Recentralizing Decentralization?
The case of Madagascar’s land policy
Background before Land Reform

- **The land titling system failure**

  - Customary authorities are not considered competent for land management
  - Huge demands for land titles: over half a million title requests have been in process for decades
  - Impoverished administration has weak capacities to keep the documentation safe and to deliver land titles
    - 400,000 land titles had been granted within the past 110 years
    - 1,000 - 2,000 land titles / year
  - Individual land titling procedures remain complicated
    - 24 steps, 6 years and $500 to get a title (= 2 years average household income)
  - Survey operation are not a better alternative
    - $100/ha – 1 surveyor / 0.5 million hab
  - Land transactions are rarely recorded. Land documentation does not match current land occupancies
New political orientation: Letter of Land Policy (2005) built with a broad consultation process - 4 components:

- Innovative legal framework introducing a new concept: non-titled land property
- Decentralization of land management:
  - Municipal land offices, local land rights recognition committees and land certificates
- Land administration modernization & computerization
- Training & Communication activities

New, unique implementing entity:
- National Land Program Coordination Unit

Strong support from donors:
- 12 donors, coordinated by a “Partnership Chart”, approved by Gvt
Land statutes and division of responsibilities

Land Estate (private & public)

Titled Private Property

Land Administration

Land Title

Non Titled Private Property (parcels occupied without title)

Municipal Land Offices

Land Certificate
A land reform based on a decentralized land management system

A neighborhood land service: Municipal Land Office

Land rights recognition by a Local Land Rights Committee

Land rights formalization by issuing Land Certificates

Land management mapping tool: PLOF (Land Use Local Map)
Outcome:
a land public service now accessible

In 5 years:
400 Municipal Land Offices

120,000 Land Certificates demands

60,000 Land Certificates issued
**A surge in the capacity of Municipal Land Offices**

<table>
<thead>
<tr>
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<th>Average cost</th>
<th>Average processing time</th>
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<tbody>
<tr>
<td><strong>Land Title</strong></td>
<td>507 $</td>
<td>6 years</td>
</tr>
<tr>
<td><strong>Land Certificate</strong></td>
<td>9 $</td>
<td>6 months</td>
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![Graph showing the number of demands or certificate nominations cumulated over time for municipalities and the average cost and processing time for land titles and land certificates.](image-url)
Trend reversal?

[Graph showing data with bars for Land Certificates and Land Titles from 1992 to 2010.]
A few key explanations

- Political crisis on March 2009: led to suspension on land reform funding by main donors
  - Disbursement fell from 11 to 1 million $ / year! Training and local empowering activities had to stop in more than 250 communes
- Land rights registration is no longer a public service but a business
- Land administration is afraid of losing land management monopoly given the increased number of Municipal Land Offices
- Strategy of corporatism to defend their own interests:
  - Feel reticent to develop the on-going land decentralization process
  - Set of responses to react against this process: communication on land title as sole documentation to protect land rights, reactivation of unfinished survey operations, preservation of obsolete land statutes, circular to make the establishment of Municipal Land Office more complicated, ...
- Logical response: low salaries (100 $ monthly / Land Inspector), strong administrative culture
- Land reform process can be stifled. Political choice are expected and civil society should have a role to play.
Before any innovative land reform implementation, important need to restructure the whole land sector

Land administration has been initially designed to provide land titles and to implement survey operations. Civil servants have been trained in that view.

A new land policy which is no longer based on land title must be based on a different institutional framework

Some ideas have been studied in Madagascar:

- To implement a real land administration public service:
  - Land National Fund in order to fund a para-public Land Agency (with different salary scale, new public service culture and results-based management culture)
  - Surveyors Outsourcing / Privatization Program

- To develop a technical competence for Municipal Land Offices:
  - National School for Decentralized Land Management

Issues of income and interest of land administration staff are always sensitive and difficult to address. However this major point should be addressed as soon as a reform process starts. It inevitably leads to deep institutional restructuring.
Thank you