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Land Rights Among Subsistence Farmers: An Examination of Madagascar's Land Reform and Prevailing Systems of Land Tenure in Betafo

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SIT Study Abroad

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Abstract

In Madagascar, legal systems of land tenure have been inaccessible for the vast majority of the rural population. This has stranded millions of subsistence farmers in a sense of insecurity, as they lack legal rights for the property that they have farmed for generations. Madagascar's land reform, launched in 2005, attempted to change these exclusionary tenure practices. This reform —known as the *Plan National Foncier*—created land certificates and local land offices in an attempt to make legal land tenure financially, geographically, and logistically accessible to the local population. This study discusses the successes, failures, and unforeseen consequences of Madagascar's land reform within the agrarian community of Betafo. Through an examination of theoretical contexts and various findings, this study concludes that land certificates are increasingly approachable to a rural population and provide a valuable form of tenure security. However, large swaths of land remain unclaimed, marginalized members of society continue to be excluded, "official" systems of tenure are encumbered by confusion, bureaucratic frailty plagues land institutions, and many "development" goals not been achieved.

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Glossary of Acronyms

CF: Certificat Foncier

CIRDOMA: Circonscription Domaniale

CIRTOPO: Circonscription Topographique

CSA: Centre de Service Agricole

GF: Guichet Foncier

INSTAT: Institut National de la Statistique de Madagascar

MCA: Millennium Challenge Account

PLOF: Plan Local d'Occupation Foncière

PNF: Programme National Foncier

SRAT: Service Regional d'Aménagement du Territoire

SRD: Service Regional de Domaine

Glossary of Terms

Land reform: measures designed to change laws, regulations, and customs to effect a more equitable distribution of agricultural land.

Land tenure: "the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behavior. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions" (United Nations' Food and Agriculture Organization, 2002, p. 7).

Tenure security: "a process that allows land holders to gain social or legal recognition of their rights and to reaffirm them against challenging claims" (Burnod et al., 2012, p. 8).

Introduction

  For centuries, Madagascar's vast territory has primarily "belonged" to kingdoms, colonizers, and the State. During different moments in the island's history, these governing bodies savagely claimed the land, ignoring the preexisting rights of thousands of subsistence farmers. These farming families had cultivated their land for generations, but the swift changes in tenure policies eroded the legality of their land rights. Unfortunately, these events are not unique to Madagascar and echo pre-colonial to post-colonial land transitions throughout the world.

  Madagascar's land reform, introduced in 2005, was meant to rectify these injustices and secure legal land rights for the majority of the country's population. This process, known as the *Plan National Foncier*, introduced a decentralized system of land certificates that are administered through local land offices, known as *Guichet Fonciers*. At the local, national, and international levels, Madagascar's newly developed policies have been praised for certain actions and criticized for others. Although ten years is not a sufficient amount of time for widespread change, the impending announcement of President Hery Rajaonarimampampianina's land policies along with increased international pressure for rural "development," necessitate reflection on the successes, failures, and unforeseen consequences of Madagascar's land reform.

  Therefore this study, conducted in the rural area of Betafo, revolves around three main inquires: *What has been the affect of Madagascar's 2005 land reform on systems of land tenure in the agrarian community of Betafo? Has the reform helped the local population gain access to the country's land tenure system? What is the role and importance of the newly created land certificates and Guichet Fonciers in Betafo and the surrounding area?*

  Guided by interviews, observations, and various findings, the study concludes that land certificates and *Guichet Fonciers* are increasingly accessible to a rural population. They are accepted and trusted by subsistence farmers because they provide a valuable form of tenure security. However, large swaths of land in Madagascar remain unregistered and unclaimed, while some marginalized members of Betafo's community are excluded from obtaining legal land rights. In addition, "official" systems of tenure are hindered by confusion, land institutions are plagued by bureaucratic frailty, and many "development" goals have not been met.

The Theoretical Concepts of Land Tenure and Reform

Definitions of Land Tenure, Tenure Security, and Land Reform

In the world of academia, there are numerous debates about land reforms and their varying impacts. Advocates believe that they promote "development" and increase land access, while critics claim that they produce social and political conflicts. Among these contrasting opinions, controversies often arise from disagreements over the definition of "land tenure," "tenure security," "land reform," and the complex relations linking these concepts (Burnod et al., 2012). Therefore, for this study, it is imperative to establish explicit definitions of these central ideas.

In defining the complex and multifaceted nature of land tenure, I used a definition written by the United Nations' Food and Agriculture Organization (2002), which states that:

> Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behavior. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions (p. 7).

This interpretation highlights the legal along with the social nature of systems of land tenure—a vital cornerstone of the study. It emphasizes that land tenure does not strictly denote well-defined legal rights that are enforceable in a formal court of law, but also customary rules that can be imposed within a community. In addition, it accentuates land tenure as an institution that is a product of society. There is no inherent power or authority to systems of land tenure, instead, they are only as effective as the land users' perceptions about the system's legitimacy, reliability, and accessibility (Burnod et al., 2012).

Building off of this definition of land tenure, land reform is the changing of these laws, regulations, and customs to effect a more equitable distribution of agricultural land. Examples of land reforms are vast, they range from upgrading informal rights to legally enforceable rights and the clarification of property rights through improvements to formal land institutions (FAO, 2002). However, all of these changes are predominately created to strengthen notions of tenure security. Tenure security, as defined by Burnod et al. (2012), is "a process that allows land holders to gain social or legal recognition of their rights and to reaffirm them against challenging claims" (p. 8). This definition emphasizes the relative rather than substantive nature of tenure security. It does not assume that State-issued titles are the sole means of securing property; instead, it allows room for the existence of other forms of tenure security, like community-level recognition. This form of security is unimportant, what matters is that landholders' do not fear someones' ability to challenge their land rights.

The Affects of Land Tenure and Tenure Security

Land tenure and tenure security are extremely significant in a rural context, like Betafo, because they largely dictate the local populations' economic, political, and cultural relationship with the land. As Sandron (2008) stated, "In rural areas of the Global South,[1] land is at the center of economics, politics, and society; it nourishes the family along with carrying a symbolic and patrimonial value" (p. 5).[2]

Economically, land tenure governs how farmers' can access and secure plots, their primary source of income (FAO, 2002). In Madagascar, access to farming land has a heightened importance because of other rural difficulties, like the isolated nature of markets and the rudimentary character of production techniques. In addition, perceptions of tenure security affect how farmers choose to use their land (Sandron, 2008). If a family feels secure in their property rights they may choose to plant rice, one of the dietary staples for the Malagasy, or invest in

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[1] "Global South" is a term that is not strictly geographical but is used to describe countries in Africa, Latin America, and Southeastern Asia. It is similar to the term "developing country," however, it highlights socio-economic and political divides that exist between the "Global South" and the "Global North."

[2] This quote has been translated from French. It originally stated, "Dans le milieu rural des pays du Sud, [la terre] est au centre des sphères économique, sociale, et politique. La terre nourrit la famille et possède une valeur symbolique et patrimoniale" (p. 5).

riskier modes of production. However, if they feel insecure and fear that their land access could be challenged and revoked, they might not choose to cultivate time and labor intensive crops.

Politically, systems of land tenure affect farmers' agency. There is a dynamic interconnection between property, authority, and citizenship, especially in a post-colonial context (Berry, 2009). Recognizing a farmer's right to the land allows them to control their own means of subsistence. In addition, it often acknowledges their identity as a community member and a national citizen.

Culturally, land tenure governs personal and ancestral relationships to the land. In Madagascar, some people believe that the land belongs to the ancestors; this *tanindrazana*, or ancestral land, has become quasi-religious as an inalienable entity that unites all people (Sandron, 2008). However, systems of land tenure can either support or undermine these historical and societal relationships with the land. Legally-recognized systems of land tenure could declare that all property belongs to the State, eroding the proprietorship of the ancestors; while a customary form of land tenure could be based around familial lineages, cementing its validity in these ancestral links to the land. Since land tenure and tenure security have direct and meaningful impacts on rural populations, it is imperative to consider how land reforms—which restructure these concepts—influences the practices and perceptions of local populations.

The Importance of Land Reforms for "Development"

Land reforms have been prevalent throughout human history. Oftentimes, they occur at the start of demographic, economic, and democratic transitions to create clear, formal, exhaustive, and universal land rights (Sandron, 2008). In this way, they clarify existing uncertainties in property rights that pose an obstacle for agricultural production, economic investment, social conflict, and national development (Stamm, 2009).

At the beginning of the 21st century, the international community encouraged this type of widespread land reform throughout Africa and Southeast Asia as a method for furthering "development." Madagascar's land reform belongs to this new generation of change. These land reforms were meant to formalize and legalize the rights of millions of subsistence farmers,

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providing a greater sense of land security, encouraging investment in agricultural practices, increasing access to loans, and stimulating land markets (World Bank, 2014).

However, many critics have disagreed with this international agenda for land reform in Madagascar and other countries of the Global South. They argue that this approach promotes a neoliberal policy that strictly measures economic and political development as "progress" towards open competition (Berry, 2009). In doing so, it ignores the fact that land is a political and cultural space; they only address property, authority, and reform as legal facts rather than a social process (ibid). Throughout the world, many land reforms have been implemented in the name of "development," yet these legal practices directly contradict existing informal and customary land tenure practices. As the Food and Agriculture Organization (2002) stated, "the mere act of establishing and documenting land boundaries and titles is not enough, it has to be done in a way that does not make the situation worse" (p. 16). In other words, land reforms do not automatically ensure tenure security and its accompanying impacts—like increases in investment, reduction in conflicts, and rural "development." To understand the ground realities of land reform in Madagascar, it is necessary to understand the historical systems of land tenure, the institutional complexity, and the local perspective.

Historical Systems of Land Tenure in Madagascar

Madagascar's system of land tenure has been in a constant state of flux since the emergence of ethnic kingdoms in the early 17th century. During this precolonial period, customary land rights and tenure practices differed from region to region along with the dominance of various groups (Sandron, 2008). Widespread land policies did not emerge until the early 19th century when the island's population was largely united under the control of the Merina Kingdom (ibid). During this time, successive rulers claimed eminent domain over the island's vast territory. One of the Merina's most prominent rulers, Andrianampoinimerina, famously stated, "The land is mine. No one owns it except for me because I am the master of the country and its people" (ibid, p. 37).[3] Although Merina sovereigns gave property rights to

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[3] This quote has been translated from French. It originally stated, "La terre est à moi. Nul n'en est propriétaire, excepte moi qui suis la maître du pays et de sa population" (p. 37).

various elites and soldiers, the local population was only granted limited access to plots for subsistence farming (ibid). During this time, the Malagasy did not view land as an investment; instead, it was considered a form of production and patrimony to be controlled through familial lineages (ibid). However, these land practices were not strictly regulated and, compared to the rest of Africa, there were relatively few customary laws that governed local relationships with the land (P. Randrianitovina, personal communication, October 24, 2014). This relaxed system of land tenure, which revolved around monarchial control but granted familial access, was drastically reformulated during the country's period of colonial rule.

In 1885, the French conquered Madagascar and claimed all of the island's untitled land as property of the State. This declaration mirrored actions in colonies around the globe and it ignored thousands of subsistence farmers right to land they had been cultivating for generations. To manage Madagascar's vast territories, the colonial administration introduced a system of tenure based off of Australia's Torrens Act, a piece of legislation that creates a State-managed land registry and indefeasible land titles (Sandron, 2008). Up to the present day, this method has been the foundation for property rights in Madagascar. Instead of using deeds to register land sales and the history of a piece of property, the Torrens system administers irrefutable land titles based on registered claims (ibid). In many ways this system obeyed the logic of the early 20th century, it did not secure land for the masses but gave rights to colonizers and elites so land could be exploited through modern agricultural techniques (ibid). The majority of Madagascar's population could not access this system of land titling because of economic, social, and geographical barriers—titles were too expensive, the Malagasy were actively excluded, and land offices were too far away (Ravelomanantsoa & Randrianitovina, 2013). Therefore, Malagasy farmers were stranded in a sense of insecurity. Although they continued to farm their familial land they had no property rights in the eyes of the State.

When Madagascar gained independence in 1960, the country's system of land tenure through titles remained largely unchanged. This system, now administered by Regional[4] land offices, involved 24 steps, cost around 600,000 Ariary (close to $300), and took between six and

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[4] Madagascar is divided into 22 Regions, or *faritra*; they are the highest administrative division. They govern the Districts, Communes, and *fokontany* below them.

ten years (Raharison, 2008). Most Malagasy farmers could not afford this exorbitant price, nor could they travel to the Regional offices that were often located hours away. In addition, this system of land tenure was not institutionally efficient. Of the 10 million plots in Madagascar, only 500,000 parcels of land had been titled and close to 400,000 applications had been left unanswered at the beginning of the 21st century (World Bank, 2014). The Regional land offices were issuing around 1,200 titles per year, an incredibly small number and they had managed to title only seven to ten percent of the country's entire territory (Comby et al., 2013). Facing economic, social, and geographical barriers along with the inefficiency of the State's system, Madagascar's population turned towards *petits papiers*—documents that registered the owner, neighbors, estimated area, origin, and use of the land—to claim their property at the local level. These papers were obtained through the *fokontany*[5] office and offered an informal recognition of their rights, but they did not protect farmers from outside influences nor were they recognized by higher levels of the national government (Burnod et al., 2012). Issues surrounding the frailties of these *petits papiers* continuously arose throughout Madagascar. Most commonly in the form of land disputes, conflicts, and violence. In addition, the lack of titles brought about problems with foreign agribusiness investment. The most notable dispute occurred in 2008 when South Korea's Daewoo Logistics planned to sign a 99-year lease on 3.2 million acres—nearly half of Madagascar's arable land—to plant corn and produce palm oil (Walt, 2008). These disputes, the incapacity of the titling system, presumed tenure insecurity, and a need for rural "development," spurred discussions of land reform throughout the country.

In 2005, government officials, local and international NGOs, and global development organizations banded together to address Madagascar's land tenure crisis. Their task was to create a land policy that recognized the legitimate practices of the population with a universal and complete application (Sandron, 2008). This goal to satisfy the citizens, local leaders, collective territories, and the State proved to be incredibly difficult. Nevertheless, the Malagasy government launched a country-wide land reform, the *Plan National Foncier* (PNF) in May. The PNF revolved around four main axes: first, reconstructing and modernizing the surveying and

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[5] *Fokontany* are the lowest level of administrative government in Madagascar, they are closest to the population that they serve.

titling processes; second, improving and decentralizing legal systems of land tenure; third, rewriting the rules and legislation regarding land practices; and fourth, creating a national program to train governmental personnel on land issues (ibid).

Although these axes presented lofty goals, in practice Madagascar's land reform had two principal outcomes—the creation of land certificates and *Guichet Fonciers*.[6] Prior to 2005, land certificates, or *kara-tany*, and *Guichet Fonciers*, or Communal[7] land offices, had not existed. They were developed by the Malagasy government to combat the inaccessibility of land titles by offering a cheaper, quicker, and closer system of legally-recognized land tenure (World Bank, 2014). The PNF had declared that all property that was *mise en valeur*, or cultivated, but that remained untitled, could be legally claimed by a land certificate (Sandron, 2008). Land certificates gave landowners access to all transactions allowed with land titles—sale, inheritance, long-term lease, and mortgage—but were significantly more approachable for the rural population (Burnod et al., 2012). Unlike the process of obtaining a land title, acquiring a land certificate requires four steps, takes around 90 days, and costs about 50,000 Ariary (close to $20), almost one fifteenth of the price of a land title (Comby et al., 2012). In addition, since land certificates are delivered by a *Guichet Foncier* in the Commune, they are geographically closer to the predominately rural communities they serve. This simplified process, lowered price, and proximity of service was meant to open up State-recognized systems of land tenure to the majority of the island's population.

Since launching the land reform in 2005, Madagascar's government has opened *Guichet Fonciers* throughout the country. Today, 492 of Madagascar's 1,500 Communes have been equipped with these local land offices (Comby et al., 2013). They have received 192,521 applications and delivered 106,057 land certificates (L'Observatoire du Foncier, 2014). Along with certifying non-titled private property, the *Guichet Fonciers* are in charge of updating the

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[6] In Malagasy *Guichet Foncier* translates into *Birao Iofotony Fananan-tany* (BIF). In Betafo, the local population refers to these Communal land offices as BIFs, however, I have chosen to use their French title to mirror national and international reports done on Madagascar's land reform.

[7] A Commune is the second lowest administrative structure. They govern *fokontany* but are governed by Districts, Regions, and the National government.

Plan Local d'Occupation Foncier (PLOF), information on the tenure status of property within the Commune (O. Andrianjaka, personal communication, November 14, 2014).

The opening of *Guichet Fonciers*, along with other technical aspects of Madagascar's land reform, were predominately financed by the international community. Due to the weak nature of Madagascar's economy, the government invested around $950,000 in the land reform —less than five percent of the entire project (Comby et al., 2013). Over $21 million was invested by the United States' Millennium Challenge Corporation (MCC) (ibid). Therefore, there was a huge international influence throughout various stages of the reform.

Despite the progress made since launching the PNF in 2005, Madagascar's land reform has not solved every problem with the post-colonial system of land titling. At the moment, heated discussions on land security are rampant throughout the country. Articles recounting land disputes appear weekly in the national newspapers, various State-run projects and development NGOs have released conflicting progress reports on the PNF, and countless Malagasy have horrific tales about their own interactions with the country's morphing land policies. In some cases, land certificates have augmented problems that range from the exploitation of natural resources to institutional corruption. In addition, and possibly most importantly, the vast majority of arable land remains untitled and uncertified.

In 2015, Madagascar's newly elected president, Hery Rajaonarimampampianina, is expected to release an updated land tenure policy (P. Randrianitovina, personal communication, October 24, 2014). To prepare for this event and prevailing discourses on land security, it is imperative to understand the localized successes and failures of Madagascar's land reform, the PNF, and the existing systems of land tenure.

Case Study: Land Access in the Agricultural Nexus of Betafo

Since the scope of the Madagascar's land tenure system is exceedingly vast, it was necessary to narrow the geographical breadth of this study to the agricultural community of Betafo in the Vakinankaratra Region. Betafo is a growing market town located 22 kilometers from the urban center of Antsirabe. In 2001, the population of the three Communes that were studied, which encompass the town and its periphery, totaled 53,868 inhabitants (Ilo, 2014). The

town itself is advantageously nestled in a valley between multiple volcanic mountains. Although these are extinct and have not erupted in thousands years, the volcanic soil in the area is incredibly fertile compared to the rest of Madagascar. This fact, coupled with the area's high elevation, large rainfall, and temperate climate, have made Betafo an agricultural nexus in the island.

Although the agricultural sector represents only 35 percent of Madagascar's gross domestic product, over half of the country's inhabitants are subsistence farmers (Rasambainarivo & Ranaivoarivelo, 2003). In Betafo, 70 percent of the population is involved in the agricultural sector—cultivating rice, potatoes, barley, corn, beans, and tomatoes (Ilo, 2014). Hardly any parcels of land are left unfarmed in this area, terraced rice paddies dip into river basins and dusty potato fields are sliced into mountain sides. Therefore, Betafo's population depends upon their rightful access to this highly valued and productive land.

Methodology

I chose Betafo as the study site because of its recognition as an agricultural nexus, SIT's professional connections in the area, and my personal relationship with home stay families in the community. Since 2012, SIT has organized weeklong home stays in Betafo through a partnership with a local private school, *Les Trois Pins*, its director, Mrs. Vola, and its dean of students, Mr. Manana. When I explained that I might return to Betafo to study systems of land tenure, my host family and the school's administration were endearingly supportive. They offered to help me establish contacts at local land offices and organize a series of home stays within the surrounding community. In the monthlong time frame of this study, the field work component would have been painstakingly difficult, and possibly unfeasible, without these preexisting relationships.

To obtain a comprehensive perspective on current systems of land tenure in Betafo, it was imperative to hear from a multitude of actors involved—the local population, Communal and Regional land offices, municipal government officials, and Tribunal representatives. However, the study's primary participants were local subsistence farmers so I structured the two weeks of field work around five local home stays. These host families had already hosted American students this semester as well as in the past. This familiarity with SIT and its academic objectives

proved to be incredibly beneficial in establishing my purpose and legitimacy in the host community. In addition, it fostered a sense of trust and openness between myself and the host families. Throughout the study, host families candidly shared personal anecdotes about land disputes and intimate feelings about their tenure security. I was continuously astounded and greatly appreciative of their receptiveness and honesty.

The geographic scope of the study was largely dictated by where the host families lived within the community of Betafo. It contained five different *fokontany*—Ankabahaba, Miaramindra, Ampilanonana, Ambohiambo, and Vakinifasina—within three different Communes —Betafo, Mandritsara, and Ranomafana. Although Betafo unites all of these villages as the main market town, each area has a unique character, topography, and demographic. For example, in the six kilometers between Ankabahaba and Ampilanonana, the landscape changes drastically from dusty hillsides to verdant rice paddies. Since these characteristics affect the crops grown in each place and the local population's relationship with the land, conducting the field study in five different areas created a more holistic understanding of land tenure within Betafo.

In addition, staying with multiple host families provided the study with various local perspectives. During the field world it was imperative not to base my observations off of a single family's experience but on numerous points of view. To collect these opinions, I conducted structured interviews with a member of each host family. The interviews revolved around a prepared list of questions that had been translated into French and Malagasy to avoid failures in communication.[8] Since half of the interviews were in Malagasy, I recorded each conversation and wrote down words or phrases that I did not understand so that I could translate them later. To aid my comprehension, some interviewees were able to elaborate on their answers with a few words of French. These methods allowed me to avoid having a translator onsite for the entirety of the project, which would have been logistically and financially impossible. However, there were many disadvantages to this form of limited communication. For example, during some interviews I was unable to ask follow up questions or understand the nuances and complexities of answers. The other half of the interviews I was able to conduct in French because of the

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[8] See the appendix and "Questions on Land Tenure in Betafo" for a complete list of questions translated into French and Malagasy.

interviewee's knowledge of the language or the presence of a family member who could help with translations. During these conversations, I could engage in deeper discussions because of my ability to understand the subtleties of specific comments and opinions. This ever-present language barrier was one of the largest obstacles of the study; however, I was able to obtain an abundant amount of information through this piecemeal solution of translations between Malagasy and French.

While staying with host families, I supplemented these structured interviews with a variety of informal conversations and observations. Since I was living with the study's primary participants, many daily activities—like touring a family's property or inspecting their crops—became sources of information. Often times, I would pose questions about the rice, potatoes, corn, and beans that they were growing or about the physical delineations of their plots. These casual conversations would frequently end in relevant topics of discussion that I had not thought to bring up.

To build on my interactions with host families, I conducted a variety of interviews with Communal and Regional land offices, municipal officials, and judicial representatives. These discussions aided in my understanding of local leaders' and the State's perspective on Madagascar's land reform and current systems of land tenure. In Antsirabe, the administrative center of the Vakinankaratra Region, I was able to formally interview representatives at the *Schéma Regional d'Amenagement du Territoire*[9] (SRAT), the *Service Regional de Domaine*[10] (SRD), and the *Guichet Unique*—an office that combines the services of the *Circonscription Domaniale*[11] (CIRDOMA) and the *Circonscription Topographiques*[12] (CIRTOPO). Although I mainly gathered technical information from these visits, they aided in my understanding of the

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[9] Translated into English, this would be the Regional Land Planning Office. The SRAT in Antsirabe manages urban planning, zoning restrictions, and territorial organization within the Vakinankaratra Region of Madagascar.

[10] Translated into English, this would be the Domain Land Services. The SRD in Antsirabe administers private land titles for State-owned property in the Vakinankaratra Region of Madagascar.

[11] Translated into English, this would be the District Land Services. The CIRDOMA in Antsirabe administers land titles and manages property information in the Antsirabe District of Madagascar.

[12] Translated into English, this would be the District Topographical Services. The CIRTOPO in Antsirabe manages topographical information on land in the Antsirabe District of Madagascar.

accessibility of land titles and the relationship between the Region of Vakinankaratra and the Communes of Betafo, Mandritsara, and Ranomafana. While in Betafo, I was able to formally interview representatives from the *Guichet Foncier*, the *Centre de Service Agricole*[13] (CSA), the *gendarmerie*[14], the Tribunal in Antsirabe, and a local *chef de fokontany*[15]. Through these conversations, conducted entirely in French, I strengthened my comprehension of land certificates, local insecurities, and community-based conflict resolution. While some of the opinions that I received from officials felt scripted or guarded, as if they were circumventing personal views on land tenure or problems that have arisen with the reform. Others felt candid and forthright about the complexity of the current systems that govern land rights. In both cases, it was critical for the study to gain an "official" perspective of land titles and certificates, tenure security, and the land reform.

Ethical Considerations

In conducting the field study, there were a variety of ethical considerations. These included the sensitivity of discussing land tenure, the unavoidable language barrier, my potential for becoming a burden on host families, my preconceived notions about land rights, and the possibility of institutional misconduct discovered during the field study.

The first ethical consideration, the sensitivity of discussing land tenure, could have impacted the authenticity of participants responses and their confidence in the project. As subsistence farmers, the majority of the community in Betafo is dependent on access to the land. It's not only where they live, but it is their livelihood. Therefore, some of the personal questions that I posed—about who owns the land, whether the family has a title or certificate, and what types of disagreements exist—could have portrayed me as someone there in an enforcement capacity rather than being there as a student. This misconception could have affected how they

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[13] Translated into English, this would be the Agricultural Service Center. The CSA in Betafo provides the local community with a variety of information about farming techniques, governmental programs, and international agricultural investment.

[14] A section of the National police or military forces, charged with re-establishing law and order in conflict areas.

[15] The elected leader of a *fokontany*.

responded to my questions and how honest they were with their responses. In addition, this misconception could have made participants extremely fearful if I was seen as a threat to the security of their land rights. Putting participants in harms way, even if it was based solely on a misunderstanding, would not have been ethically responsible. Therefore, it was advantageous to work with host families who had preexisting relationships with SIT and an understanding of the study. Nevertheless I obtained informed consent from the host families prior to arriving in Betafo. I ensured that they understood the topic and objectives of the study, along with their right to confidentiality and to withdraw their participation.

The second ethical consideration, the unavoidable language barrier, could have lead to my inaccurate portrayal of the participants opinions. Beyond the practical difficulties of dealing with a language barrier, there is a huge potential for misinterpretation. During interviews with host families, I could have easily misunderstood participants' opinions on land access, security, and tenure. Although this misunderstanding would have been made in good faith, it would have incorrectly captured certain viewpoints in the study's results—a consequence that is not fair to the participants nor to the integrity of the project. This problem could have ranged from a benign miscommunication over the cost of certifying a plot to a grave misconception of someone's opinions on Madagascar's land reform. Therefore, recording conversations, writing down unknown words, and working with someone who could speak or translate into French were crucial strategies in the study's methodology. In addition, I continuously worked towards conveying my understanding of a participant's opinion, allowing them to either agree or disagree with my interpretation of their perspective. Although the existence of a language barrier was unavoidable, I actively tried not to portray someone's ideas in a false light.

The third ethical consideration, my potential for becoming a burden on host families, could have placed an unreasonable responsibility on the local community. Between living with host families and relying on them as the study's primary participants, I was exceedingly dependent on their generosity and participation throughout my time in Betafo. There were many advantages to this close relationship with host families; most notably, they legitimized my presence, reduced skepticism about my project, and enhanced my understanding of the local context. However, I also had to consider the ethical problem of becoming a burden or difficulty

for these five families. Although I would have been comfortable being largely independent, I understand that would not have been feasible as a *vazaha*[16] living in a rural community in Madagascar. During the two weeks of my field study, the host families significantly helped me with the project, often at the expense of their own plans—one host family skipped church to take me to an interview two hours away, another family returned from planting offseason crops in Mandoto so that they could host me, and a final family closed their corner store to accompany me to field visits in Betafo. These actions are not surprising knowing the exceedingly kind and giving nature of most Malagasy. However, it was imperative to ask myself whether a host family was sacrificing too much of their time to aid the study. To counterbalance my possible strain on host families, I worked hard to make my visits mutually beneficial. I helped cook a variety of Malagasy meals, I aided in planting seedlings of rice and *voanjobory*[17], and I assisted with household chores. Through these small acts and an acknowledgement of the selflessness of host families, I tried hard to conduct the study's field work in a ethically conscious manner.

The fourth ethical consideration, my preconceived notions on land rights, could have affected my perceptions of the successes and failures of Madagascar's land reform. I have to acknowledge that I am an outsider in Madagascar and that the country's tenure policies do not directly affect me. Since I am not a stakeholder, my understanding of what aspects of the land reform work and do not work might differ from the opinions of the local population. In addition, I am approaching the topic of land tenure from a Western perspective where property rights have been exhaustively established. In the United States, land is either State or privately owned and we often do not question, debate, or even think about the system of privatized land tenure. Therefore, my personal background could have influenced my opinion on the benefits of widespread private property and Madagascar's land reform.

The fifth and final ethical consideration, the possibility of institutional misconduct discovered during the field study, could have influenced the validity of some of my "official" interviews. During my final week of field study in Betafo, I was informed that the *Guichet Foncier* had been suspended. Some members of the local community believed that this

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[16] The Malagasy word for a foreigner, however, it is neither impolite nor pejorative.

[17] The Malagasy word for a groundnut or an earth pea.

suspension stemmed from institutional misconduct, but nothing was confirmed. My main contact at this Communal land office was not directly implicated in these allegations, so I have chosen not to disregard his opinions but to consciously consider the analytical weight that I will attribute to them. I do not believe the suspension of Betafo's *Guichet Foncier* strongly affected the results of my study, however it is necessary to be cognizant of this unexpected event.

Limitations of the Study

Although I was able to obtain a significant amount of information through structured interviews and casual conversations with host families, land offices, and local officials, there are many limitations to this study. First, the monthlong timeframe of the project proved to be insufficient for understanding the complexities and nuances of land tenure in Madagascar. Some scholars and development experts have dedicated their careers to studying the country's system of property rights, therefore, it would have been impossible to master every aspect of this broad issue in only four weeks. With a longer time period for field research, the potential scope of the study and the depth of analysis would be significantly more extensive.

Second, this research is entirely qualitative rather than quantitative. This shortcoming is especially apparent when thinking about the opinions of local subsistence farmers. I was only able to interview five households, a very small number compared to larger projects conducted by the World Bank and the Malagasy government. While this anecdotal nature emphasizes a human perspective that cannot be captured in broad statistics, it may not representatively portray Betafo's population.

A third limitation was the use of host families to understand the local population's perspective. The host families were landowners, leaders in their communities, and they had farmed the land for generations; they were not disenfranchised by Malagasy society, instead, they occupied a higher socioeconomic position. This allowed these families to access legal systems of land tenure, so a huge gap in the study is opinions from those who could not. Although I was unable to interview landless households or marginalized community members because of the brevity of the field study and the sensitivity of the subject, the absence of their voice is an immense weakness in my findings.

A fourth and final limitation of the study is the particularity of conducting the field work in Betafo. Some of my findings were context-specific to the Communes of Betafo, Mandritsara, and Ranomafana. So the study's analysis cannot be applied to the entirety of Madagascar. Instead, this case study offers a geographically-specific understanding of how the country's land reform impacted land tenure in Betafo.

Findings and Analysis

Although Madagascar's land reform was launched in 2005, its services did not reach the majority of the population until a few years later. The *Guichet Fonciers* in the Communes of Betafo, Mandritsara, and Ranomafana opened in 2008 and began delivering land certificates within the same year. Since that time, interactions with and opinions on Madagascar's land reform have been rampant within the rural community of Betafo. The study's findings on the results of the land reform, local perspectives of tenure security, and prevailing system of land tenure in Betafo are presented below.

The Need for Legal Land Rights

During the field study, I found that legal land rights—as recognized by one's family, neighbors, community, and the government—were not irrelevant for the subsistence farmers of Betafo. For generations it has been difficult to farm land without a variety of problems arising and community-level system of land tenure were not successful in resolving these disputes. Therefore, Madagascar's land reform was largely welcomed by the local population because of existing sources of tenure insecurity, disagreements and violence over land, and a widespread lack of faith in *petits papiers*.

Within Betafo, existing sources of tenure insecurity were fueled by a number of different reasons. The primary insecurity stems from the fact that nearly everyone in the area is a subsistence farmer who recognizes the immensely fertile nature of the land (H. Rahantamala, personal communication, November 15, 2014). Although this has lead to higher property values, it also breeds pervasive fears about losing access to this highly productive land. Within the *fokontany* of Ankabahaba, Miaramindra, Ampilanonana, Ambohiambo, and Vakinifasina, there

are few plots left uncultivated and hardly any parcels that are for sale (T. Rakotondravony, personal communication, November 12, 2014). In these areas land is seen as a finite and precious resource. The local population understands that many of their neighbors and relatives would gladly acquire their property, so many feel anxious about securing their legal right to the land. These observations are supported by a large-scale study conducted in Madagascar by the World Bank. They found that when the economic value of a parcel was increased, people were more frightened of competing claims (Burnod et al., 2012).

A secondary source of tenure insecurity comes from the ambiguous nature of local inheritance customs, which create fear of family members' contesting claims. Since farming familial land is practiced throughout Betafo and Madagascar and is the primary mode of land access, there are various problems that arise in dividing up the land (O. Andrianjaka, personal communication, November 14, 2014). The majority of the study's participants farm their family-owned land in this collective and sometimes complicated manner. For example, in Ankabahaba, Mr. Mampifaliarisoa grows potatoes with the help of his brother, but plants them on his in-law's land (personal communication, November 9, 2014). Similarly, in Miaramamindra, Mrs. Rakotondravony and her siblings cooperatively farm her parents' rice paddies, splitting the harvests at the end of the season (personal communication, November 12, 2014). Although the younger generation does not legally own the parcels they are farming, there is an understanding that they will eventually inherit their family's land. Ideally, this inherited land, known as *rova*, is split equally between all of the siblings or designated heirs, and they are not permitted to sell or lease their portions without the unanimous consent of the others (H. Rahantamalala, personal communication, November 15, 2014). However, with each division the boundaries between plots become increasingly vague and the parcels often become too small to farm. These issues, which are rampant in Betafo, lead to arguments over who should rightfully own the land and have been a constant source of tenure insecurity.

A final source of tenure insecurity arises from newly purchased property and its accompany potential for a variety of competing claims. In the early 2000s, when Mr. Razafindrakoto purchased twelve acres of land in Vakinifasina, he deeply feared that someone would challenge the validity of the sale or his right to farm the property (personal

communication, November 19, 2014). His fear stemmed from a lack of well-documented land rights that were recognized by both the community and the State. Unfortunately, his story is not unique; when farmers purchase a new plot of land they often fear that there will be extended members of the seller's family or bordering neighbors that will contest their claim.

Unfortunately, these sources of tenure insecurity have lead to many land disputes and occasionally violence within the Betafo area. While talking with local farmers, government representatives, and *gendarmerie* officers, the pervasiveness of land disagreements was often emphasized. Most commonly, conflicts arise from disputes over bordering property. Whether intentional or on accident, one farmer may begin to cultivate a sliver of land that rightfully belongs to their neighbor and over time the boundary between the two properties becomes hotly contested (T. Rakotondravony, personal communication, November 12, 2014). Government officials verified that these disagreements are rampant throughout the Communes of Betafo, Mandritsara, and Ranomafana. In addition, quarrels between family members are widespread within the community. Usually, this occurs between siblings, cousins, aunts, and uncles that are fighting over certain parcels of their ancestral land or the details of their inheritance (H. Rahantamalala, personal communication, November 15, 2014). Although many people insisted that the majority of these disputes can be resolved peacefully within the family, it is not unheard of for these conflicts to escalate into violence (R. Razafindrakoto, personal communication, November 19, 2014). I observed this firsthand while conducting an interview at Betafo's *gendarmerie* office, in the courtyard I bumped into a family that had been involved in a violent dispute over an inherited parcel of land. Unfortunately, one of the siblings had attacked another and officials were forced to get involved to mediate the dispute and file charges (M. Nicholas, personal communication, November 18, 2014). Although this is not an everyday occurrence, stories of violent feuds in Betafo and within Madagascar's urban centers have instilled fear among the local community (T. Rakotondravony, personal communication, November 12, 2014). To reduce the incidence of these violent quarrels, subsistence farmers needed a form of respected land tenure.

However, the locally-recognized *petits papiers* did not offer adequate protection for Betafo's rural population. During the study, every landowner that I interviewed possessed these

community-level documents. This observation corresponds with other surveys, that have found that only eight percent of households throughout Madagascar have no documentation at all on the plots that they own (World Bank, 2014). The prevalence of *petits papiers* is not surprising because they cost around 600 Ariary ($0.25), a fraction of the price of land titles or certificates (ibid). However, many people in Betafo understand that *petits papiers* only secure land rights at the local level and are insufficient proof of tenure for the Commune, Region, and Tribunal. Mrs. Rakotondravony explained that when she and her husband bought a small parcel of land to build their house, they received a *petits papiers* listing them as the rightful owner. However, they felt that this was not sufficient because it was unrecognized by the State (personal communication, November 12, 2014). Instead, they needed a form of legal land tenure that was both accessible and largely recognized among Betafo's community.

The Inaccessibility and Lack of Land Titles

Although farmers in Betafo want to secure their property through a recognized form of land tenure, I found that the titling system remains largely inaccessible to the local population. In 2013, only 9,747 land titles had been issued throughout Madagascar with 1,185 of them in the Region of Vakinankaratra (L'Observatoire du Foncier, 2014). Of the farmers that were interviewed during the field study, none of the households had obtained a land title.

The titling system is not possible nor practical for the country's rural population because of the length of time and costs involved. Few subsistence farmers can sacrifice 600,000 Ariary and wait between six to ten years to obtain a form of legal documentation of their land rights. This exorbitant price and protracted amount of time stems from the technical complexity of the titling process and the many Regional land offices involved. Mrs. Rakotoarison, the director of the *Service Regional de Domain* (SRD), explained that first a family has to go to the *Circonscription Topographiques* (CIRTOPO) to figure out whether their plot has been previously titled or requested. If the land is unclaimed, then the family can submit a formal demand for a title. Afterwards, SRD representatives conduct a visit to the property to see if it is actually being farmed by the family that has requested the title. During this time neighbors, community members, and the *chef de fokontany* are asked whether they support or oppose this claim to the

property. If no one disagrees with the family's claim, then technical material on the parcel's zoning restrictions and dimensions are collected and reviewed by the *Schéma Regional d'Amenagement du Territoire* (SRAT) for further considerations. Following the SRAT's considerations, the director of the SRD decides whether the state will title the land. If they decide in the family's favor then the property has to be surveyed and demarcated prior to the final step of delivering the title (personal communication, November 6, 2014). This entire process is carried out through Regional offices in Antsirabe. Although this is only 22 kilometers from Betafo, many families are unable to make this journey because of the expense involved and the time away from cultivating their land (H. Rahantamala, personal communication, November 15, 2014).

Therefore, these financial, geographical, and logistical barriers exclude the majority of Betafo's rural population from obtaining land title. However, people still need a form of land tenure that is recognized by the local community and the State. So subsistence farmers in Betafo have largely embraced the land certificates and *Guichet Fonciers* introduced by Madagascar's land reform.

The Prevalence, Validity, and Benefits of Land Certificates

Unlike titles, I found that land certificates were prevalent throughout Betafo and that *Guichet Fonciers* were significantly more accessible for subsistence farmers in the local community. This form of land tenure is more attainable because of the the shortened time period, the decreased price, and the proximity of service. In addition, Betafo's population trusts land certificates because they are validated through local knowledge and voices of opposition can be heard in the certification process.

During the field study I found that land certificates, compared to land titles, were widespread in Betafo and the surrounding area. All of the subsistence farmers who were interviewed had obtained a land certificate through one of the Communal *Guichet Fonciers* in Betafo, Mandritsara, or Ranomafana. Although these families may not be representative of the local population, the popularity of land certificates over land titles is supported by data from the *Observatoire du Foncier*, a governmental monitoring agency.

In 2013, 78,221 applications were submitted to Communal land offices in the Vakinankaratra Region and 50,115 certificates were delivered to the local population[18] (L'Observatoire du Foncier, 2014). Compared to the 1,185 titles created in the same area, land certificates are fifty-times more prevalent among the local population.

Within each Commune, the proportion of families with land certificates differed from *fokontany* to *fokontany*. In Ankabahaba, an area to the Northeast of Betafo that is well-known for its potato growing conditions, very few families have land certificates for the parcels that they cultivate (P. Rahelimanana, personal communication, November 9, 2014). Conversely, in Vakinifasina, an area to the West of Betafo with a plentitude of rice paddies, the majority of farmers have land certificates for their plots (R. Razafindrakoto, personal communication, November 19, 2014). Mr. Andrianjaka, the head of the *Service de Développement Rural* and a representative of the *Guichet Foncier*, explaining that this is because of specific mentalities in the neighborhood or different types of land (personal communication, November 17, 2014).

Beyond these particularities, the frequency of land certificates is influenced by the geographical, logistical, and financial accessibility of *Guichet Fonciers*. A third of the Communes in Madagascar have been equipped with these local land offices, bringing the certification process closer to the local population. In addition, this process is significantly simplified compared to land titling—first, a family has to submit an official request along with *petits papiers*; second, there is a fifteen-day announcement period about the intention to claim the land; third and finally, there is a local reconnaissance mission to demarcate the property and hear from any opposing parties (P. Rahelimanana, personal communication, November 9, 2014). Without an opposition, it takes around a month and a half to obtain the land certificate, a fraction of the time required for a land title (P. Rahelimanana, personal communication, November 9, 2014). Furthermore, since the local reconnaissance mission is conducted by local representatives, rather than regional officials, and surveying the property is not required, massive expenditures and technical information is completely avoided.

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[18] See the appendix for precise certification information for the Communes of Betafo, Mandritsara, and Ranomafana.

In addition, conducing the local reconnaissance mission with community representatives validates land claims through local-knowledge and instills a sense of trust in land certificates among Betafo's population. Lead by the *Comité de Reconnaissance Local* (CRL), this visit ensures that everyone agrees with a family's claim to the land and the property's boundaries. This is a holistic approach because the CRL is composed of the *chef de fokontany* and two *raimandreny*, or older community members, to represent the local population's interests; a representative of the *Guichet Foncier* and the Commune to represent the administrative and technical plan; and the neighbors to represent their personal concerns (O. Andrianjaka, personal communication, November 14, 2014). All of these actors ensure that this step of the certification process happens and is conducted fairly (T. Rakotondravony, personal communication, November 12, 2014). The consensus, among the subsistence farmers that were interviewed, was that this local reconnaissance mission provides a fair and reasonable opportunity for the community to voice their opinion on a family's right to certify a parcel of land. This validity of land certificates obtained through local knowledge is a necessity for property that has been farmed for generations because it helps to prevent someone from falsely claiming the land.

Furthermore, the local reconnaissance mission provides an opportunity for community members to legitimately oppose land claims, ensuring the accuracy of land certificates. This opposing side could range from a neighbor arguing over the property's border or a family member disagreeing with someone's right to the land. When a voice of opposition is raised during the reconnaissance mission, there is an immediate attempt to resolve the dispute (O. Andrianjaka, personal communication, November 14, 2014). However, if this is impossible then the reconnaissance mission is postponed while the conflict is handled within the family or negotiated by elders in the community (H. Rahantamala, personal communication, November 15, 2014). In Betafo, these actions are largely sufficient; but the disputes can progress to the Communal and State levels if they remain unresolved (P. Rahelimanana, personal communication, November 9, 2014). Within the Commune, land disputes are handled by the *Conseil Municipal*,[19] six elected officials that hear the cases of either side and evaluate their

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[19] Translated into English, this would be the Municipal Council. In Betafo, the *Conseil Municipale* manages a variety of local issues; like land disputes, municipal budgets, and mayoral advising.

proof of land tenure (R. Razafindrakoto, personal communication, November 19, 2014). This decision has judicial weight, however, it can be appealed by either party within twenty days and the case will be taken to the Tribunal in Antsirabe (O. Andrianjaka, personal communication, November 14, 2014). In fact, over 80 percent of the cases heard at the Tribunal involve land disputes; they have issued decisions on every type of case from property theft to complications with inheritance (M. Razafindrina, personal communication, November 18, 2014). Although the Tribunal's verdict is the final say, this process may take years and costing each side copious amounts of money (O. Andrianjaka, personal communication, November 14, 2014). Only one of the subsistence farmers that was interviewed during the study had encountered an oppositional party when they were certifying their plots of land. Mr. Razafindrakoto, a subsistence farmer in Vakinifasina, explained there was a neighbor that disagreed with the dimensions of one of the *tanimbary*, or rice plots, that he had bought (personal communication, November 19, 2014). The neighbor believed that a huge corner of this newly purchased property belonged to his family, however, Mr. Razafindrakoto and the seller had previously obtained a *petit papiers* that listed out the correct measurements of the property (ibid). Unable to reach an agreement, the case had to be heard by the Tribunal in Antsirabe; the court decided in Mr. Razafindrakoto's favor but the process took two years. On multiple occasions, Mr. Razafindrakoto almost decided to drop the case because of the exorbitant cost involved in defending his right to the land (ibid). Cases like this are not unheard of but rare in Betafo. Nevertheless, the existence of a valid space for the opposition ensures the accuracy of land certificates. If disagreements or conflicts arise they are mitigated before someone can legally claim tenure over the land.

For Betafo's population, this accuracy of land certificates is important because of their wide-reaching benefits for the local community. From the participants' perspectives, the primary benefit for certifying your land is being able to farm without worrying about disputes or conflicting claims. Mr. Rahelimanana, a subsistence farmer in Morafenomahatsinjo, explained that land certificates allow him to cultivate in peace (personal communication, November 9, 2014). He does not fear that one day someone will come and take the land on which he depends (ibid). The local population also believes that protecting property for posterity is a benefit of land certificates. Mrs. Rahanamalala and her husband, subsistence farmers in Ampilanonana, decided

to certify their rice fields to ensure that their daughters had access to the land and an inalienable source of income (personal communication, November 15, 2014). A final benefit of certification is access to collateral and development project. Land is the sole asset for many subsistence farmers living around Betafo. Therefore, they can gain collateral for micro-finance loans if the State recognizes them as the rightful owners (O. Andrianjaka, personal communication, November 14, 2014). Of the handful of micro-finance institutions in Betafo, like AccèsBanque and Otiv, only CECAM does not recognize the validity of land certificates (Comby et al., 2013). Land certificates are also necessary for a variety of development projects run through the *Fond Regional de Development Agricole*[20] (FRDA), like subsidizing agricultural equipment or establishing grain storehouses (F. Ranjarasoa, personal communication, November 17, 2014).

Subsistence farmers in Betafo have recognized these extensive benefits of land certification, which has strengthened local confidence in this legal system of land tenure. Many people believe that land certificates will last forever and protect their family's rightful access well into the future (H. Rahantamalala, personal communication, November 15, 2014; R. Razafindrakoto, personal communication, November 19, 2014). Unlike land titles, land certificates are not viewed as fleeting or unapproachable. Instead, they are a form of legal tenure security in which the local population has invested their resources and faith.

Exclusion from the Legal System of Land Tenure

Although land certificates are more accessible than land titles, there are members of Betafo's rural population that are excluded from this system of land tenure. Madagascar's land reform introduced a system where land is not methodically certified but done by demand. This lack of a systematic process means that some people cannot overcome educational, social, and financial barriers in order to access land certificates and *Guichet Fonciers*.

During the study, I found that there was a lack of available information on the process of obtaining a land certificate and the function of the *Guichet Foncier*. When I casually talked to residents in each of the *fokontany*, most had heard of this Communal land office and knew they administered land certificates. However, without going through the process themselves, few

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[20] Translated into English, this would be the Regional Fund for Agricultural Development,

understood the various steps that are involved. Although the *Guichet Foncier* administers some awareness-raising activities, this mostly consists of representatives discussing the advantages and disadvantages of certifying land while they conduct the local reconnaissance mission (O. Andrianjaka, personal communication, November 14, 2014). Mrs. Raharison, a representative of the *Guichet Unique* in Antsirabe, views this lack of awareness-raising as a detrimental problem. She wishes there were educational programs in rural areas so that the local population could understand the certification process and the judicial system for land disputes (personal communication, November 24, 2014). Within the Communes of Betafo, Mandritsara, and Ranomafana, there are no widespread programs to inform the local population about land rights and legal systems of land tenure. More has to be done to strengthen local understandings, otherwise some subsistence farmers will not be able to access Madagascar's land tenure system.

Gender is another social barrier that prevents members of the rural population from accessing land certificates. This problem stems from the unequal treatment of women in inheritance practices and land succession. In general, women receive slightly smaller or inferior parcels of land compared to men because of their lower status within Malagasy society (Raharison, 2008). In addition, women are often unlisted on land certificates and titles. Although Malagasy property law does not prohibit co-owners, the majority of people in Betafo are not aware of this fact (O. Andrianjaka, personal communication, November 14, 2014). Men, women, couples, or even families as a whole can own the land; however men, in line with inheritance, local, and customary rules are usually listed as the sole owners (Burnod et al., 2012). Of the five families that I interviewed, none of the property was co-listed in the wife's name. In addition, previous research has found that it is harder for Malagasy women to defend their their property rights in front of the Tribunal (Raharison, 2008). This is because they are more likely to have less money and time, along with a lower level of education (ibid).

Other farmers in Betafo are denied access to land certificates because of their lower socioeconomic class. In the Communes of Betafo, Mandritsara, and Ranomafana, one of the largest impediments to certifying land is that many people do not have disposable income (P. Rahelimanana, personal communication, November 9, 2014). Although land certificates are significantly less expensive than land titles, many rural households still cannot afford the 50,000

Ariary ($20) that is required. Unfortunately, *Guichet Fonciers* are forced to straddle the line between setting an accessible price for the local population and maintaing fiscal independence because of the Malagasy government's lack of funding (Comby et al., 2013). Along with those who cannot afford land certificates, there are some farmers who cannot retain access to their familial land. In the *fokontany* of Ampilanonana, many families have to informally lease their property, often through familial connections, when they are strapped tight for cash (H. Rahantamalala, personal communication, November 15, 2014). Similarly, in the *fokontany* of Miaramamindra, many subsistence farmers work on their neighbors' property because they do not own enough land to sustain their families (T. Rakotondravony, personal communication, November 13, 2014). These families cannot afford land certificates, but more importantly they are excluded from "official" systems of land tenure in general. In the eyes of the State, they do not own property and this lack of security could make them susceptible to a variety of outside influences.

A process that certifies land systematically rather than by demand would begin to combat these social and economic barriers, providing a more equitable system of tenure security. Such a plan was developed by the Malagasy government in 2011. It introduced State-sponsored programs that methodically surveyed land and offered certificates at a lower price of 5,000 Ariary (around $2) (Ravelomanantsoa & Randrianitovina, 2013). These programs were piloted in five Communes and within months the majority of parcels were certified (ibid). However, these systematic certification programs have not been organized within the Communes of Betafo, Mandritsara, or Ranomafana, so many disenfranchised subsistence farmers are continuously barred from accessing land certificates. Their land rights remain in a vulnerable position despite the inclusionary goals of Madagascar's land reform.

Local Misconceptions and Institutional Resistance

Another barrier for Madagascar's rural population is the presence of two forms of land tenure—land titles and land certificates. Although they are both meant to make property rights more accessible, their coexistence creates debilitating confusion for subsistence farmers in Betafo. Mr. Rahajamananana, a farmer in the *fokontany* of Ambohiambo, explained that many

people do not understand the differences between land titles and land certificates, the existence of land classifications and state-owned property, or the multiple processes for obtaining land rights (personal communication, November 17, 2014). Mr. Gabriel, the director of the *Schéma Regional d'Amenagement du Territoire* in Antsirabe, echoed these sentiments by stating that in the Region of Vakinankaratra most of the local population does not understand that existing codes and laws that govern land policies and practices (personal communication, November 6, 2014). Unfortunately, there are few attempts to rectify this problem and inform the local population of the complexities of the land tenure system.

Along with local misconceptions, the coexistence of land titles and certificates have created governmental institutions that are often at odds with one another. During various administrations, Madagascar's land services have been continuously reorganized, becoming incredibly fragmented and inefficient. There are three branches of the Regional government that deals with land practices—the *Service Topographiques*, the *Service de Domaines*, and the *Service d'Aménagement du Territoire*—yet, these efforts are often uncoordinated and constantly conflict with one another (M. Gabriel, personal communication, November 6, 2014). Madagascar's land reform augmented the complexities of this governmental organization. With the decentralization of land services and the opening of *Guichet Fonciers*, there are thousands of civil servants in charge of managing the country's land (World Bank, 2014). In addition, since the processes of titling and certifying are split between the Domain and the Commune, there is a plethora of institutional quarreling and resistance. During the study, representatives from the Commune complained about the lack of work done by the Domain, while representatives from the Domain complained about the Commune allowing anything to happen. In Vakinankaratra, there is one agent from the *Bureau Specialisé*[21], who is meant to be a liaison between the Domain and its Commune; however, this rarely happens (L. Raharison, personal communication, November 24, 2014). These various institutions should be cooperating rather than quarreling, they should be working together to make State-recognized land tenure more functional and accessible for the local population. However, this institutional resistance, along with the

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[21] The *Bureau Specialisé* was created in March of 2013 to improve support activities for governmental land offices in Madagascar.

confusion over coexisting forms of land tenure, are a negative consequence of Madagascar's land reform.

The Need to Update and Maintain Accurate Information

Although updating technical information was outlined as a goal for Madagascar's land reform, these actions have not yet happened at the local level. Since systems of land tenure are only as effective as the data that supports them, this lack of maintenance threatens the entire system of tenure security. Within the Communes of Betafo, Mandritsara, and Ranomafana, there is a need to update and maintain accurate data on the land under their jurisdiction. The *Plan Local d'Occupation Foncier* (PLOF), a detailed blueprint of all the property in the Commune, remains out of date in most areas of Madagascar; there is an incomplete amount of information, data is incorrect, and satellite images are often inaccurate (Comby et al., 2013). In addition, the Domain and the Commune often do not exchange information, while the State has not installed the majority of its data onto the software (O. Andrianjaka, personal communication, November 14, 2014). While visiting the *Guichet Foncier* in Betafo, I noticed that there is a paper PLOF with demands, titles, and certificates penciled in; and there is another electronic copy that is done on ArcMap, a complex GIS program that the technician did not know how to use. These methods of guarding information on local land, do not seem to be sufficient or sustainable. However, the local land offices have not been taught anything else. Previous studies have found that agents from the *Guichet Foncier* often receive very little training and these Communal land offices have frequently been abandoned by the government (World Bank, 2014). This is the exact opposite of what should be happening, because the certification system is newly developed, fragile, and technically challenging. The *Guichet Foncier* should have more institutional support to ensure that they can function without making mistakes and endangering farmers' land security.

Communal land services also need material and monetary support to update data and maintain accurate information. Since Madagascar's political crisis in 2009, the country's land reform has lost a significant amount of its funding. Investment in *Guichet Fonciers* has dropped from $11 million in 2008, to $1 million in 2009 and 2010, to $600,000 in 2011 and 2012 (World Bank, 2014). Training was abruptly stopped in more than 250 Communes, their only funding

now comes from the international community (ibid). Unfortunately, the Malagasy government does not have the financial, logistical, or human resources to react to the demands for formalizing and managing land rights for the country's population (Comby et al., 2013). But these locally based land offices need to receive a larger amount of funding if they are expected to carry out the breadth of their functions. In addition, there is a lack of material necessities—like computers and storage cabinets—that threaten to destroy decades worth of data. Since Madagascar's independence in 1960, over 12 percent of land registries have been lost or destroyed because of the horrible conditions of governmental archives and buildings (ibid). At the *Guichet Foncier* in Betafo, the PLOF and a paper land plan are kept in a series of unorganized binders with pages untidily ripped out. These documents are stacked haphazardly in a broken file cabinet and if they were to be lost or stollen there are no other copies. If there is a problem with the computer or its mapping software, then the office's entire operation is shut down while it gets fixed in Antsirabe (O. Andrianjaka, personal communication, November 17, 2014). Therefore, there are a variety of material and logistically obstacles that thwart the *Guichet Foncier*'s mission to maintain accurate information.

In addition to updating technical data, the certification system has to be maintained by registering land mutations, inheritances, and donations with the *Guichet Foncier*. Over time, land certificates can easily become outdated because the listed owner has died, a part of the property has been sold, or a parcel of land has been given to a relative. Therefore, this system of land tenure can only be successful if the information on land certificates is accurately maintained. However, updating land certificates is a costly process. In the Commune of Betafo, changes in a parcel's owner is vey rarely registered with the government or local land offices (O. Andrianjaka, personal communication, November 14, 2014). Without updating and maintaing this technical information, the entire system is threatened to become irrelevant.

Institutional Suspension and Corruption

Although land certificates are widespread and valued throughout Betafo, the actions of the *Guichet Foncier*, the *gendarmerie*, and the Tribunal do not always instill trust within the local population. In Madagascar, these governmental bodies are considered to be some of the

most corrupt institutions (M. Razafindrina, personal communication, November 18, 2014). Among farmers in Betafo, some do not feel secure on their land because of existing corruption and its ensuing conflicts (A. Raharisoa, personal communication, November 18, 2014). People believe that agents at the local *Guichet Foncier* tell people where there are uncertified plots of land in exchange for large amounts of money (M. Razafindrina, personal communication, November 18, 2014). Others believe that they occasionally issue false paperwork and land certificates for friends with connections (ibid). These convictions are fueled by well-known stories. In particular, the account of a colonial concession on the edge of town that was being disputed by various descendants, when an unknown man with falsified documents claimed the property from underneath their noses (ibid). This case went to the Tribunal in Antsirabe where the validity of the falsified papers were held up in court, so locals believe that he paid off municipal land offices, local police, witnesses, the mayor, and the judge (ibid). Although this story may be local folklore, many people are convinced that land institutions are rampant with corruption.

These widespread sentiments may have been corroborated during my two weeks in Betafo. Towards the end of my field study, I learned from a local *chef de fokontany* that the *Guichet Foncier* had been suspended indefinitely due to possible accounts of misconduct. The technical agent[22] had been accused of extorting money from farmers on the periphery of the Commune, so the mayor had decided to close the land office until further notice (A. Raharisoa, personal communication, November 18, 2014). Although this type of corruption is a common occurrence in Madagascar, this claim by the *chef de fokontany* was not confirmed nor denied by other contacts in the Betafo area. However, the office of the *Guichet Foncier* did remain closed during my final days of field study. When I returned to Antsirabe, I attempted to verify this claim with representatives at the *Guichet Unique.* They confirmed that the office had been suspended, but they said it was because of issues with the accuracy of the PLOF (L. Raharison, personal communication, November 24, 2014). Although this contrasting information makes it difficult to understand what truly happened in Betafo, it underlines the existence of institutional problems

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[22] It should be noted that this technical agent is not Mr. Andrianjaka, who was a participant in the study and works at the *Guichet Foncier*. Although I had met the representative that was suspended, he was never interviewed.

with the local land office. Whether the *Guichet Foncier* was closed because of corruption, inaccurate data, or another unknown reason, the frailty of land institutions has created mistrust amongst the local population.

Familial and Societal Forms of Land Security

Facing this corruptive system of land tenure, farmers in the Betafo area rely on familial and societal recognition to maintain access to their land. It is important to note that having a land certificate does not systematically imply a deep-rooted sense of security, nor does the lack of one imply a sense of vulnerability (Arnot, Luckert & Boxall, 2011). During the study, I found that many farmers felt secure in their land rights because their families had been farming the parcels for countless generations. Mrs. Rakotondravony explained that she did not certify some of her potato fields because they had belonged to her parents, grandparents, and great-grandparents for centuries (personal communication, November 12, 2014). There had never been a conflict over the property and she could not imagine someone trying to steal the land (ibid). These deep-rooted familial connections within the community are common within Betafo, and the provide a secondary source of tenure security.

Similarly, societal recognition can protect a family's access to the land. This is seen throughout Madagascar, where a household's financial, human, and social capital affects their power to claim land rights (Burnod et al., 2012). As Mrs. Onintsoa explained, she highly she highly doubts someone from the community would challenge her land tenure because of her family's social and economic standing—they have many acres of land, raise cows and pigs, and own a corner store (personal communication, November 18, 2014). The more that a family is respected within their community, the more secure they tend to be in their claim to the land.

Oftentimes, these alternative forms of land security do not replace the benefits of legal documentation. Instead, they can be combined with land titles, certificates, and *petits papiers* to strengthen perceptions of tenure security. In Betafo, they also help farmers combat outdated and flawed systems of legal land tenure and their existence underscores that land certificates are not the only consequential proof of land rights.

Conclusion

Madagascar's land reform had lofty goals—modernizing land institutions, making land tenure accessible to the entire population, certifying the country's vast swaths of land, and stimulating rural "development." In the last nine years none of these goals have been met, however, this should not be a cause for despair because land reforms require more time. In practice, the creation of land certificates and *Guichet Fonciers* have lead to many changes—both positive and negative—among the rural community of Betafo.

Synthesis of the Affects of Madagascar's Land Reform in Betafo

To begin, Madagascar's land reform created a meaningful system of tenure security that was largely welcomed by the rural population. Land reforms often vary between being changes desired by the local population to imposed actions for the benefit of the international community. However, in Madagascar, the absence of strong customary laws, the inaccessibility of land titles, and the lack of faith in *petits papiers*, has pushed subsistence farmers to welcome land certificates. This legally-recognized form of land tenure has not been futilely force onto the population, instead, it has ensured that many families can maintain access to their land.

In addition, the land reform made this system of tenure more accessible to the rural population in Betafo. Compared to land titles and Regional land offices, land certificates and *Guichet Fonciers* are more approachable to agrarian households because of their decreased price and proximity of service. However, the certification process is not systematic so some marginalized members of the local community, particularly women and low-income households, are largely excluded. State-sponsored programs, which methodically survey land while offering certificates at a lower price, would be a better option for creating an inclusive system of land tenure.

Along with creating a more equitable process, Madagascar's system of land tenure has to be further developed because large tracts of land throughout the country remain untitled and uncertified. Unfortunately, the extensive certification intended by the land reform has not happened. Many plots within Betafo remain classified as non-titled private property, even though the land has been intensely farmed for generations. Although it would be unreasonable to expect

the land reform to certify every plot within nine years, this limbo of partial certification has created dire consequences. Some families who cannot afford to certify their land fear competing claims, while others are unsure if they can trust the system. A system of land tenure can only be as accurate and effective as the land recorded, so there has to be further efforts to inclusively certify and title all property.

Furthermore, in a rural context, obtaining land security has to be simplified by eliminating the existence of two forms of land tenure—titles and certificates. In Betafo, there is no need for two systems of land tenure; in fact, the coexistence of two practically identical legal documents does more harm than good. Since land certificates hold relatively the same value as land titles, subsistence farmers should feel protected. However, confusion over the processes and each document's legal weight causes them to doubt whether their land is "fully" protected. To avoid these feelings of insecurity, land titles should be implemented in urban areas while land certificates should be the sole form of land tenure in rural areas.

Although not a strict product of Madagascar's land reform, institutional weakness and corruption also have to be addressed. The country's Regional and Communal land offices, *gendarmerie*, and Tribunal are plagued with corruption. In addition, the vast amount of technical information continues to be inadequately updated, managed, and protected. These governmental institutions that govern land rights do not instill confidence within the local population. Although many families choose to act within this flawed system and certify their land, these faults could threaten the validity of Madagascar's entire land tenure system in the long run.

Finally, the land reform's affect on rural development has not achieved all of the goals set forth by the international community. These objectives were to provide subsistence farmers with land security, encourage investment in agricultural practices, increase access to loans, and stimulate land markets. In Betafo, land certificates have greatly eased farmers' security concerns and have helped many access micro finance loans and State-sponsored development projects. However, land markets remain stagnant because people do not certify their land with the intention to sell it. The fertility of the region, along with the cultural importance of ancestral land, ensures that farmers use land certificates to closely guard onto the right to their property. In addition, land certificates have not encouraged investment in agricultural practices because they

have not drastically changed peoples' perceptions of their land. Titling or certifying land does not give the parcel more importance. In fact, it works the other way around; more important land, for social and economic reasons, is more likely to be titled or certified. And prior to the land reform, farmers in Betafo viewed their land as individually-owned so this link between land security and investment is greatly exaggerated. Other issues are just as important for rural "development" success, like access to markets and farming technology.

Topics for Further Study

Further inquires into the consequences and persisting challenges of Madagascar's land reform will have to be closely considered before President Hery Rajaonarimampampianina releases his land policies in 2015. These topics, which are beyond the scope of this study, could include: the possibility of transforming *petits papiers* into legal forms of land tenure, the differences in customary land practices throughout Madagascar, the affects of land certificates on the urban population, and the successes and failures of Madagascar's land reform compared to others throughout the world.

Since Madagascar's system of land tenure is still in a constant state of flux, these topics would assist in understanding what improvements have to be addressed in the forthcoming land policies. These past nine years have scarcely been enough time to stimulate widespread changes in land institutions, regulations, and practices, but they can become a starting point for discussing how to make legal land tenure more accessible and equitable in the future.

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Appendix

Interviews Conducted

Andrianjaka, Olivier Honorat. Director of the *Service de Développement Rural* and representative of the *Guichet Foncier* in the Commune of Betafo. November 14, 2014. Betafo. French.

Andrianjaka, Olivier Honorat. Director of the *Service de Développement Rural* and representative of the *Guichet Foncier* in the Commune of Betafo. November 17, 2014. Betafo. French.

Onintsoa, Lalaina Mamy. Local farmer and host mother. November 18, 2014. Ambohiambo. French and Malagasy.

Rahantamalala, Hanta. Local farmer and host mother. November 15, 2014. Ampilanonana. Malagasy.

Raharisoa, Augustine Antoinette Raoel. *Chef de fokontany* in Avaratsena. November 18, 2014. Betafo. French.

Raharison, Lalaina. Representative of the *Guichet Unique*. November 6, 2014. Antsirabe. French.

Raharison, Lalaina. Representative of the *Guichet Unique*. November 24, 2014. Antsirabe. French.

Rahelimanana, Pascale. Representative of the *Guichet Foncier* in the Commune of Mandritsara. November 9, 2014. Morafenomahatsinjo. French.

Rakotoarison, Lovasoa Claudia. Director of the *Service Regional de Domaine.* November 6, 2014. Antsirabe. French.

Rakotondravony, Tantely. Local farmer and host mother. November 12, 2014. Miaramindra. French.

Rakotondravony, Tantely. Local farmer and host mother. November 13, 2014. Miaramindra. French.

Ranjarasoa, Florentine. Representative of the *Centre de Service Agricole*. November 17, 2014. Betafo. French.

Razafindrakoto, Richard. Local farmer and host father. November 19, 2014. Vakinifasina. French and Malagasy.

Razafindrina, Marie Angele. Representative of the Tribunal in Antsirabe. November 18, 2014. Betafo. French.

Questions Posed to Subsistence Farmers

1. How is land titled in the Betafo area? Quelle est la façon d'obtenir un titre foncier dans la region de Betafo? **Ahoana ny fomba hahazoana titra fananan-tany ato amin'ny faritr'i Betafo?**

    1. What steps are required to obtain a land title? Quelles sont les procedures obligatoires pour obtenir un titre foncier? **Inona ireo dingana tsy maintsy atao mba hahazoana titra fananan-tany?**

    2. In the community, is it important for families to have an official title for their land? Dans la communauté, est-ce que c'est nécessaire pour chaque famille d'avoir un titre foncier pour leur terre? **Ao amin'ny fiarahamonina, moa ve ilain'ny fianakaviana tsirairay ny manana titra ho an'ny taniny?**

    3. In your opinion, how many people in this area have an official title for the land that they farm? Selon votre avis, combien de personnes dans cette région ont un titre foncier pour la terre qu'ils cultivent? **Araka ny hevitrao, firy ny olona manana titra amin'ny tany amboleny?**

    4. What happens if someone does not have a land title? Qu'est ce que se passe si quelqu'un n'a pas de titre foncier? **Inona no mitranga raha misy olona tsy manana titra fananan-tany?**

    5. Are there disagreements over land in this area? Est-ce qu'il y a des désaccords ou des conflits concernant la terre dans cette région? **Misy tsy fifankazahoana na fifandonana ve mikasika ny tany eto amin'ny faritr'i Betafo?**

        1. What happens if there is a disagreement over land? Qu'est ce que se passe s'il y a un désaccord ou un conflit conncernant la terre? **Inona no mitranga rehefa misy tsy fifankazahoana na fifandonana mikasika ny tany?**

        2. Is there ever violence over land titling? Est-ce qu'il y avait déjà de la violence concernant les propriétés foncières? **Efa nisy hesisetra ve mikasika ny fananan-tany?**

2. Do you have an official title for your family's land? Avez-vous un titre foncier pour la terre de votre famille? **Manana titra ara-panjakana mikasika ny tanin'ny fianakavianao ve ianao?**

    1. For your family, what steps were involved in procuring a land title? Pour votre famille, quelles étaient les êtapes nécessaires pour obtenir un titre foncier? **Ho an'ny fianakavianao, inona ireo dingana nilaina natao mba hahazoana titra fananan-tany?**

    2. What governmental office did you use to obtain a land title? Où êtes-vous allés pour obtenir un titre foncier? **Inona ireo biraom-panjakana nandehanao mba hahazoana titra fananan-tany?**

    3. How did you prove that this land belonged to your family? Comment prouvez-vous que la terre appartient à votre famille? **Ahoana no hanaporofoanao fa an'ny fianakavianao ny tany?**

3. In your opinion, what are the consequences of surveying and titling the land? Selon votre avis, quelles sont les consequences d'avoir borné et titré la terre? **Araka ny hevitrao, inona no fiantraikan'ny fanaovana baorina ny tany sy sy fananana titra?**

    1. Does land titling provide more security? If yes, how so? Est-ce que les titres fonciers fournissent plus de securité pour la terre? Si oui, comment? **Misy fiarovana ve ny fananana titra tany? Raha eny, amin'ny fomba ahoana?**

2. In what ways does having a land title help farmers? Dans quelles mesures le fait d'avoir un titre foncier aide les cultivateurs? **Amin'ny fomba ahoana no manampy ny mpamboly ny fananana titra tany?**

4. Before the National Program for Land Tenure in 2005, how were land rights recognized in this area? Avant le Programme National Foncier en 2005, comment fonctionnait la reconnaisance de droit de proprieté foncier dans cette région? **Talohan'ny programam-panjakana mikasika ny fananan-tany tamin'ny 2005, ahoana no fandehan'ny fahalalana ny zo fananan-tany ato amin'ity faitra ity?**

Statistical Information on Land Tenure in the Betafo Area

	Region of Vakinankaratra	Commune of Betafo	Commune of Mandritsara	Commune of Ranomafana
Certificates Delivered	50,115	1,121	1,134	498
Applications Received	78,221	1,265	1,626	735
Certificates Delivered in a Woman's Name	9,818	364	198	214
Amount of Land Certified (hectares)	26,355	122	312	93

(L'Observatoire du Fonicer, 2012)

Map of Betafo in the Region of Vakinankaratra

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