

Introduction

1. IFAD and ILC jointly undertook a mission to Madagascar to:
 - (a) develop ILC and IFAD's understanding of the current status of Madagascar's ongoing land reform processes, and the strategic areas in which partners may continue to engage productively
 - (b) learn lessons from the establishment of Guichet Foncier in the Miadanadriana Commune in the Manjakandirana Region and the Itasy Region by other ILC members and partners,
 - (c) participate in the start-up workshop for the IFAD-supported *Projet d'appui au developpment du Menabe et du Melaky (AD2M)* in the Menabe and Melaky Regions
 - (d) formulate, in consultation with partners, a framework for continued ILC support to the implementation of the Land Policy.
 - (e) To evaluate the potential for promoting sharing of experiences on land reform within Madagascar as well as regionally

Background.

2. Over the past three years the Government of Madagascar has embarked on an ambitious national land tenure reform process in response to the perceived crisis in land tenure security. The process involves the development of a new land tenure policy and legal framework, while at the same time piloting innovative mechanisms for providing land tenure security in a more efficient and decentralised manner. This represents one of the most coordinated and integrated attempts at land reform currently underway in Africa.

3. The Policy is being developed under the auspices of the National Land Policy Programme (*Programme National Foncier - PNF*), lead by Ministry of Agriculture, Livestock and Fishery (*Ministère de l'Agriculture, de l'Elevage et de la Pêche – MAEP*) through the National Directorate of Cadastre and Land Tenure Services (*Direction des Domaines et des Services Fonciers – DDSF*). Four axes for land reform are being developed: (i) Restructuring and modernization of the land administration system. (ii) Decentralisation of the land administration system. (iii) Review and amendment of the legal framework. (iv) Development of a national training and capacity building programme. Decentralisation lies at the heart of the proposed reforms. The PNF aims to pilot over the next 2 to 3 years the establishment of Local Land Administration Offices (*Guichet Foncier – GF*) and Local Land Committees (*Comité Reconnaissance Locale - CRL*), the undertaking of *Diagnostic Foncier (DF)* and formulation of *Plan Local d'Occupation Foncière (PLOF)* and the issuing of Certificates of Occupation (CO) in at least 2 Communes per region with a target of up to 50 pilots.

4. The ILC has provided financial support since late 2004 for the piloting of the establishment of a *GF* in the Miadanadriana Commune in the Manjakandirana Region. This has been led by a Malagasy NGO, HARDI with technical assistance from a Reunion based project, Interreg-SFAT. The pilot was initiated in November 2004 and was one of the first pilots in the country. It was visited by PF's LTPM and a Project Assistant of the ILC in February 2005. Since November 2005, the FAO has provided support for the establishment of a *GFs* in the Itasy region.

5. The *Projet d'appui au developpment du Menabe et du Melaky (AD2M)* is a USD 21 million co-financed development support project in the Menabe and Melaky Regions of Madagascar that will be financed partly by a USD 13.1 million IFAD loan and a USD 365,000 IFAD grant. At just over USD 4 million, the Project is currently IFAD's largest investment aimed at strengthening land tenure security in Eastern and Southern Africa. Approximately USD 2.8 million will be invested in the 2 Regions to support the decentralisation of land administration and approximately USD 1.2 million will be invested at the national level to support the implementation of the land policy, including lesson sharing, research and M&E. Other components of the Project are focusing on measures for improving agricultural

productivity, access to markets and natural resource management. In the Menabe Region the activities aimed at addressing land tenure security are being implemented in collaboration with the Millennium Challenge Corporation (MCC). The MCC will support the building and equipping of 10 *GFs* and the provision of satellite images and aerial photos and IFAD will support the participatory processes for sensitization, analysis of land tenure situations and local to regional level integrated development planning. The project is also being implemented in partnership with the European Union, who are providing support in the development of roads infrastructure in the two regions.

6. As part of the pilot phase for the AD2M project, a small country grant was allocated in November 2004 to undertake a *DF* of land tenure security issues in the two regions and to pilot the establishment of a *GF* in the Ankilazato Commune in the Menabe Region. Ankilazato was visited by PF's LTPM in October 2005 at which stage the preliminary *DF* had been completed, sensitisation was ongoing and a site for the establishment of the *GF* had been identified. In addition, part of the IFAD grant funding has been used to provide technical assistance support to the technical unit of the National Land Policy.

7. The International Land Coalition has received USD 100,000 from the Swiss Development Corporation to strengthen the role of civil society in pro-poor land reform. USD15,000 has already been allocated to provide support to an emerging civil society forum, the Plate-forme SIF (*Solidarité des Intervenants sur le Foncier*).

8. During the PF LTPM's visits in February and in October 2005 (the latter as part of an Appraisal Mission for the AD2M) the following key opportunities and concerns were raised regarding the land reform process in Madagascar:

- (a) **Opportunities.** (i) The approach and methodologies proposed under the *Programme National Foncier (PNF)* are highly innovative and capable of addressing land tenure insecurity, particularly of the poorest and vulnerable groupings. (ii) There is a strong emphasis on "learning by doing" and iteration between policy, legislative and regulatory development and implementation. (iii) Political will and grass-roots demand for land reform is strong.
- (b) **Risks:** (i) There was limited recognition in the existing system and the proposed reforms of "secondary rights", particularly of recent migrant small-scale farmers, occupiers of former colonial plantations or abandoned titled land holdings and women. (ii) Participation and representation of these groups in the existing and proposed decentralised land registration process could be limited. (iii) The integration of the existing and new land administration systems was limited (iv) There was limited integration of land registration procedures with land use and natural resource management procedures, spatial planning and the broader development strategy at Commune, Regional or the National level. (v) There was a strong pressure for rapid delivery from both government and certain donors (in particular the MCC) with unrealistic timing which could undermine pro-poor implementation.

9. With these issues in mind, the Appraisal Mission of the AD2M recommended that under the Project: (i) The process for analysing land tenure needs is deepened at the Fokontany (village) level to ensure that the needs of the poor and vulnerable are included. (ii) Representation of the poorest and vulnerable are included in the *CRL*. (iii) The process being piloted for the identification of existing ownership rights (both statutory and customary) is broadened to include the identification of all secondary rights. (iv) The process for the identification of land rights is linked to participatory planning of land and natural resource use and through this integrated into Commune and Regional development planning processes. (v) The granting of COs is contingent on the approval of participatory land, natural resource and development plans that accommodate the needs of the poorest and vulnerable groups. (vi) The approval of finances for the sustainable development of the productive base under the second component of the Project is subject to the approval of participatory land, natural resource and development plans developed at Fokontany level.

10. The Appraisal Mission also recommended that the Government of Madagascar, through the PNF: (i) Draws on the lessons learnt under the AD2M in the formulation of

regulations. (ii) Establishes a process for addressing competing ownership and occupancy rights on former colonial plantations and abandoned, titled land holdings. It was also recommended that IFAD's Eastern and Southern Africa Regional Land Tenure Programme supports lesson sharing between Madagascar and other countries in the region and Africa.

Main findings.

11. **Progress in the formulation and implementation of the Land Policy.** Eight *GF* have or are in the process of being established and there are plans for the establishment of a further 30 in by the end of the first quarter of 2007. Hence progress is being made but the pressure for a greater speed in delivery still exists. Progress has also been made in integrating the restructuring and modernization of existing land administration system under the first Axis of the PNF with the decentralisation of the land administration system under the second Axis, thereby addressing some of the concerns raised by the PF LTPM in October last year. The PNF proposes to privatise the surveying services of the DDSF while retaining responsibility for quality control, thereby addressing an area of inefficiency and corruption in delivery. The re-structured regional DDSF offices will consist of two main departments dealing with the administration of land titles on the one hand and support for the establishment of the *GF* on the other, thereby strengthening the integration between the two systems. Existing District DDSF are to be restructured and new District offices are to be established to provide information on the existing titles for the *GFs* thereby addressing one of the key bottle-necks for implementation.

12. Some adjustments are presently being made in the use of mapping technologies – it would seem that the use of aerial photography has been found to be more efficient than satellite imaging. There has also been a shift in emphasis from the computerisation of all *GF* offices to the establishment of paper-based offices, supported by higher level district or inter-communal offices. This shift is in line with the recommendations made by the PF LTPM in February and October last year.

13. Since October last year regulations for the new land law have been passed and the Government is presently developing and amending legislation in order to deal with land rights on former colonial concessions, another area of concern identified by the LTPM. A national training and capacity building programme is still being developed. Training and capacity building is presently focusing on the needs for decentralised land administration and the establishment of a national level training institution in land administration. Monitoring and evaluation systems, including the establishment of an *Observatoire Foncier* are still being developed.

14. Significant progress has been made and the Government has responded to concerns being raised at lower levels. However there is still a strong concern that the pressure for rapid delivery could undermine the development of participatory approaches that will ensure that the rights of the poorest and most vulnerable are addressed. Very few pilot Guichet Fonciers have explicit mechanisms in place, or have used processes in their development, that will target poorer members of the community (AD2M is a notable exception). The methodology developed and promoted by PNF, and MCC as the biggest single donor, do not have an explicit bias towards securing access to land of poorer members. Unless such safe guards are put in place, experiences from other countries suggests that not only may the poorest members of society fail to benefit from the opportunities that Guichet Fonciers provide, but that they could even become further disadvantaged as more privileged members use the opportunity to consolidate their land holdings.

15. **Lessons learnt from the Miadanadriana and Itasy pilots.** Since October last year the *GF* office in Miadanadriana has been built and two staff members have been employed and trained. About 65 requests for COs have been received but only 6 have been processed and no COs have been issued. It was reported that the main cause for delay has been the acquisition of information on existing titles from the District DDSF Office and the capture of this information in the computer-based system. There is a concern that while the pilot seems to have started well, progress since has been slow. It was reported that the MCC intends to scale up implementation in the Manjakandirana Region hence there is a further concern that

the participatory approaches that will ensure that the rights of the poorest and most vulnerable are addressed could be undermined by the pressure for rapid delivery.

16. In Itasy it was reported that the *DF* was done by FAO appointed consultants in November 2005 and since then 2 *GF* officials have been employed and a temporary office has been established at Soavinandriana to service two Communes or perhaps more. Progress in obtaining information on existing titles from the Regional DDSF Office has been slow and it was reported that relationships between the Regional DDSF office and the project are not that good. Hence the *PLOF* has not been finalised. The main challenge reported is that most of the Communes that will be covered are under former colonial or new concessions and these areas are excluded from the responsibility of the *GF*. Area under concession ranges from 40 – 85% of all land in different Communes. It was reported (and observed) that in the Ankorondrano Commune, an estimated 250 houses had been demolished because they were “unlawfully” on concession land. The Facilitator of the project and several other stakeholders suggested that the project needs to address the issue of land rights of occupants on concession land. It is expected that the legislative reforms aimed at addressing this issue and the proposed restructuring of DDSF offices mentioned above in para 10 will address some of the bottle-necks and concerns identified. However, as with the Miadanadriana pilot, there appears to be a need for strengthening participatory approaches that will ensure that the rights of the poorest and most vulnerable are addressed.

17. The visit to the two pilots highlighted the need for ongoing lesson sharing between various piloting initiatives.

18. ***Progress in the implementation of AD2M.*** The project was officially launched in a public ceremony during our visit which was attended by the Minister for MAEP and other dignitaries. Since October last year the *GF* office has been built in Ankilizato and 2 *GF* staff have been employed and trained (the *DF* for the 2 Regions was done in the first half of 2005 by a consultant). Initial sensitisation has also been done with the support of the PNF and a regional farmers association, VFTM. It was reported that about 130 applications for COs have been received. Of these, 107 are ready to be issued. During our visit 10 COs were issued as part of the public celebration of the start-up of AD2M. A Swiss NGO, Inter-cooperation has been appointed to provide facilitation and training support for local NGOs that will be responsible for the sensitisation, information dissemination, facilitation community analysis of land tenure issues (*DFs*) and participatory land use and management planning.

19. The recommendations made during the Appraisal Mission that the analysis of land tenure situations is a participatory process of community self-analysis that address issues of poverty and vulnerability and that land tenure security issues are addressed as part of broader land use and development planning have been well-integrated into the design of AD2M and appear to be strongly supported by the regional government and at the national level by the Minister of MAEP. It would appear that a sound foundation has been laid for the project to address some of the key concerns regarding the overall land reform process in the country. It would also appear that the technical assistance support being provided by IFAD to the technical unit of the PNF has had a positive impact in the TU's ability to address some of the key concerns being identified.

20. Nevertheless the project continues to face challenges in ensuring the approach identified is implemented as planned. As with implementation in other parts of the country, the combined pressure for delivery from Government and certain donors is likely to continue. Regarding donor requirements for speedy delivery, the MCC is under mounting pressure to deliver. During our mission the MCC representative indicated that the MCC wishes to build 21 *GF* in Menabe in the next two years. Besides the challenges this poses for quality control in the building of offices, there is a concern that the rapid delivery of offices will not be matched with the development of facilitation capacity, the provision of information on existing titles and the development of information management systems.

21. ***Progress in the establishment of a civil society platform.*** The Plate-forme SIF was formally established in 2005. Members include representatives of farmers associations, national NGOs and international NGOs. HARDI and FIFATA (a national federation of farmers associations) have been two of the main protagonists. At present the FIFATA President is the

Chair of the SIF, and a HARDI employee acts as the Secretary/Coordinator. SIF is presently housed in the HARDI office but there are plans to establish an independent office early in 2007. Various national and regional consultative meetings (*Portes Ouvertes*) have been organised by SIF and proposals have been developed for developing the role of the SIF. The forum is grappling with the two-fold challenge of strengthening their voice in the national policy dialogue process, and ensuring that the national platform is firmly rooted in the diversity of experience of its membership.

22. ***Exchanges on land policy reform processes.*** The relative isolation of Madagascar from sharing relevant experiences on land tenure reform with other African countries represents lost opportunities for both Madagascar and other countries in the region to benefit from each other's experiences. The Minister of Agriculture, livestock and fisheries expressed this need at the policy level, as did civil society organisations for the operational level. Maximum value would be realised from such exchanges if they were carefully targeted around specific issues arising in the reform process in Madagascar that resonated with the experiences of particular countries in the region. PNF and MCC have indicated interest in promoting such exchange in 2007, and CIRARD offered to work alongside ILC and members such as IFAD in developing these exchanges.

23. ***Allocation of SDC funding.*** On the last day of the mission, a workshop was held with Plate-forme SIF members to identify priority areas for the allocation of the SDC funding, with the agreement that these funds should be used strategically to strengthen the capacity of civil society to engage in the national land policy reform process. On the basis of risk areas identified by the mission and adapted by SIF, a list of possible areas for intervention by members was proposed and prioritised. A consensus was reached that the funds should be allocated as follows:

- (a) *Building capacity of Plate-forme SIF* USD45,000. This will be used for a two year period to enable SIF to set up its own offices and hire a qualified Coordinator capable of representing the members on a national stage.
- (b) *Continuing development of HARDI supported GF in Miadanadiana* USD25,000. As one of the first GF's piloted, and the only one supported primarily by an NGO, that this pilot provides an important opportunity to demonstrate alternative approaches to developing a GF, especially in pro-poor methodologies. These are experiences that could then be promoted through SIF on a national level. Continued technical support to be sought from Interegg-SFAT.
- (c) *Exchanges with other African countries* USD12,000. This will support exchanges for Plate-forme SIF members with civil society organisations in other African countries. These can happen in parallel with possible similar exchanges at policy level (point 22 above).

Implications for IFAD and the ILC Secretariat.

24. The AD2M is well positioned to continue to contribute to pro-poor land reform in Madagascar but there are challenges to ensure that participatory methods continue to be developed. In addition to the innovative approach being developed, the project has budgeted for thematic research and lesson sharing. In order for the project to realise its full potential it is important that IFAD and UNOPS continue to provide the technical and political support to ensure that the approach is not undermined by demands for rapid delivery. Of all the pilots, AD2M stands out as having developed a plan for developing GF's that is strongly participatory and feeds into a wider process of community-based land use planning and management. This could potentially provide valuable lessons on developing GF's in a more 'pro-poor' manner that could inform wider national processes. One way of promoting the capturing of such lessons is to facilitate the use of the AD2M project site for researchers at post-graduate level.

25. ***Recommendation 1: PF's LTPM should continue to provide technical support to the project as part of UNOPS supervision missions, with particular effort to strengthen the ability of AD2M to demonstrate approaches and mechanisms for securing the tenure rights of poor households.***

26. ***Recommendation 2: ILC should promote sharing of the positive experiences arising from the AD2M pilot to inform, through PNF and ILC partners in Madagascar, a stronger pro-poor approach to land tenure reform.***

27. A significant number of ILC members are recognised partners of the land policy reform process in Madagascar, including IFAD, FAO, World Bank, EU, Swiss Development Cooperation, HARDI and Plate-forme SIF. This represents a significant opportunity for collaboration among members to strengthening each other's programmes, particularly in the sharing of information and expertise, where appropriate. For example, Inter-cooperation as IFAD's technical partner in AD2M could also provide advice and guidance based on experiences in Menabe/Malaky to HARDI for application in Miadanadriana.

28. ***Recommendation 3: ILC Secretariat should pursue options for strengthening collaboration by partners active in Madagascar with each other, and facilitate dialogue between such partners on issues that could strengthen the efficacy of their respective programmes.***

29. ***Recommendation 4: As part of the collaborative effort, IFAD PF's LTPM could play a leading role in providing supervisory and technical backup to the civil society partners in Madagascar (Plate-forme SIF and HARDI) in the strategic use of the SDC funds.***

30. The ILC Secretariat has an excellent opportunity to strengthen the voice of civil society at a national level to develop an organisation that is more able to engage with the PNF on equal terms regarding national processes. This involves strengthening the 'rootedness' of the Plate-forme in its member organisations, and also building the capacity of the SIF Secretariat to represent the interests of its members at national level. The catalytic funding provided by ILC can only be effective if supported by other ILC members and partners recognising the role of SIF in their operations and taking opportunities to involve SIF at local and national levels.

31. ***Recommendation 5: ILC secretariat to work closely with partners to ensure that seed funding for strengthening Plate-forme SIF is strategically used so as to attract financial and in-kind support from ILC partners and other donors.***

32. Considering the common need that PNF and other partners in Madagascar, especially IFAD and MCC, have expressed for promoting the sharing of experiences between Madagascar and other African countries, ILC is well placed to facilitate the development of such exchanges. This can be done with CIRAD who have expressed a strong interest in providing technical support to such exchanges, and in close cooperation with IFAD and other ILC partners with whom ILC and IFAD PF's LTPM have already initiated discussions on developing collaborative projects.

33. ***Recommendation 6: That ILC and IFAD work in close collaboration with CIRAD, PNF, MCC and other interested parties to develop an exchange programme that links questions of importance to Madagascar, to those of a number of countries in southern Africa where ILC partners have strong country programmes.***

