition committee (CRL): elders, women, customary chief of village, neighbors



Lessons learned



Best practices related to land governance

Consultation and participation:

 Strategic orientation and monitoring board (COS), land laws renovation committee, local recognition committee,...

Non – discrimination:

o Vulnerable groups can better access to land rights formalization: recognition of customary occupation, affordable land certificate cost, joint certificates/ women

Transparency:

o Land observatory website & publications, land forum

Continuous improvement:

Land observatory, COS



Shortcomings

Too much centralized decision-making:

 Less involvement in monitoring and reflection/ less voice at regional and local level

Legal constraints for land - rights continuum & equity:

Many areas covered by "obsolete statutes"

Not enough tool to promote good governance:

Less CSO initiatives (research, report, advocacy)

Gender equality not yet effective:

- Lack of announced willingness in land policy
- o Prevailing customary rules that are often discriminatory to women's rights
- Less voice/ advocacy at local level



Challenges and perspectives



Land governance as a core principle in Act 2

- Clearly announce gender equity as an objective engage debates & reflections on customary laws and gender equity,
- o Ensure more active participation of local level in shaping the land reform and monitoring land governance (including crowd – sourcing),
- Promote more transparency and information access
- o Strengthen the role of the Land Observatory and CSOs in governance monitoring,
- o **Support CSOs** to promote legal empowerment and advocacy at local level



Thank you for your kind attention

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