



# LAND ADMINISTRATION REFORM IN MADAGASCAR: THE THEORY, THE PRACTICE, AND THE LESSONS LEARNED

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# Outline

## I. Overview

## II. Land administration of Madagascar: Context and Characteristics

## III. Key reforms

1. Judicial renovation
2. Decentralization
3. Modernisation of land administration offices
4. Local Plan of Land Occupation (PLOF)

## IV. Main outcomes

## V. Impeding factors

## VI. Financial aspect

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# I. Overview : Background Figures

## Location:

- Island country in the Indian Ocean off southern Africa, island, east of Mozambique
- World's fourth-largest island

GDP (2015 est.) : US\$9.74 billion

GDP PPP (2016 est.) : US\$37.49 billion

Territorial size: 587,041 sq. km (~France and Belgium combined)

GDP growth rate (2016 est.): 4.1%

Population number: 24,430,325

GDP per capita (2015 est.): US\$410

Pop. Growth (2016 est.): 2.54 %

Population density (people per sq. km of land area) : 42

Population below poverty line: 75.3% (2010 est.)

Median age and life expectancy: 19.5 years and 65.9 years

HDI rank: 151 out of 187 countries

Urbanization rate (2015 est.) : 4.69%

Gini Index (2012) : 42.75

## Official languages:

- 1960: Malagasy and French
- 2004-2010: Malagasy, English, French
- 2011-present: Malagasy and French

## GDP - composition, by sector of origin:

- Primary\*: 24.8% - Vanilla, clove, rice, fisheries, cocoa ...
- Industry: 16.3% - Tourism, textile, mining, ...
- Service: 58.9% - Telecommunication, banking, ...

\*75% of population

Literacy rate: 64.7%

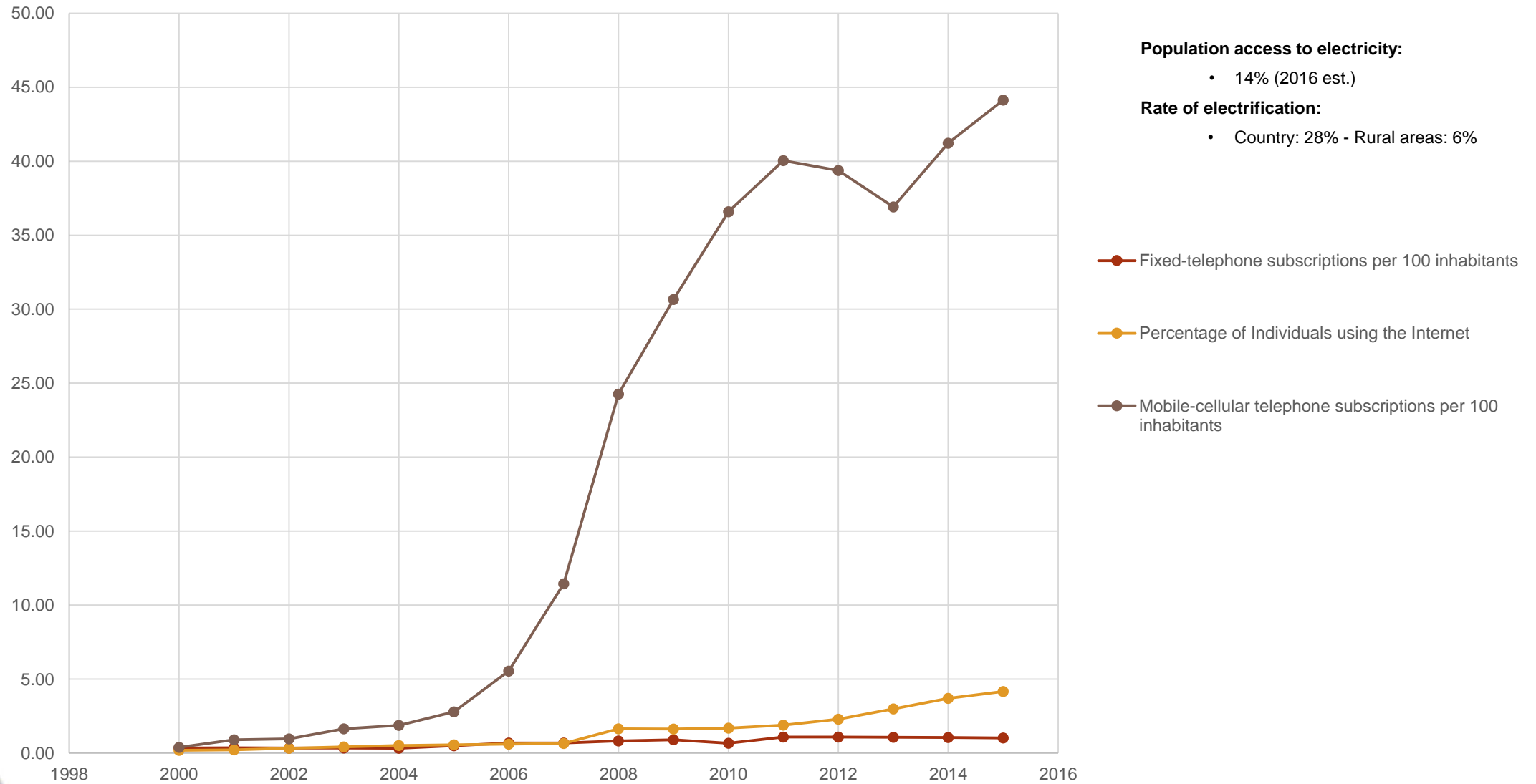
Population access to electricity: 14% (2016 est.)

Average year of school: 10 years

Rate of electrification: Country: 28% - Rural areas: 6%



# I. Overview: Telecommunication Indicators





# I. Overview : Competitive Advantages

- **Location:** Africa-Asia axis
- **Biodiversity:** 80% of fauna and flora are endemic
- **Vast agricultural land:** 416 800 sq. Km
- **Coastline:** 4,828 km - **Exclusive Economic Zone:** 200 nm
- **Young and abundant labor force:** 12.98 million
- **Minerals resources:** Titanium (world's largest reserve), nickel, cobalt, oil shale, ruby, sapphire, ....
- **Renewable energy:** 660 hydro-electric sites, 2800 hours of sunshine, sufficient wind force at 50 m. altitude
- Etc.





## II. Land Administration: Context (1/1)

### Pandemic Land Conflicts and Land Insecurity

- Society: Degraded social climate
  - *Land disputes: 20% of civil court cases (opportunity cost)*
  - *Violent conflicts: family and/or community clashes*
  - *Etc.*
- Private sectors: Disincentive for investment
- Farmers: Obstacle for credit access to finance income-generating activities
- Municipalities: Uncontrolled squatter settlements

=> Land mismanagement: A major issue of rural and urban development of Madagascar (FAO, 2014)





## II. Land Administration: Context (2/2)

### Missed Opportunities: Reliable Land Database for Decision Making of Development Strategies of the Country

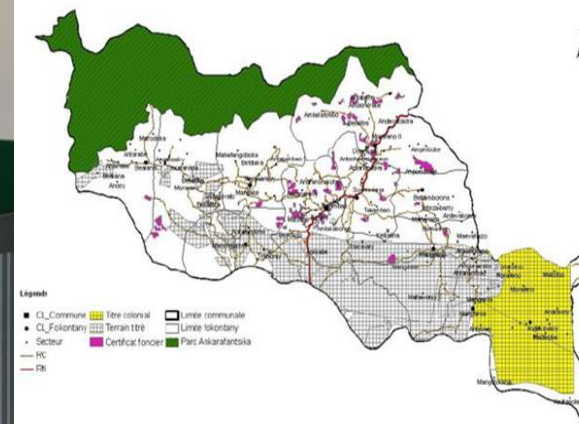
- Central government:
  - *Contribute to accommodate the increasing demand for land and agricultural investment in the country with respect to the needs of small and vulnerable farmers\**
  - *Develop a land market for 37 million Ha of unhabituated parcels*
- Local government:
  - *Design informed and smart spatial planning tools for local development*
  - *Plan and organize property tax collection*

\*Demand for large scale land has been of international trend since mid-2000s



**What is a land grab?**  
**Rapid and large surge of international investment and speculation in land**  
**mostly in poor, non industrial countries**  
Investment: creation of large farms, plantations, monocultures  
Speculation: absentee landlords kicking out people and waiting to resell the land, or the stocks attached to it, to third parties

La situation foncière en 2012





## II. Land Administration: From 1897 to 2005 (1/1)

- **Legal land tenure system:** Act Torrens - Land ownership is acquired and transferred through registration instead of mere deeds
  - *Land registry (paper-based), in-person visit to relevant offices*
  - *Gap between traditional and legal practices*
- **One proof of land ownership:** Land title (booklet)
- **Land status certificate (single paper):**
  - *Requested document in all land-related affairs*
  - *Provides legal information on owner as registered, land parcel and eventual charges*
- **Resources:** Limited budget and personnel, old tools
- **ICT tool usage**
  - *Word processing and printing*





## II. Land Administration: From 1897 to 2005 (2/2)

- **First-time registry: Burdensome regulatory compliance**

- *Bureaucratic : 24 steps - 5 to 10 years in average*
- *Distant: Offices located in hundreds of Kms*
- *Costly: US\$500 in average (GDP per capita: US\$410)*

**Property titles delivered: 330 000 (10 to 15% of the country)**

- *1 000 titles per years vs 0.5 million pending demands in 2005*
- *500 years (!) to absorb the pending demands*

- **Property title transfer**

- *6 steps and 5 to 12 months*
- *Bottleneck: Old and unupdated registry*
- *Costly: 10% of property value*

- **Land status certificate**

- *Validity: 3 months*
- *Processing time: 20 days to 3 months*





# III. Key Reforms of 2005

## 1. Judicial renovation

- Presumption of state ownership → **Presumption of private property**

## 2. Decentralization

- **Communal land offices**

## 3. Modernization of land administration offices

- **Digitization:** from old book to electronic data base
- **One-stop-shop:** land and topographic offices with front-office and back-office settings

## 4. Local Plan of Land Occupation:

- **GIS-based tool:** representing all land property status
- **Interface tool:** data exchange between land administration and communal land offices



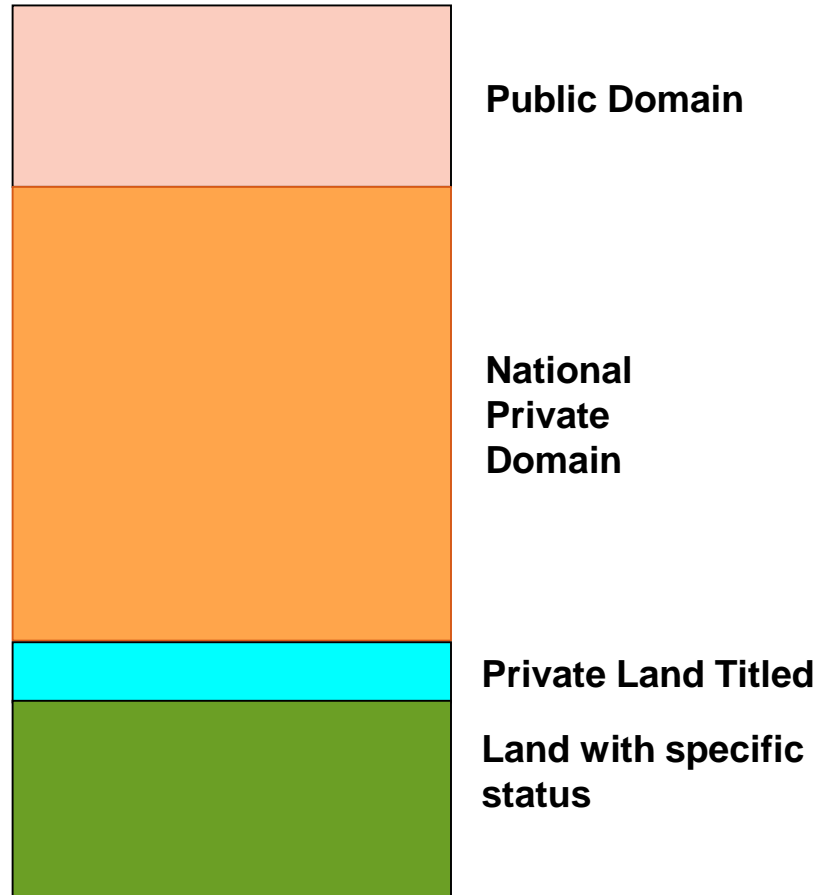
# III.1. Judicial renovation

Presumption of state ownership

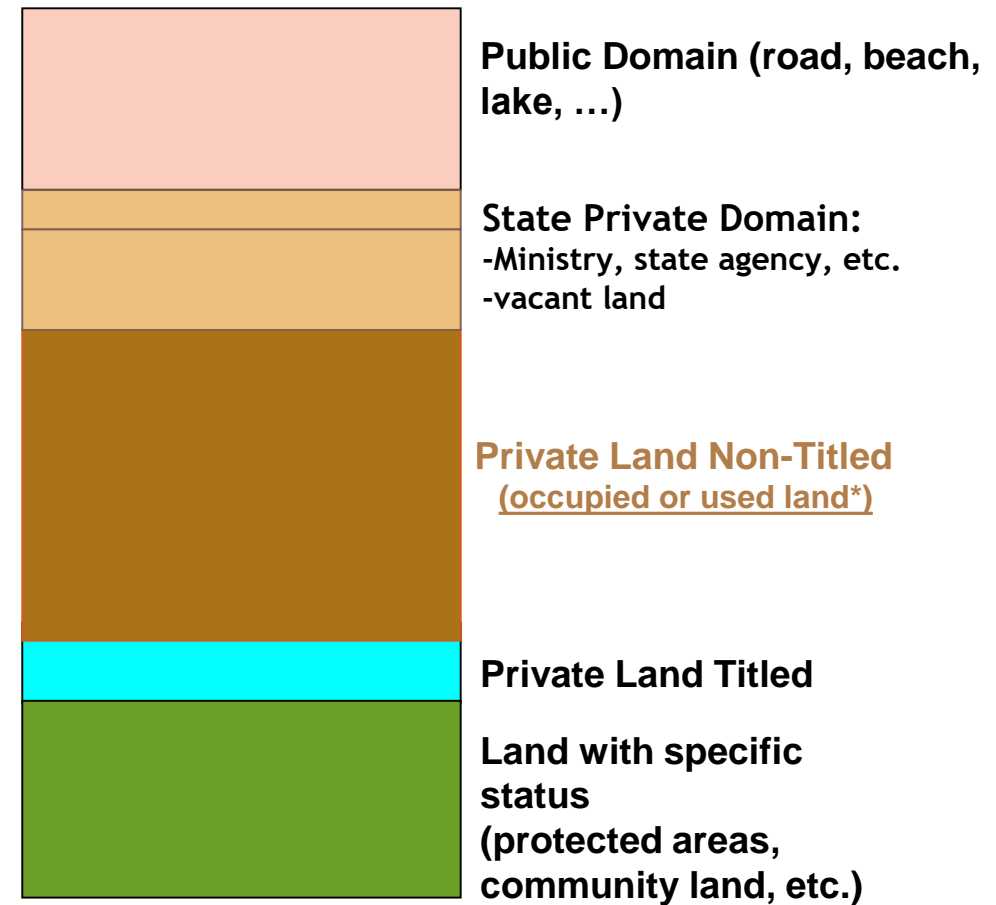


Presumption of private property

Before 2005



After 2005



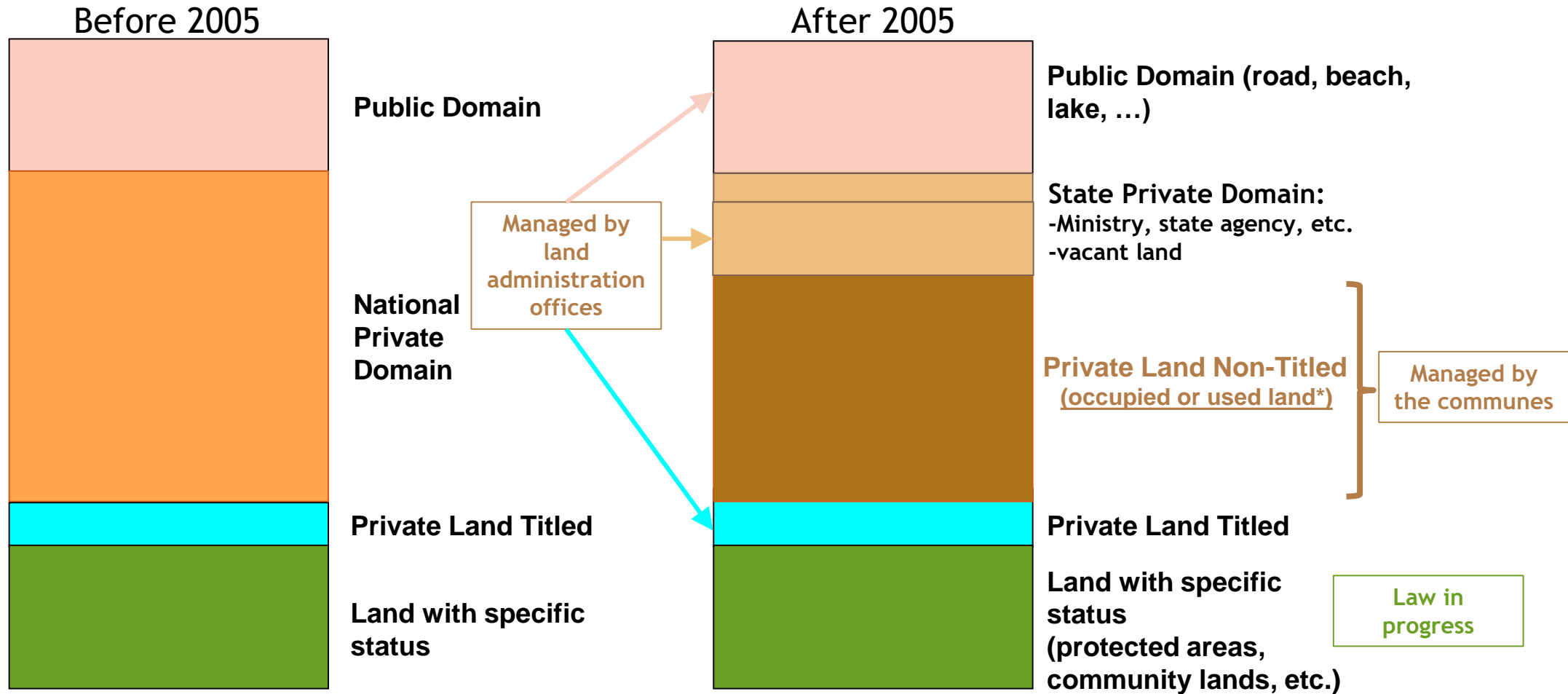
*\*In accordance to the local habit and custom*

## III.2. Decentralization

Presumption of state ownership



Presumption of private property



After 2005:

- Two proofs of land ownership: Land title and land certificate
- Two land management systems: Land administration office and communal land office



## III.2. Decentralization

### Communal Onestopshop Land Offices

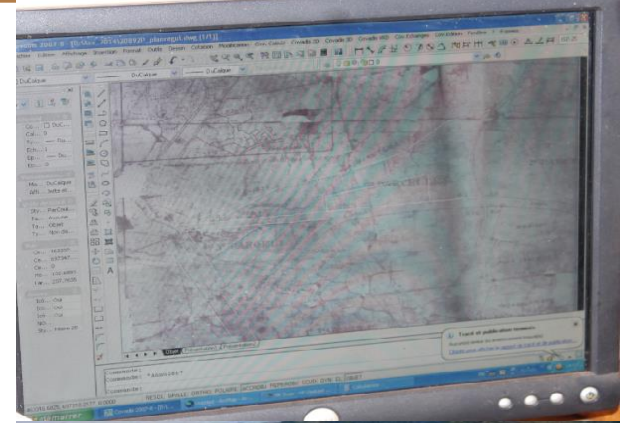
- Seek to reverse the ratio: « 1 000 title per years vs 0.5 million pending demands » by issuing land certificate as a proof of land ownership
- Aim at covering the 1 695 communes of the country, *mostly in rural areas*
- Reconcile legal and customary practices: Land certification
  - *Local recognition-based land tenure system (simplified process)*
  - *Centered on the organ “committee of local recognition” composed of community representatives and Immediate neighbors*
  - *Formalized by the mayor and assisted by one to few specialized agents*
- Deploy GIS and GPS tools abolishing the systematic need for land surveyors





### III.3. Modernization of Land Administration Offices

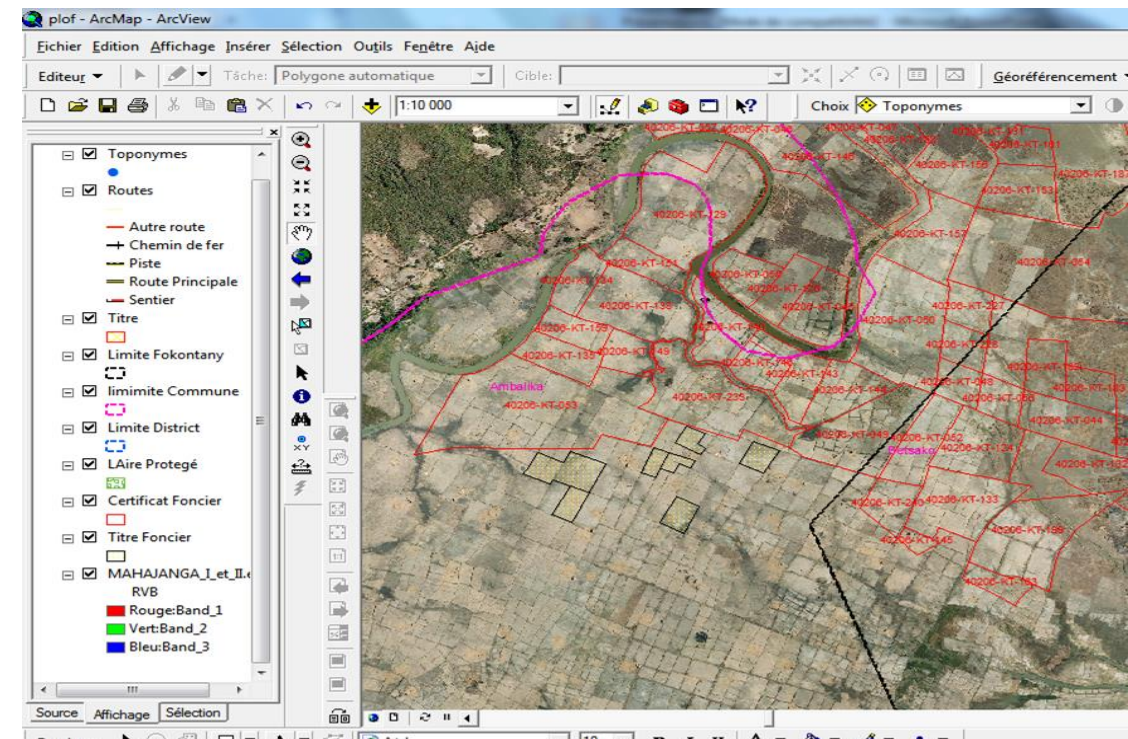
- Digitization: Land information management software
  - *Electronic database of the land registries*
  - *Scan and vectorization of topographic plans*
- Onestopshop of land and topographic services with
  - *Front office to receive users*
  - *Back office to handle operations*
- Accompanying measures
  - *Training program for new and current staff*
  - *National Land Fund*





## III.4. Local Plan of Land Occupation: LPLO (1/1)

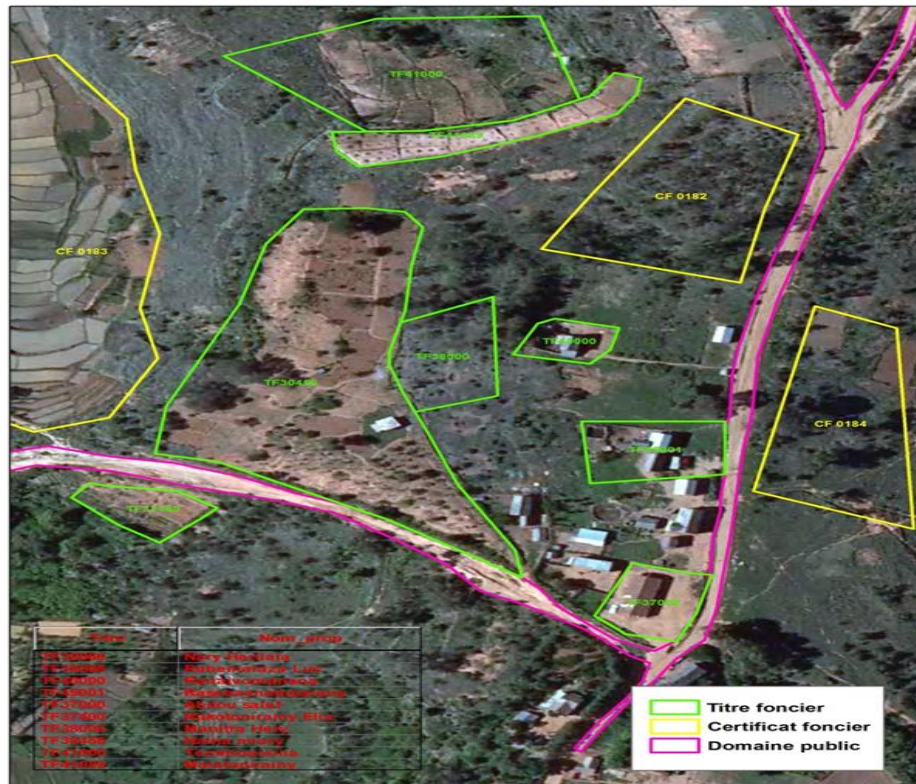
- GIS-generated map all land status in a given area
- Interface tool for data exchange between the :
  - *Communal land offices in charge of land certificates, and*
  - *Land administration offices in charge of land titles*
- Design to substitute gradually the master cadastral plan
- Can be used for:
  - *Spatial planning*
  - *Property tax collection planning and organization*





## III.4. Local Plan of Land Occupation: LPLO (1/2)

It can be in paper version in places with no electricity







## IV. Main outcomes

	Before 2005	After 2005
Land tenure management	One legal system: Land administration → Land titles	Two legal systems: 1.Land administration office → Land titles 2.Land comunal office → Land certificates
Land comunal offices	-	<ul style="list-style-type: none"><li>• Average processing time and cost : 7 months and US\$14</li><li>• Land surveyor-free procedures (GPS-based tool)</li><li>• In 2016: -523 out of 1695 communal land onestopshop -117 461 land certificates issued -215 968 demands</li></ul>
Land administration <ul style="list-style-type: none"><li>• Services:</li><li>• Land registry:</li><li>• Offices:</li><li>• First-time registry:</li><li>• Average cost:</li><li>• Title Transfer:</li><li>• Average cost:</li></ul>	<ul style="list-style-type: none"><li>• Land and topographic services</li><li>• Paper based (only)</li><li>• 38</li><li>• 24 steps (5 to 10 years)</li><li>• US\$500</li><li>• 6 steps (140 days)</li><li>• 10% of the property value</li></ul>	<ul style="list-style-type: none"><li>• Onestopshop service with front and back offices</li><li>• Paper based and partial electronic data (&lt;5 offices)</li><li>• 45</li><li>• 8 steps (2 to 5 years)</li><li>• US\$500</li><li>• 6 steps (74 days)</li><li>• 10% of the property value</li></ul>
ICT enabled tools	Limited to: <ul style="list-style-type: none"><li>• Word processing</li><li>• Printing</li></ul>	Extended to: <ul style="list-style-type: none"><li>• Land information management software: Partially used in 5 land administration offices out of 45</li><li>• LPLO-software: interface tool b/w the two systems</li><li>• Fi-LPLO-software: Land and fiscal management (in</li></ul>

# V. Impeding Factors (1/1)

- Financial and institutional arrangement:
    - *Since 1990s, int'l donors have avoided to fund directly state agencies*
    - *Creation of a consultant-composed unit under the ministry of land affairs to lead the reform:  
The Coordination Unit of Land Program Reform*
    - *Implementation of the digitization component by private contractors under donors' funding*
  - Resistance to change the personnel:
    - *Loss of informational power*
    - *Culture of risk aversion associated with electronic data (very high)*
- => Land administration's staff have not much incentive to support the modernization,  
especially in providing full and reliable data as possible  
(mere focus on technology enhancement and reform content)**



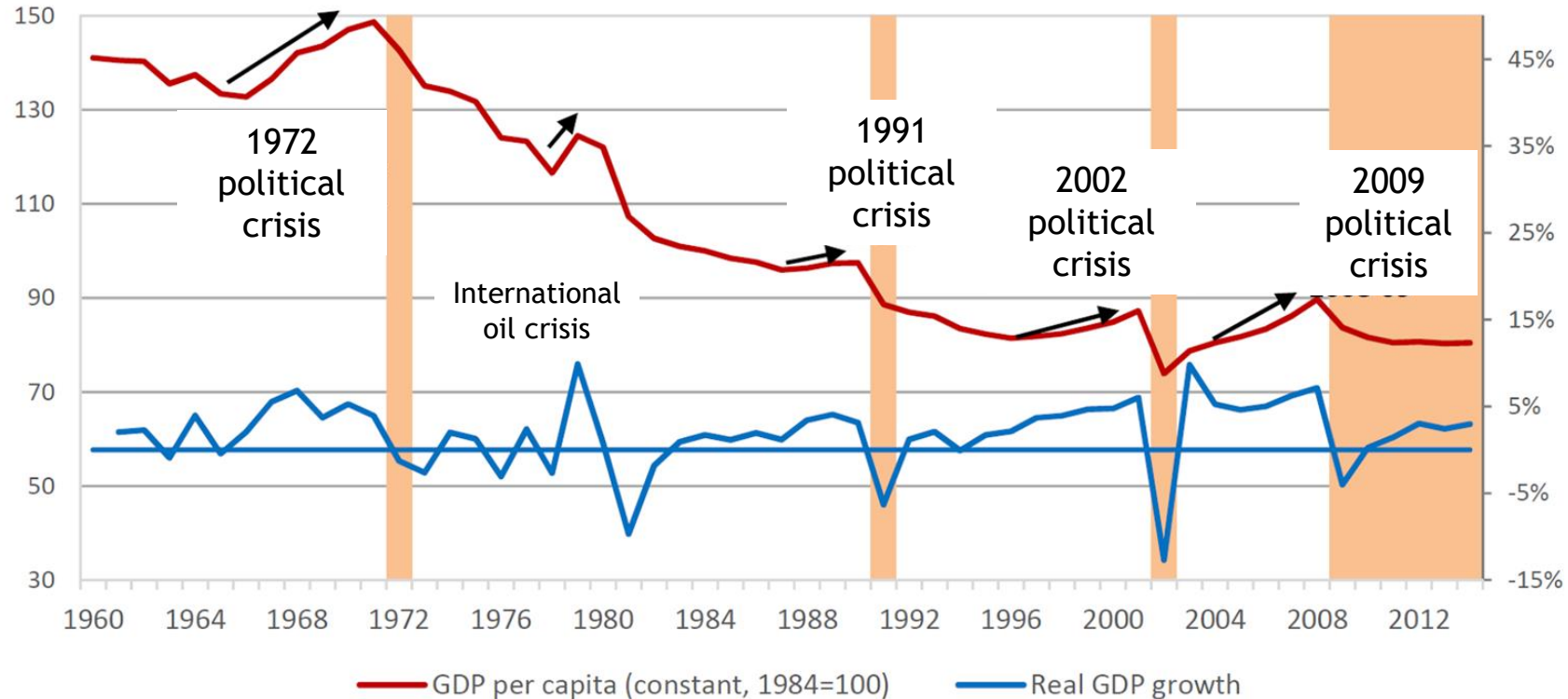
## V. Impeding Factors (1/2)

- Civil servant's low salary (US\$80 to US\$200 per month)
  - *Low productivity*
  - *Corruption*
  - *Error prone performance*
- The expressed political will of the government to support the reform has never been translated in the state budget
  - *Land administration's operating budget: US\$200,000 per year*
- 5-year political crisis starting in 2009
  - *Donors pulled out their funding*
  - *Limited public services*

**=> The reform struggled to advance further**

# V. Impeding Factors (3/3)

Cyclical political crises: Do growth spurts trigger political crises?



- **Political crisis in Madagascar:**
  - *Suspension of international funding*
  - *Limited public services*
  - *No armed conflicts nor civil wars*

=> The economy still function to a certain degree

=> Need for an alternative financing model





# VI. Financial Aspects

## Communal Land Office:

- Decreasing donor-based funding: 100%, 75%, 50%, 25% and 0% (over 5 years)
- Source of revenue: Service fees and property taxes

## Modernization and Digitization:

- Main sources: International donors (Millennium Challenge Corporation, EU, FAO, ...)
- National resources:
  - *General state budget: Limited*
  - *National Land Fund: Failed to be operational*



## VII. Conclusion: A Mixed Result

- An inspiring institutional reform in Africa, based on decentralization:
  - *Rwanda, Burkina-Faso, Senegal, ...*
  - *Opportunity to absorb part of the massive demand for land security, especially in rural areas*
- The e-Government effort however faced difficulties at different stages due to organizational and contextual factors, rather than technical issues:
  - *Unproductive cooperation with land administration staff*
  - *Ineffective institutional arrangements*
  - *Donor-based financing model (sensitive to the cyclical political crises in the country)*





# VII. Conclusion: Perspective

IF (KEY ACTIVITIES)	THEN (OUTCOMES/EFFECT)	THEREFORE (IMPACT)
<p><b>The government of Madagascar:</b></p> <p><i>In the short run</i></p> <ul style="list-style-type: none"><li>- explores different ways of land dispute resolutions (administrative appeal, notary mediation, etc.)</li><li>- shifts registration burden from property owners to government during 3 to 5 years</li><li>-incentivizes civil servants in the digitization process (IT solution has already started)</li><li>- upgrades its land information system according international standard (openness, interoperability, proportionality, etc.)</li><li>- puts in place public service hall and/or community center regrouping all relevant state agencies and support services for land-related affairs</li><li>- abolishes notary registration for all land transaction</li><li>- continues the organizational re-engineering of all land offices in the country</li><li>- strengthens land administration authorities' leadership role in innovation and implementing the reform</li><li>- reflects its commitment to land reform in state budget</li><li>- develops land information exchange and management policies with all relevant actors and authorities</li><li>- etc.</li></ul> <p><i>In the long run</i></p> <ul style="list-style-type: none"><li>- replaces progressively the land title and land certificate by an e-abstract as a single proof of property</li><li>- merges all land-related affairs in one office, starting from land registry and tax lien</li><li>- deploys an advanced ICT enabled process for land information management with higher technology</li></ul> <p><i>As accompanying measures</i></p> <ul style="list-style-type: none"><li>- deploys a sustained financing model</li></ul>	<p><b>Users:</b></p> <ul style="list-style-type: none"><li>- face decreased land-related conflicts</li><li>- are exhaustively recorded in updated land registries</li><li>- take benefit of ICT backed processes and improved public service delivery</li><li>- have reduced regulatory burden</li><li>- at all levels, have access to relevant land information to develop sector-specific development strategies</li></ul>	<p><b>The country:</b></p> <ul style="list-style-type: none"><li>- reduces regulatory burden while safeguarding state and public interest in land regulation</li><li>- develops efficient land market</li><li>- leverages land management to:<ul style="list-style-type: none"><li>.promote social peace</li><li>.better accommodate the increasing land and agricultural investment in the country with respect to small and vulnerable farmers</li><li>.expand opportunities for rural development (increase crop production, access to credit, ...)</li><li>.designs (smart) land planning tool for local development at different scales (municipality, region, ...)</li><li>.etc.</li></ul></li></ul>



# Thank You

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