



Land reform and urban tenure security in Madagascar

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Introduction: The Malagasy Land Reform



○ Land policy related to the history of Madagascar :

Before 1896 : Kingdom period

→ All the land belongs to the King/ Queen. Every household has the right of use. Collective rights prevailed.

1896 – 1960 : French colonialism period

→ All the land belongs to the colonial administration (principle of domaniality). Only private titled land rights are recognized.

1960 – 2005 : post colonialism period

→ Principle of domaniality maintained : all the non – titled lands belong to the Malagasy State. Land titles issued by state land services.

2005 : land reform

→ Extinction of the domaniality principle : all non – titled but (customarily) used or occupied lands are presumed private property.



○ **A shift in the land management system :
Decentralization of competence to municipalities**

→ Creation of the Local Land Office (LLO or *Guichet foncier*) run by the Mayor, legally competent to manage non – titled but occupied land properties.

→ Each LLO is provided with a digital or printed land occupation map (PLOF) informing on already titled and non – titled plots



○ **A shift in the land management system :**
Creation of a new land right document : the Land Certificate

→ Issued at the end of a “on – request” process.

→ Land property rights are stated by a local recognition committee composed of chief of village, elders, neighbors.
Opposition is possible.

→ The Land certificate has the same legal value as land title.

→ The Land certificate costs 10 – 20 times cheaper than a land title and is issued 6 times faster.



Land reform and urban tenure security



Land reform : very low impacts on securing urban poor land tenure

Lack of urban land management policy

→ Madagascar mainly seen as an agricultural country.

→ The 2005 land reform and LLOs establishment were mainly designed for rural municipalities (agricultural land securing, remoteness from land administration services, customary rights prevailing, plots boundaries easy to demarcate).

→ Urban development and land tenure security is missing in the donors agenda and portfolio.

→ The urban LLOs are rare: out of nearly 500 LLOs, only 10 were in Urban municipalities (myth of the high title coverage)



Land reform : very low impacts on securing urban poor land tenure

Costly land registration

→ Land titles are out of reach of urban poor but LLOs are not everywhere.

→ Urban land transfer taxation is up to 30 % of the land transaction amount (titled and certified land)

→ Land information update is drastically decreasing: more than 50 % of the names registered to the land title do not correspond with the current occupant the land

→ Land transactions are more often secured with “petits papiers” with scarce legal value: vulnerability to conflicts and land grabbing



Land reform : Low impacts on urban land poor security

LLO/ occupation rights vs. urban planning regulation

- Minimum surface for titling and permit for construction : 100 m² : poor plots do not comply.
- “Servitude de passage” (access easement) compulsory.
- Many children inheriting : land surface are decreasing through generations : (not updated) undivided title
- Lack of compliance with urbanization plan : zones of flood, swamps, non – constructible zones, ...
- Lack of water, sanitation, hygiene infrastructures
- **Land certificate cannot issued for every land**



Urban tenure security: perspectives



Bring urban land policy to debates (phase 2)

- Producing more information and facts**
(researches, assessment).
- Capitalize NGOs experiences (HfH, ENDA,...).**
- Take into account the existence of informal settlements in the urbanization planning process**
 - Design restructuring plan for informal settlements** (occupation mapping, collective titling, ...)
 - Discuss the relevancy of the Urban LLO and expand if legally/ institutionally and socially relevant**



**Thank you for your
attention**

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