

Conceptions, practices and power plays around the notion of tenure security

Examining the land policy development and implementation process in Madagascar

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Abstract

Land tenure is high on the international development agenda. A key notion in these policy debates is tenure security, which is portrayed crucial for economic growth, poverty reduction, social cohesion and governance. A gap exists, however, between conceptions of tenure security in critical development literature and its practice within land policies.

With this research, I demonstrate the complexities of the notion and the ambiguities of policies established around it. Taking the example of Malagasy land policy process, I ask how tenure security has been conceived, practiced and maintained. I ‘study through’ the policy process (Wedel and Feldman 2005), relying on concepts of policy narratives (Roe 1991), assemblages (Li 2007) and power (Gaventa 2006). I adopt qualitative, temporal and nested research approaches. I combine research from global, national and local levels, drawing on observations, semi-structured interviews and document analysis, attending to the stories of social actors linked to the policy.

The Malagasy land policy was structured around the conceptions and practices of recognition and registration of legitimate tenure rights by decentralised authorities. The policy has, however, faced institutional, operational and social challenges. By questioning the state authority and control over land, it has also become an arena for power plays. Hence, the policy has generated unintended consequences in terms of tenure security and failed to win widespread support. The research findings highlight the importance of considering tenure security in land policy from multiple perspectives throughout the process and by attending to its inherently political nature. I conclude that tenure security is an institutional matter influenced by authority, political, social, cultural, and power relations between actors at different levels. Consequently, policies should go beyond the blueprint solutions of recognition and registration of tenure rights.

Key words: Land, tenure security, policy process, policy narratives, assemblage, power, Madagascar

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List of abbreviations

AfD	Agence française de développement – French development agency
AfDB	African Development Bank
AUC	African Union Commission
BIF	Birao Ifotony amin'ny Fananan-tany - guichet foncier – Local land office
CASEF	Croissance agricole et sécurisation foncière – Agricultural growth and securisation of tenure project
CFS	Committee on World Food Security
Cirad	Centre de coopération internationale en recherche agronomique pour le développement – The French agricultural research centre for international development
CRIF	Centre de ressources et d'informations foncières – Land resource and information centre
CSA	Centre de service agricole – Agricultural service centre
CSO	Civil Society Organisation
EDBM	Economic Development Board of Madagascar
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
Fifata	Fikambanana Fampivoarana ny Tantsaha – Malagasy Farmers' organisation
Gelose	Gestion locale sécurisée des ressources naturelles renouvelables – Secured local management of renewable natural resources
GIS	Geographic Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GPS	Global Positioning System
ICARRD	International Conference on Agrarian Reform and Rural Development
ICT	Information and Communication Technology
IFAD	International Fund for Agricultural Development
IGO	Inter-Governmental Organisation
ILC	International Land Coalition
IRD	Institut de recherche pour le développement – French research institute for development
LGAF	Land Governance Assessment Framework
LPF	Lettre de politique foncière – Land Policy Letter
LPI	Land Policy Initiative
M2PATE	Ministère auprès de la Présidence en charge des projets présidentiels, de l'aménagement du territoire et de l'équipement – Ministry under the presidency in charge of presidential projects, land use planning and equipment
MCA	Millenium Challenge Account
MCC	Millenium Challenge Corporation
NES	National Engagement Strategy
NGO	Non-Governmental Organisation
OPCI	Organisme public intercommunal – Inter-municipal public organisation

PLOF	Plan local d'occupation foncière - Local land occupancy status map
PNF	Programme national foncier – National Land Programme
PPNT	Propriété privée non titrée – Non-titled private property
SAPM	Système des aires protégées de Madagascar - System of Protected Areas of Madagascar
SDC	Swiss Agency for Development and Cooperation
SDGs	Sustainable Development Goals
SFI	Sécurisation foncière intermédiaire – Intermediate securisation of tenure
SFO	Sécurisation foncière optimale – Optimal securisation of tenure
SFR	Sécurisation foncière relative – Relative securisation of tenure
SIF	Solidarité des intervenants sur le foncier
UEA	University of East Anglia
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UN-Habitat	United Nations Human Settlements Programme
USA	United States of America
USD	United States Dollar
WFAL	World Forum on Access to Land
ZIA	Zone d'investissement agricole – Agricultural investment zone

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To my mystery angel

1. Introduction

It [land] is of great value because it ensures our survival, it is the source of food for farmers, and a landless farmer is no longer a farmer. But the land has an importance. Thanks to it we can ensure contributions and obligations, and all the things we need on the religious, official and family side.

A farmer in a focus group discussion, 02.06.2016

Malagasy farmers describe land as life. Indeed, people's activities, livelihoods, identities, histories and culture are entwined with land (Palmer et al. 2009; Lund 2011; Hall 2013; Li 2014). It can be used 'to produce the material conditions of survival and enrichment, but also to gain control over others, and to define personal and social identities' (Shipton and Goheen 1992, p.307). What makes land special is that it has different meanings for different people (Li 2014). Even though it is an immovable resource located in a given space (Hall 2013), it can be assembled as a national or global resource through discourses and the use of a variety of inscription devices (for instance maps, grids, surveys, graphs, images) (Li 2014). These multiple characteristics entail that diverse interests are linked to land. They make land inherently political, placing it 'at the centre of philosophical and technical debates about how to secure "the right disposition of things"' (Li 2014, p.12). These debates determine which land uses and rights are legitimised, which are excluded, and how (see Shipton and Goheen 1992; Li 2014).

The debates on which I focus in this research are those that revolve around the notion of security of tenure of land. In fact, tenure security is often placed as an overarching objective in land policies and portrayed as a condition for economic and social development. I am then interested in analysing how tenure security has been conceived in these debates, operationalised on the ground and maintained as an objective in policies and development interventions through the interaction between a range of actors. I take as an example the development and implementation of the Malagasy land policy, which has been strongly articulated around the notion of tenure security. These investigations lead me to show the multidimensional nature of tenure security and the dynamisms of land policy processes. I demonstrate how tenure security is fundamentally a political question.

In this introduction, I set the scene and rationale for the research. I start by discussing the various definitions of tenure security that leave space for actors to conceive and operationalise it. I continue by explaining the overall land policy contexts in which tenure security is portrayed as a key objective and setting the scene for the Malagasy land policy. I then present the key questions, approaches and aims of the research. Finally, I outline the structure of the thesis.

1.1. Various definitions of tenure security

A useful starting point for disentangling the notion of tenure security is through the definition of land tenure, which can be described as ‘the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land’ (FAO 2002, p.7).¹ Land can be seen as property² on which claims of access, use and benefit are made by people and enforced through custom, convention or law by the society or state (MacPherson 1978). These tenure and property relations constitute systems that ‘determine who can use what resources for how long, and under what conditions’ (FAO 2002, p.7). These relations between people are above all political (MacPherson 1978), meaning that tenure rights are ‘frequently re-negotiated, and the terms of those negotiations are widely diverse across time and space’ (Benda-Beckmann et al. 2006, p.11). Security, then, becomes a question of ‘the certainty that a person’s rights to land will be recognised by others and protected in cases of specific challenges’ (FAO 2002, p.18). What is important in these generic definitions is that they highlight social relations and institutions, tenure rights, and the recognition and protection of rights. These elements are furthermore present in other conceptions.

¹ Part of this research relies on francophone literature and has been conducted in French. I translate the French word *foncier* as ‘land tenure’. In fact, *foncier* can be understood as both relations between people and land (Rochegude 2005) and as a social relation through which a society defines rights to land, distributes land rights between actors and guarantees and administers land rights (Comité technique “foncier et développement” 2009). Shipton and Goheen (1992) note the challenges in translating terminologies between languages as follows: ‘The French umbrella term le *foncier*, for instance, stretches only awkwardly into its nearest English equivalents, perhaps ‘land-holding’ or ‘tenure’ or ‘rights in land’, and these leave out the land’s products, to which the term can also refer.’ (p.314) Therefore, the French word *foncier* is broader than ‘land tenure’.

² In this research, I consider *property* and *tenure relations/rights* to be equivalent. While I have made the choice to talk about *tenure*, I refer to the word *property* when it has been used by the cited authors.

The relational and institutional lens is central to a definition proposed by Lavigne Delville (2010 and 2017b), who sees tenure security as a product of authorities and institutions that validate, guarantee and confirm socially legitimate tenure rights. What is interesting here is that the purpose of institutions, as long-lasting rules and agreements, is hence to ‘reduce uncertainty about how to act in diverse situations’ (Leftwich 2004, p.10). They should procure a feeling of security for tenure right-holders. Simbizi et al. (2014) equally focus on the relational aspects, conceiving tenure security as a feature of tenure systems that are constituted of elements (people, social and public institutions, continuum of land rights and land information) and interaction between these.

The debate on security has furthermore raised questions on the nature of tenure rights to be protected. Indeed, tenure security has been linked to the notion of a bundle of rights that Schlager and Ostrom (1992) conceived as access, withdrawal, management, exclusion and alienation. For instance, Migot-Adholla and Bruce (1994) argue that, to have tenure security, the holder of a parcel should be able to use, manage and transfer it as well as benefit from its produce without disturbance and in a continuous manner. Tenure security would thus have three components: *breadth*, *duration* and *assurance* (Place et al. 1994). Here, *breadth* refers to the different aspects of the bundle of rights, *duration* to the timeframe during which people can benefit from these rights and *assurance* to the absence of hindrance (Place et al. 1994). Nevertheless, scholars considering tenure security from its institutional perspective have challenged the definitions based on the bundle of rights. Lavigne Delville (2010) argues that they define constituents of private property rather than tenure security. Sjaastad and Bromley (2000) also prefer focusing only on *assurance*, as for them *breadth* defines the size of the bundle and *duration* the substance of the rights without having explicit links with security. Indeed, what is needed is certainty of being able to exercise given rights during a set timeframe (Lavigne Delville 2017b), but the constituents of these rights and the preferred timeframe depends on each person.

The lenses of recognition and protection of rights have often meant that scholars and practitioners consider tenure security through legal and administrative practices that are supposed to bring clarity over rights and prevent tenure disputes from arising (Palmer 1998). Gelder (2010), for instance, has introduced a tri-partite view where a legal construction of tenure security is placed between perception and de-facto situation on

the ground. Simbizi et al. (2014) emphasise legal aspects by talking about the enforcement of rights in a continuum of rights approach (see also UN-Habitat and GLTN 2008; Barry and Augustinus 2016) and introduce administrative dimensions by referring to the management of land information. Indeed, tenure security is associated with the operation and governance of land administration, stressing the importance of registering, managing and up-dating information on tenure rights (Palmer 1998).

Against this background, I find that tenure security thus relates to a sense of comfort that what one has is recognised and protected by authorities and institutions and will not be taken away when one needs it. It is, above all, a subjective notion linked to the *assurance* of holding something legitimately and not an objectively measurable notion as *breadth* and *duration* would suggest (see Migot-Adholla and Bruce 1994; Place et al. 1994). Scholars nevertheless do recognise this subjective dimension, linking it to the perception of people (e.g. Migot-Adholla and Bruce 1994; Place et al. 1994; Sjaastad and Bromley 2000; FAO 2002; Broegaard 2005; Bouquet 2009; Gelder 2010; Simbizi et al. 2014). However, there is a difference between the perception of losing one's rights and the likelihood of it happening (Sjaastad and Bromley 2000). In other words, 'what resides in the mind of the perceiver is something different than the facts on the ground' (Gelder 2010, p.452).

This overview demonstrates that there is no unilateral conception of tenure security. To understand its multidimensional nature, the relational and institutional definitions invite further investigation of the authority, social and cultural characteristics of tenure relations that influence the sources and conditions of tenure (in)security. The legal and administrative views suggest analysing practices for securing tenure. Attention to people's perceptions calls for a grasp of the subjective nature of tenure security and people's interests linked to it. I follow these lines of thought in the literature review (Chapter 2) and overall research, adding a consideration of power plays and everyday politics that I find to be inherent to land tenure relations.

Finally, these multiple definitions leave space for conceiving tenure security, designing actions to secure tenure and debating its possible benefits in the context of land policies and development interventions. Gelder (2010) observes that this 'indiscriminate use of the different elements of tenure security and the confusion it generates easily leads to

detrimental consequences for theory building and policy making’ (p. 452). Indeed, this opacity is not without risks, considering that tenure security has become a key objective for public policies.

1.2. Tenure security as an object for policies

Land tenure questions are high on the international development agenda. This can be attributed to the revival of debates on land reform, policies and governance (see Sikor and Müller 2009; Borras and Franco 2010). Land reforms revolve around three models: i) redistribution, conducted either through expropriation or market mechanisms; ii) ‘post-totalitarian land distribution’; and iii) land registration and titling (Sikor and Müller 2009, p.1309). It is the third form of land registration and titling as well as the interconnected legal and administrative measures that have been most closely linked to tenure security (see Dickermann et al. 1989). In terms of land policies and governance, Borras and Franco (2010) attribute the revival of land on the international agenda to the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD); the establishment of the United Nations (UN) Commission on Legal Empowerment of the Poor; the development of guidelines on land governance by the European Union (EU); the report of the World Bank on land policies in 2003 (see Deininger 2003; Bruce and Migot-Adholla 1994; Byamugisha 2013); and the engagement of civil society organisations in campaigns for agrarian reform. These have since been followed by the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* coordinated by the Food and Agriculture Organization of the United Nations (FAO) and endorsed by the Committee on World Food Security (CFS) in 2012; the African Land Policy Initiative (LPI) of the United Nations Economic Commission for Africa (UNECA), African Development Bank (AfDB) and the African Union Commission (AUC); and the Land Governance Assessment Framework (LGAF) exercise set up by the World Bank. The Voluntary Guidelines in particular are considered the first international soft law instrument on land tenure (Munro-Faure and Palmer 2012) and the most concrete element of global land governance (Margulis et al. 2013).

In these public debates, tenure security is portrayed as crucial for economic growth, poverty reduction, social cohesion and governance (Palmer 1998; Byamugisha 2013). For instance, tenure security, when achieved through clear and enforced rights, is considered to create incentives for investment (e.g. in agriculture), provide access to credit, facilitate transfers of land and revive informal assets, thus raising people out of poverty (Place et al. 1994; Rose 1994; De Soto 2000; Deininger 2003; Colin et al. 2009; Lavigne Delville 2010; Arnot et al. 2011; Pedersen 2016). Moreover, tenure security is associated with social integration and citizenship when people's assets are protected, and rights recognised by legal systems (Lavigne Delville 2010; Hall 2013) or when tenure systems are governed according to common social norms (Rose 1994). More recently, tenure rights and security have been linked to participation in decision-making by empowering and providing people, especially women, with a stronger voice in development processes (Deininger 2003; Hall 2013) or protecting them against dispossession (Byamugisha 2013).

These debates have also led to proposals for action. The Voluntary Guidelines, in particular, call for the recognition, respect, safeguard, promotion and facilitation of all legitimate tenure rights and for the provision of access to justice to handle any infringements (FAO and CFS 2012). They set reference points and standards of best practice to which states and other actors can refer when developing their own strategies, policies, legislation, programmes and activities (Munro-Faure and Palmer 2012). The successes of these policies and development interventions are then increasingly measured against notions of tenure security. As an example, some of the indicators of the Sustainable Development Goals (SDGs) of the UN include references to tenure security where they measure rights to land and property (indicators 1.4.2. and 5.a.1.).³

³ *Target 1.4.*: 'By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.' The target is measured against *indicator 1.4.2.*: 'Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.'

Target 5.a.: 'Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.' The target is measured against *indicator 5.a.1.*: '(a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.'
<https://landportal.org/book/sdgs>

Since the mid-2000s, tenure security has received additional attention with increased interest in and commodification of land and natural resources that have in turn been driven by concerns over food security, conservation of the environment and economic development. The interest in land has raised fears about the dispossession of people, states expropriating land from farmers, and new patterns of access and control over land (e.g. Cotula et al. 2009; Alden Wily 2011; Cotula and Vermeulen 2011; De Schutter 2011; Peluso and Lund 2011; White et al. 2012; Fairhead et al. 2012; Burnod et al. 2013; Burnod and Andriamanalina 2017). Hence, calls have been made for securing the tenure rights of local people and ensuring their livelihood opportunities (e.g. De Schutter 2011). This has led some actors to call for mapping of tenure rights (De Schutter 2011) or the decentralisation of land administration and the registration of land rights as a timely response (Byamugisha 2013). In the latter, systems should be simple, basic and sustainable (Enemark et al. 2014). Enemark et al. (2014) even boldly state that there is ‘a security of tenure vacuum’ because an estimated 75 percent of the world’s population are out of the reach of statutory administration and thus ‘remain trapped in poverty’ (p.34). The varied calls for tenure security do not, however, target only rural people: this has also been highlighted as an issue for investors whose rights governments and local authorities should guarantee (Cotula 2016; Pedersen and Buur 2016).

These examples demonstrate that tenure security is cast as an objective for wider economic and social development, a concern of its own and a motivation for action. A myriad of social actors and institutions are involved in policy debates and practices at various levels. These include intergovernmental organisations (IGOs), international financial institutions, non-governmental organisations (NGOs), civil society organisations (CSOs), social movements, local communities and the private sector that all operate alongside states (Camprese and Borrini 2011; Hall 2013; Margulis et al. 2013; Arial 2014). All these actors have their own ideas of tenure security and strategies for securing tenure where they combine references from global conceptions, national programmes and local experiences. This complexity makes policies focused on tenure security interesting objects for analysis.

1.3. Land policy of Madagascar

These debates and trends on tenure security can also be seen in Madagascar, where a land policy was enacted in 2005 and consolidated in 2015. The purpose of the 2005 policy was to improve the conditions for investment, agricultural production, environmental management, decentralisation and social cohesion (Republikan'i Madagasikara 2005a). The 2015 policy strengthened these development objectives, simply seeing land as 'a basis for development' (Republikan'i Madagasikara 2015a).

The land policy emphasised tenure security to achieve the stated development objectives. Its 2005 version aimed to 'respond to a massive demand for securing tenure [...] through the formalisation of non-written tenure rights and through the safeguard and regularisation of written tenure rights' (Republikan'i Madagasikara 2005a). The 2015 version is along the same lines, considering the securing of the diversity of rights as a solution for development (Republikan'i Madagasikara 2015a). Hence, the Malagasy land policy is part of land reforms centred on registration and titling (Dickermann et al. 1989; Sikor and Müller 2009). One of its key principles, on which I focus in this research, has been to recognise rights to land based on its current appropriation and use (Republikan'i Madagasikara 2005a). This recognition is done by local commissions and has led to the issuing of certificates and up-dating of land occupancy status maps (PLOFs). The process is coordinated by local land offices opened in rural municipalities.

The policy development and implementation has brought together a number of actors, ranging from donors, international and national experts, administrators, investors, civil society representatives to municipal actors. Farmers, who can apply for certificates, are considered the final beneficiaries. The policy thus placed their security of tenure in the foreground and questioned former state control of land. This has not happened without contestation due to the divergent interests of actors in terms of tenure security and development. In the land policy itself, there is tension between agricultural investment objectives and securing tenure for small-scale farmers. These divergent interests have then contributed to the 'complexity, ambiguity and messiness' of the policy process (Wedel and Feldman 2005, p.2), which investigation is at the centre of this research. This complexity can moreover be explained through the inherently political nature of land tenure and the power dynamics linked to public policies.

1.4. Research objectives and questions

My motivation to analyse tenure security through a policy process stems from my previous professional experience acquired in the land tenure team of FAO from 2008 to 2013. I was closely engaged in the development and implementation of the Voluntary Guidelines on the Responsible Governance of Tenure. An overarching theme in these policy debates was tenure security. These experiences motivated me to examine further the notion and to analyse a policy process between global, national and local influences. I chose Madagascar as an example due to its preponderance in global debates and because of my previous exposure to the country through my Masters degree in geography from the University of Panthéon-Sorbonne, Paris 1.

With this motivation in mind, the key research question asks: *How has tenure security been conceived, practiced and maintained in land policy development and implementation processes in Madagascar?* This question requires disentangling how key policy ideas are conceived, operationalised and translated in practice, and exploring the dynamisms of land policy processes.

Through these examinations, I show the multidimensionality of the notion of tenure security. My argument is that seeing tenure security solely through one lens (for instance that of securing tenure through land registration) hides some of its more dynamic aspects related to authority, institutional, political, social and cultural relations, and to interaction between actors of local, national and global levels.⁴ Through these analyses, I also untangle the politics behind policy processes. My stance is that these processes are significantly impacted by everyday politics especially when one deals with an object such as land. These politics then impact the sources of tenure (in)security as well as influence prescriptions for securing tenure. I conclude that the combined focus on the multidimensionality of tenure security and the politics of policy processes can reveal hidden dynamisms that enhance existing and/or create new sources of tenure insecurity and that explain some of the failures of policies.

⁴ See Borras and Franco (2010) on similar criticisms of treating land governance and policies as matters of efficient functioning of administration that end up ignoring questions of political power recognition of rights, access to land, political economy and political change.

In order to explore the main research question, I ‘study through’ the Malagasy land policy process, attending to its framings, dominant ideas, practices, inclusion and exclusion of actors, power dynamisms, and results (see Keeley and Scoones 2003; Wedel and Feldman 2005). This is done at temporal and multilevel perspectives analysing interaction between actors at global, national and local levels, from the elaboration of the policy in 2005 to its consolidation in 2015 (see Keeley and Scoones 2003). I employ three main ideas to conceptually structure the work. First, I use the concept of policy narratives to observe how actors conceive tenure security and elaborate practices around it. Secondly, I employ the concept of assemblage to analyse how actors with divergent interests end up gathering around these policy narratives and practices as well as maintaining them in time and space. Thirdly, I rely on the concept of power to examine the dynamic interaction between actors in the policy process.

The research is qualitative, building on observations, event-ethnography, semi-structured interviews and document analysis. It is multidisciplinary, drawing from geography, political ecology, social anthropology and political science. I apply a nested research design bringing together the analysis of global, national and local levels. The global analysis concentrates on the intervention of international actors in the Malagasy land policy process and the links between the policy and international frameworks. The national examination looks at the conceptions of tenure security and power dynamisms in the development and implementation of land policy in Madagascar. The local study focuses on tenure security as everyday experience, the implementation of the policy and the enrolment of farmers in the process in one rural municipality. In data analysis, I pay attention to narratives in terms of what actors say, how, when and in which contexts (Riessman 1993; Gibbs 2007; Gubrium and Holstein 2009). The object is to give voice to the interviewed actors i.e. letting them tell the story of the policy process and tenure security. This finally entails that I take an interpretative stance towards the data.

1.5. Structure of the thesis

I have organised this thesis into nine chapters. This introduction is followed by a literature review on tenure security, overview of the key research questions and setting of the conceptual foundations of the research (Chapter 2). I then explain the research design, implementation and methodology (Chapter 3) before providing a contextual background to the Malagasy land policy (Chapter 4), which facilitates the reading of the empirical chapters.

Chapters 5 to 8 ‘study through’ the Malagasy land policy process, bringing forward empirical research findings. In Chapter 5, I analyse the conceptions actors have of tenure security in the 2005 and 2015 land policies and discuss how these have constituted a dominant policy narrative. In Chapter 6, I investigate the practices of securing tenure through which the policy, in the form of its dominant narrative, has been institutionally operationalised and translated on the ground. In Chapter 7, I focus on the local setting, taking the rural municipality of Ankazomiriotra as an example. This involves analysing farmers’ conceptions of tenure security and practices of securing tenure, and their subscription to the dominant policy narrative. In Chapter 8, I examine more in detail the assemblages of actors and power dynamisms that have emerged around the dominant policy narrative at the national level.

Finally, the Chapter 9 concludes the thesis. I synthesise the salient thematic points and discuss the theoretical, methodological and policy contributions of the research.

2. Theoretical foundations

I underlined in the introduction the various definitions of tenure security. The notion has been looked from the perspectives of social and institutional relations, the nature of tenure rights, actions to secure tenure and subjective perceptions of people. I also discussed how tenure security has become a buzz-word guiding the development and implementation of land policies. A range of social actors and institutions call for the importance of tenure security and are engaged in securing tenure, but with varied entry points, approaches and intentions. These global, national and local actors meet in the context of land policies.

In this chapter, I focus on three strands of literature to deepen the understanding of tenure security. I make a distinction between i) the sources and conditions for tenure (in)security that are linked to the politics of land; ii) the practices of securing tenure that rely on legal, administrative and technological solutions; and iii) the interaction between actors and institutions in a wider political context. I start by exploring the conditions for tenure security that I argue are influenced by authority, institutional, political, social and cultural relations. I continue by analysing literature that discusses state-led, decentralised and customary practices for securing tenure and the commonalities between them. I follow up by considering the connections between global, national and local actors intervening in the context of land policies and development interventions. This outlook is needed as a basis for further exploring the considerations of tenure security in and the politics of the Malagasy land policy process. I leave aside the direct considerations of the nature of tenure rights, perceptions of tenure security and outcomes achieved through tenure security, as these are either context-specific or irrelevant to this research. To explore the notion of tenure security, I draw on a literature on political ecology, social anthropology and political science with a thematic focus on land tenure, natural resource management and rural development in sub-Saharan Africa. This body of literature is apt for pointing out the multidimensional and political side of land tenure security.

The literature review leads me to outline the research gaps and core questions. I then discuss the disciplinary foundations of the research and finish by introducing the concepts constituting the theoretical backbone of the research. Overall, the research analyses how key policy ideas such as tenure security are conceived and translated into practice, and how actors interact around these ideas. The research entails disentangling the mechanisms that shape the considerations of tenure security and the dynamisms of the Malagasy land policy process by drawing from the concepts of policy narratives, assemblages and power. My main argument is that tenure security should be considered from a multidimensional perspective throughout the policy process in order not to enhance existing or create new sources of insecurity.

2.1. Sources and conditions for tenure (in)security

A first strand of literature reveals what I call the sources of and conditions for tenure (in)security. I take inspiration from Benda-Beckmann et al. (2006) who consider property regimes from multifunctional perspectives where they ‘cannot easily be captured in one-dimensional political, economic or legal models’ (p.2). Rather, the authors relate property to the political organisation of societies, sources of political power, the continuity of social groups, identities of individuals and groups, and religious meanings (Benda-Beckmann et al. 2006). This leads me to consider tenure security in respect to authority between people and institutions, wider social changes and state politics, social dynamisms between individuals, families and groups, identities and cultural belonging.

2.1.1. Authority and institutional relations

Definitions of the concept of property allow the recognition and enforcement of rights by social actors and institutions to emerge as conditions for tenure security. For instance, for MacPherson (1978) property is a claim to use or benefit from something that can be a right to a common resource or an individual right to a private thing. These claims need to be justified and enforced to be considered property rights (MacPherson 1978). Lund (2011) agrees, noting that what makes property rights different is their recognition by

other social actors. These can be politico-legal-social institutions such as communities, state structures or coercive organisations (e.g. mafia) (Palmer 1998) that enforce rights based on custom, convention, law, economic or political influence, and threat of force or violence (MacPherson 1978; Shipton and Goheen 1992).

Through the act of recognising and enforcing property rights and setting the rules of tenure, the institutions themselves gain authority in the eyes of the wider society (Sikor and Lund 2009). This can equally apply to people whose rights have been recognised and protected compared to those whose rights have not. The social actors and institutions can furthermore use this legitimacy to exercise control over natural resources and people, and structure spaces through processes scholars call territorialisation (Sikor and Lund 2009; see also Vandergeest and Peluso 1995). Gradually land becomes a political asset – a ‘territory to be controlled both for its economic value and as a source of leverage over other people’ (Berry 2009, p.24). This legitimate control exercised over land can furthermore provide political power for the commanding authorities (Benda-Beckmann et al. 2006) and constitute state power (Lund 2016).

A number of institutions recognising and guaranteeing tenure rights can exist in parallel (e.g. statutory and customary institutions). This institutional plurality might be affected by ‘contradictions and insecurity regarding whose rights count, whose will be supported in the event of contest, and which decision-making structures are paramount’ (Toulmin 2008, p.13). Some people might gain legally undeniable and state-enforced rights on land that have, however, been legitimately occupied by others under customary tenure systems, making it difficult to decide on which basis rights should be recognised (Lavigne Delville 2010). In such a situation, people might be encouraged to seek recognition and enforcement of rights from multiple authorities, on the assumption that the plurality of sources guarantees stronger rights (Broegaard 2009). Broegaard (2009) notes, however, that this can lead to some actors ‘shopping around’ to find the most favourable guarantee. In a much-cited example from Indonesia, Benda-Beckmann (1981) describes how parties of tenure conflicts relied on institutions with which they would have the most favourable outcomes (‘forum shopping’), but also the institutions manipulated disputes for their political ends or silenced disputes affecting their interests (‘shopping forums’). The practice of ‘forum shopping’ can furthermore create

inequalities between people, as some have access to institutions with authority, while others don't.

This institutional plurality is recurrent in sub-Saharan Africa, where there is tension between statutory state policies and laws, and customary ones managed locally, with varying degrees of state recognition. While the plurality exists in practice, some studies find it conceptually superficial because customary tenure systems have been strongly modelled by the interpretations and actions of colonial and post-colonial states (Berry 1997 and 2002; Peters 2004; Boone 2014). First, colonial and post-colonial powers have interpreted customary tenure systems by relying on European legal conceptions and language of rights, labelling them “communal tenure” as part of “customary law” (Whitehead and Tsikata 2003; Peters 2004; Benda-Beckmann et al. 2006). Second, customary tenure systems have been linked to wider state politics, for instance by placing chiefs and communities under central authority to mobilise the electorate and control land conflicts (Boone 2014). This observation has led Boone (2014) to challenge conceptions of state presence in rural sub-Saharan Africa as weak.

2.1.2. Societal evolutions and state politics

Societal evolutions and wider state politics linked, for instance, to the imperatives of global agreements, agricultural policies, environmental protection and changes in government can also influence the legitimacy and meaning of institutions guaranteeing tenure rights (MacPherson 1978; FAO 2002). Indeed, changes in the wider fabric of society might destabilise the position of a once-legitimate institution (Sikor and Lund 2009, p.19) and fluctuations in state policies influence concepts of legality and security (Bouquet 2009). Institutional competition, in particular, can emerge when land becomes an asset and its control becomes a source of political power (Toulmin 2008; Sikor and Lund 2009; Lund 2011; Boone 2014). Such competition can weaken pre-existing tenure rights (Boone 2014).

Such political changes may then entail that a tenure right recognised today might not be recognised tomorrow as the governing principles and rules of institutions evolve and fluctuate:

the right moment for pressing a particular claim depends on the contemporary political constellation of institutions that can recognize claims as valid. What constitutes a good claim at one moment may be less viable at another and may not resonate with what is generally or politically accepted.

Sikor and Lund (2009, p.7)

This explains, for instance, changes in the recognition of customary tenure rights in sub-Saharan Africa where, under some political systems these rights are considered legally valid and under others not. Similarly, a right recognised by one actor or institution (e.g. customary authorities) might not be recognised by another one (e.g. statutory land administration).

Societal evolutions and state politics can also lead to institutions losing their authority to validate rights. Sikor and Lund (2009) observe that ‘just as many people struggle to turn access claims into legitimate property, many are stripped of property rights to their possessions when the institutions that guaranteed them are weakened’ (p.19). In the light of these issues, a person seeking recognition of his/her claims should choose an institution that is legitimate and with a solid political, institutional and social position in time and space (Benjaminsen et al. 2008). This means that acquiring a position where rights are secured is not absolute (Boone 2014).

These studies underscore the importance of analysing the relations people have in regard to institutions guaranteeing their rights, examining the social and legal legitimacy of these institutions, and investigating the changes in the position of these institutions in relation to societal and political change. I will contribute to this knowledge through the examination of the Malagasy land policy process. The objective is to show how the land policy has changed (or not) authority and institutional relations, as well as how it has altered the legitimacy of some institutions. I also explore the impacts that these variations have had on tenure security.

2.1.3. Social dynamisms

In addition to being an institutional matter, tenure security is furthermore connected to social dynamisms that entail interaction between people, households and communities. Indeed, tenure security can be sought via interpersonal links (Goodwin 2013) and connected to broader social entities (Shipton and Goheen 1992). Observing tenure

relations in Ghana, Berry (1997) finds that tenure security is about processes of negotiation. She argues that the position of individuals in families, communities and society at large define the security of rights. Using an example from Zimbabwe, Fortmann (1995) argues that property rights are constantly renegotiated in a dynamic process of telling stories and building discursive strategies to defend one's position. For both Berry (1997) and Fortmann (1995), the audience and witnesses of narratives are important in legitimising and protecting tenure rights. These concepts join Rose's (1994) definition of property as something held together by common beliefs, understandings and culture. For her, narratives are ways to persuade people of the common good of property regimes, thus ensuring that they are adhered to. A sense of security is constructed within and between communities in dynamic processes of negotiation (Rose 1994).

While Peters (2004 and 2009) recognises that narratives and stories are used to justify tenure and that negotiations do take place, she questions the extent to which the ability to negotiate one's position is influenced by questions of class, race and gender, and conditioned by processes of division and exclusion within social groups. Case studies also relate tenure insecurity to inequalities in social position, wealth and power (Broegaard 2005; Ghebru and Lambrecht 2017). From these perspectives, insecurity is linked to power plays inside tenure systems that are not necessarily established around common consensual rules (Sjaastad and Cousins 2008). For instance, women might face impediments in customary tenure systems (Whitehead and Tsikata 2003). Some scholars argue in favour of allocating separate individual or group rights to women that are guaranteed by statutory systems (Agarwal 2003), while others underscore that regardless of these, women's rights continue to be mediated by social relations within broader contexts of marriage, household, kinship, custom and authority (see Jackson 2003, Whitehead and Tsikata 2003, Rao 2017). Blanc-Pamard and Fauroux (2004) illustrate this in relation to Western Madagascar, where village elders retain power over women and young people, taking decisions on common issues behind closed doors, even when apparently open and participatory discussions had been held earlier on.

From the point of view of this research, it is important to note that the power plays might be intensified by social changes, during the introduction of new authorities and when land is increasingly conceived as private property. Platteau (1996) observes that the

evolution towards formal private property can disturb social stability and create injustices (e.g. towards women) by empowering the already wealthy and powerful segments of society. Overall, he finds that the processes of registration of rights are vulnerable to manipulations and abuses of power creating new sources of tenure insecurity, especially for less influential right-holders (Platteau 1996). For instance, there is a risk that local leaders gain power by progressively starting to control land for which local people sought recognition after them (Benjaminsen et al. 2008) or by capturing land thanks to the possession of information and resources that allow them to act strategically (Sjaastad and Bromley 1997). Also, in the contexts of privatisation of rights and economic development, women might face disadvantages in buying land (Whitehead and Tsikata 2003) and are seen as dependents if patriarchal norms have revived (Rao 2017). It might be that men resist political and legal changes because they are concerned at losing their authority and respect (Leeuwen 2017).

These observations suggest that scholars should attend to social struggles and contentious relations in the examination of tenure security. They invite us to consider the potential winners and losers in tenure activities (Peters 2009) and note changes in the allegiance of people to different groups when resources become scarcer (Shipton and Goheen 1992). Nevertheless, it is worthwhile to keep in mind that the more powerful can also be subject to tenure insecurity if they are outsiders to the community and/or outside the dominant group controlling land allocation (Platteau 1996; Boone 2014). I explore this next.

2.1.4. Belonging and citizenship

Tenure security can also be analysed in relation to the sense of belonging of people to a certain community and in relation to the notion of citizenship. Lund (2011) finds that by establishing relations with an institution of public authority – be it a national or local one – people gain membership of and status within a certain community. This sense of belonging is essential, as the institutions allocate and define the rights of people, which in turn allows a sense of citizenship to emerge (Lund 2011). Belonging and citizenship can then be used to claim access to resources and to secure property, but the relation also works in the other sense, where property can strengthen claims of belonging and citizenship (Lund 2011).

People can claim belonging in terms of their past, origins and ancestry (Berry 2009). In Madagascar, for instance, land is linked to ancestors and ‘there exists a deep-rooted belief in the absolute land rights of the first cultivator of a land and his descendants’ (Evers 2013, p.127). Belonging to a village community is thus expressed as being descended from the founders of the village, possessing land and having a family tomb in the village (Omrane 2008) as a sign of family authenticity (Evers 2013). This sense of belonging furthermore guarantees security (Boué 2013).

When referring to belonging as a source of security, differences are quickly drawn between “us” and “them”. These nuances have been central in tenure disputes across sub-Saharan Africa opposing, for instance, autochthones (us) and migrants (them) (Blanc-Pamard and Fauroux 2004; Boone 2014). In reference to Madagascar, Evers et al. (2011) observe that ‘groups often claim autochthonous status using the rhetoric that their ancestors are buried on their family lands’ (p.111). Ancestral linkage and tombs as concrete symbols can then be used as arguments to claim land in situations of competition (Evers 2013). These oppositions can be furthermore constructed and reinforced by state policies and legislation on access to land and directed in favour of or against groups based on ethnic and indigenous divisions. Chauveau (2009) notes that such state intervention took place with the 1998 land law in Côte d’Ivoire, which made a distinction between ‘customary rights in conformity with tradition’ (allocated to autochthones) and ‘customary rights of third parties’ (non-autochthones, but citizens of Côte d’Ivoire).

As with questions of authority and social struggles, the positions of belonging and citizenship are constantly negotiated (Lund 2011). Indeed, conflicts over the meaning of belonging and citizenship have emerged with the value of land increasing and competition over land and authority becoming more common (Peters 2004; Berry 2009). Again, these conflicts might have been triggered by the evolution towards private property and registration of tenure rights. Peters (2004) argues that in such cases, the sense of belonging to a place has become a feeling of property belonging to someone. This in turn contributes to excluding people from land, such as those whose rights are considered secondary. Therefore, rather than enhancing security, these programmes might have created fear of dispossession and revived custom as a basis for legitimising rights (Berry 2009). The reference to custom might furthermore create or enhance

existing inequalities in terms of citizenship and in turn impact tenure rights. Lund (2011) notes that women, for instance, might have fewer citizenship rights and thus enjoy weaker rights to property than men. Therefore, when bound together, 'property and citizenship are central gate-keeping functions of any state; they engage the questions of who can have rights, and what rights can they have' (Lund 2011, p.75).

In this research, I consider tenure security to be influenced by authority, institutional, political, social and cultural relations between people, which are characterised by politics and power plays. I find that conceiving tenure security from these dynamic perspectives is important, especially when practices of securing tenure tend to centre around legal, administrative and technological solutions. For these practices of securing tenure, the dynamic relations between social actors and institutions, as well as the everyday politics of land tenure, have been side concerns. I discuss these practices in the next section.

2.2. Approaches for securing tenure

A second strand of literature has debated approaches and concrete practices for securing tenure by different social actors and institutions. Dominant approaches have favoured state-centred activities, while counter-proposals have considered customary authorities and decentralised institutions as best-suited for managing, governing and securing tenure rights, and additional ideas have tried to bridge the gap between them. What is common to all three is a quest for registering rights, gaining clarity over rights and governing processes as means for securing tenure (Bruce et al. 1994; Pélissier 1995; Toulmin 2008; Benjaminssen et al. 2008 etc.). These approaches could also be seen through three paradigms: i) orthodox, leading to border delimitation and property titles; ii) substitution that concentrates on the creation of alternative processes such as certification; and iii) adaptation that calls for a gradual approach considering customary rights and cultural representations (Colin et al. 2009; Rochegude 2011b). The extent to which the legal, administrative and technological practices are undertaken; the moment when and the context where these are relevant; the parties being recognised; and the tools and

technologies being used are still being debated. The evolution of these debates is explored here.

2.2.1. (State-led) registration of tenure rights

The dominant approaches centre around state-led reforms of land registration. States have traditionally been key actors in modelling and administering tenure systems as well as making them legible for development purposes (Scott 1998; Hall 2013). In sub-Saharan Africa, states often hold all rights to land on which they have allocated private property rights through registration that is consisted of legal recording and cadastral mapping (Colin et al. 2009). The registration of land has been part of states' modernisation efforts (Benjaminssen et al. 2008), leading to the transformation of legal systems, administrative structures and tenure relations (Hall 2013). It is thus an aspect of land reform and strongly linked to tenure security in dominant policy narratives (see Dickerman et al. 1989; Sikor and Müller 2009; Hall 2013; Pedersen 2016).

These approaches consider that the registration of land is necessary to gain clear and secure rights through which the potential of private property can be realised (Rose 1994). Rose (1994) describes this line of thinking as follows: 'if we want to reach that result of collective well-being [...] we need to have clear and secure property rights; the more valuable the resources at stake, the clearer and more secure the property rights should be' (p.3). Indeed, clear private property rights are considered to increase investment and productivity, activate land markets and open access to credit for the rural poor (Colin et al. 2009; Lavigne Delville 2010; De Schutter 2011).⁵

The quest for the registration of land as a means for securing tenure dominated the approaches of colonial and post-colonial authorities until 1990 (Benjaminssen et al. 2008). Its more recent resurgence is credited to De Soto (2000), according to whom private property rights, formalised by titles, would revive informal assets of people and raise them out of poverty. De Soto's ideas are rooted in neoliberalism and linked to the legal empowerment of the poor. According to Harvey (2005), neoliberalism sees unclear property rights 'as one of the greatest of all institutional barriers to economic

⁵ These approaches are called orthodox (Colin et al. 2009, Lavigne Delville 2010) or neo-utilitarian (Rose 1994).

development and the improvement of human welfare' (p. 65). These dominant approaches have nevertheless been criticised. Scholars started to question state-led land registration approaches in the 1980s and a new wave of criticism emerged as a response to De Soto's book.⁶ In general, scholars found that state-led reforms had failed to find support and adapt to local tenure systems and authority relations (Sikor and Müller 2009). Case studies have shown how registration projects introduced new sources of conflict, 'modernised' existing tenure insecurities and social inequalities, accentuated wealth differences, ignored secondary rights to land and in some cases reinforced state control over access to land (Jansen and Roques 1998; Benjaminssen et al. 2008; Toulmin 2008; Colin et al. 2009). The conceptual equivalences between registration and security of tenure, between registration and economic development, and between security of tenure, investment, credit and markets have also been questioned (Roe 1991; Sjaastad and Bromley 1997; Bromley 2008; Colin et al. 2009). For instance, Sjaastad and Bromley (1997) consider that the relation of tenure security to investment is reversed where investment in land (e.g. through improvements made to a parcel) can be a way for a farmer to show his/her commitment, to make a case in a context of litigation, and thus to improve tenure security. Furthermore, concerns have been raised about governance in contexts where states and legal frameworks are weak, costs of registration high, technical solutions complex and updating of records challenging (Benjaminssen et al. 2008; Toulmin 2008; Colin et al. 2009). Bromley (2008) notes 'what arrogance is required to presume that titles will fix, rather than undermine, long-standing fundamental social and economic relations' (p.26).

Despite the criticism and the extent of case studies on possible side effects, land registration endeavours and De Soto's ideas have gained popularity in the overall context of external pressure over land and with the emergence of green economy thinking, investment in agriculture and market-based approaches to environmental management. This recent resurgence is also visible in sub-Saharan Africa. For instance, some professionals see agricultural investments as an outright opportunity to promote the registration of land rights for the purpose of poverty reduction (Byamugisha 2013). Chouquer (2011) suggests that if land was subdivided into clearly defined properties and

⁶ Critical views of registration have been presented in a special issue of the Land Use Policy (2008) that challenges De Soto's approaches and records experiences on registration. In francophone circles, a book on registration was edited by Colin et al. in 2009.

legally guaranteed, it would be more complicated to allocate to investors and thus protect the rights of farmers. Indeed, investors would be obliged to negotiate with a wider audience of farmers in opposition to a single state authority, and by doing so would become more aware of the geographical and social realities on the ground. Securing tenure through legally-recognised private property could thus constitute a local counter-power. (Chouquer 2011) Nonetheless, whether conducted to reduce poverty or as a means of protecting rights, some scholars have cautioned against the most recent registration programmes and the risk of them becoming yet another means for outside actors to gain power at the expense of tenure rights of local people and their autonomy of managing land (German et al. 2017).

The difference now is that professionals promote cost-efficient ways for registering rights and modernising land administration systems (see Lemmen 2010; Byamugisha 2013). Some people promote ‘pro-poor’ or ‘fit-for-purpose’ solutions where the registration of rights is based on simple, low-cost administrative activities adapted to local contexts (Zevenbergen et al. 2013; Enemark et al. 2014). These solutions use the latest technological tools such as satellite images, hand-held Global Positioning System (GPS) devices, smartphones, drones etc. They seek to involve both land administration professionals (for instance surveyors) and local communities (see Lemmen 2010; Enemark et al. 2014) and may become more elaborate with time (Zevenbergen et al. 2013; Enemark et al. 2014).

These ‘pro-poor’ solutions are furthermore linked to an approach of a continuum of rights. It considers that tenure rights evolve from informal to formal with different sets of rights, responsibilities and degrees of security being involved (UN-Habitat and GLTN 2008; Barry and Augustinus 2016). The idea is that ‘improving tenure security using a progression of different tenure types (...) until land holders acquire a form that best suits their needs in the long term is more likely to succeed than a grand, sweeping titling programme’ (Barry and Augustinus 2016, p.xiv). While these solutions and approaches aim to be flexible and adapted to local contexts, rather than involving states as the main actors, they still entail registration of land and consider tenure security to be a legal and administrative matter.

2.2.2. Recognition of customary rights tenure rights, and decentralised and community-based approaches

From the 1990s onwards, solutions for securing rights were also sought via legal recognition of customary rights and systems, as well as via community-based and decentralised approaches (Benjaminssen et al. 2008; Colin et al. 2009; Knight 2010; Rochegude 2011b). To justify the legitimacy of customary tenure systems, scholars and activists underscored their flexibility and broke down conceptions according to which they would hinder, for instance, the modernisation of agriculture (Peters 2004). The objective was to reconcile the legality and legitimacy of rights by giving more space to recognise those that are locally legitimate (Rochegude 2011b). In addition to recognising and registering customary tenure rights legally, states started to devolve land governance and management responsibilities to local institutions.

A distinction can be made between community-based and decentralised approaches (Blanc-Pamard and Fauroux 2004). In the first, communities are either customary or assembled for a certain purpose. The allocation of responsibilities relies on the assumption that a 'property does not have to be individually owned to be efficient; instead, communities can govern common property on the basis of common norms' (Rose 1994, p.5). Local populations are considered best placed to manage natural resources (Bertrand 1998). In francophone Africa, approaches in this sense have varied from *gestion des terroirs* (Blanc-Pamard 2002) and *mediation patrimoniale* (Babin and Bertrand 1998; Karsenty 1998)⁷ to *plans fonciers ruraux* (local land use plans) (Lavigne Delville 2009; Rochegude 2011b). Yet, in some cases, states retain control over land instead of allocating all responsibilities to communities (Sikor and Müller 2009). In the second, land administration responsibilities have been decentralised to local governments that register rights at individual, households or village levels (see Deininger et al. 2008 on Ethiopia; Teyssier et al. 2009 on Madagascar; Pedersen 2016 on Tanzania; Leeuwen 2017 on Uganda). These actions often take place within the broader government policies to decentralise public administration (Byamugisha 2013).

⁷ An example of this is the law *Gelose* (*Gestion locale sécurisée des ressources naturelles renouvelables* – secured local management of renewable natural resources) in Madagascar, under which legal and institutional arrangements transfer management of natural resources (e.g. forests) to local communities, based on negotiations between local communities, local state authorities (municipalities) and central state (Babin and Bertrand 1998; Weber 1998 and 2000).

Sometimes the decentralised forms of registration follow local norms where people had written down transactions and exchanged documents to prove ownership and manage tenure relations (Lavigne Delville and Mathieu 1999; Teyssier et al. 2006; Toulmin 2008; Teyssier et al. 2009). These documents are called *petits papiers* in Madagascar. Nevertheless, decentralised actions are not uniformly implemented. As noted by Ribot et al. (2006) ‘while some elements within the state pursue decentralization policies, others find their interests better served by resistance to decentralization’ (p.1881). This suggests that some segments of the state have an interest in retaining control over land rather than devolving it.

2.2.3. Adapting approaches to the sources of tenure (in)security

The above review demonstrates how state-led and customary, community-based or decentralised approaches have been in opposition to each other. Yet, Sikor and Müller (2009) remind us that they are related to each other and should not be seen in binary opposition. Indeed, scholars started to bridge this gap by observing the progressive evolution of customary tenure systems towards a greater individualisation with population growth, development of markets and commercialisation of agriculture (Bruce et al. 1994; Platteau 1996; Lavigne Delville 2010). This made Bruce et al. (1994) call for a new paradigm called adaptation, in which legal and administrative frameworks support the evolutionary change in customary law, recognize the customary forms of tenure and clarify the legal status of these various systems. Legal recording and cadastral surveys could be done cost-effectively at the most suitable moment (Bruce et al. 1994), when customary institutions are not able to secure tenure or are absent (Platteau 1996, Fitzpatrick 2005; Colin et al. 2009) or should be justified by frequent conflict over, and potential high value of, land (Colin et al. 2009).

Fitzpatrick (2005) developed these ideas further, proposing that the solutions for securing tenure could be adapted to sources of (in)security: when tenure security is not endangered there is no particular need for state intervention; when encroachment by outsiders takes place the demarcation of group boundaries could be considered; when communities increasingly deal with outsiders there is a requirement to develop proper agreements; and when tenure insecurity persists inside groups, state enforcement of individual rights could be considered. Hence, while local recognition can suffice when

there is no external pressure over land, state recognition becomes important when the outside value of and interest in land increases (Toulmin 2008).

These proposals, however, don't fully consider the authority, institutional, social and cultural relations elaborated in section 2.1. To address these gaps, Sikor and Müller (2009) underline that reforms need to be 'responsive to the variety of property arrangements on the ground' and recognise the multiple sources of authority that sanction rights to land (p.1312). Rochegude (2005) invites us to go beyond ideas of registration recognising the rights to act on something (*droit d'agir*) and attending to social processes through which tenure relations are dealt with. Sjaastad and Cousins (2008) propose a shift of attention towards the 'institutional arenas in which negotiations take place and power relations assert themselves' (p.7). Moreover, Bouquet (2009) argues in favour of exploring the nature and implications of institutional pluralism in securing tenure rights and assessing tenure security from the perspective of up-stream actions (policies, discourses, motivations) and down-stream mechanisms (administrative processes of registration, titling etc.). Finally, she calls for the consideration of the histories of places and the temporalities of tenure security (Bouquet 2009). These more politically, socially and culturally sensible ideas inform my analysis of the Malagasy land policy.

2.2.4. Common features

The three approaches discussed above all entail a certain degree of legal recognition, recording of rights and mapping or surveying of land. As a result, titles/certificates and maps are produced with the purpose of clarifying who holds what and where. These are not, however, neutral devices and can be used for purposes other than securing tenure. Also, the registration of rights requires setting up a system to administer the relevant records and governing these processes to ensure tenure security. Indeed, the records and maps can serve diverse interests and their production involves a range of people and institutions with different powers. In critical development literature, authors talk about 'inscription devices' (e.g. titles, maps, satellite images) used by states to assemble land as an investable resource (Li 2014), to manage environments and to ease state functioning (Scott 1998). Scott (1998) suggests that with titles, customary practices are reduced to a transferrable title, and with cadastral mapping agrarian systems are

simplified into homogenous representations of parcels. When the information on the owner (title) is linked with the location on the map (cadastre), states can levy tax, meaning that land information becomes an inherent part of state construction (Scott 1998). This links to earlier discussions in section 2.1 on how the control of land is constitutive of political and state power (Benda-Beckmann et al. 2006; Lund 2016). While Scott (1998) and Li (2014) provide descriptive and prescriptive powers to titles and maps, Fogelman and Basset (2017) invite scholars to pay more attention to the procedural side of map-making that involves a range of actors with their own interests. For them, the influence that each actor has on the process of map-making give the maps their power (Fogelman and Basset 2017).

Neither the recording of rights nor the mapping of land are reserved for state actors. CSOs and local communities have undertaken ‘counter-mapping’ to ‘bolster the legitimacy of “customary” claims to resources’ (Peluso 2005, p.273), applying the same techniques of cartography and modes of representation of space (linear boundaries and territories) previously used by states (Walker and Peters 2001; Peluso 2005). However, ‘counter-mapping’ comes with risks. First, technologies that remain out of reach of communities are used, requiring the dependence on outside actors (Peluso 2005). Second, competing and overlapping maps and surveys are easily created, complicating the understanding of local realities and open spaces for locally-illegitimate claims to be made by more powerful actors (Neville and Dauvergne 2012). Third, there is a risk of freezing dynamic social tenure relations, obscuring seasonal and rotational land uses (e.g. pastoralism), and questioning *de facto* access to land (Walker and Peters 2001; Peluso 2005).

It is important to note in relation to Madagascar that the recording of rights and mapping of land, at whatever level, requires setting up a system to administer, conserve and update the relevant records. The operation of such a system, as well as the guarantee of the symmetry and availability of information, are furthermore constitutive of legal and administrative tenure security (Simbizi et al. 2014). As explained by Roehgude (2005), securing tenure in these circumstances would require users to rely on the land administration system, and the system itself needs to monitor the administrative processes and manage data. In policy debates, attention has started to be paid to the governance of processes beyond the simple administration of rights. Palmer et al. (2009)

define land governance as ‘the rules, processes and structures through which decisions are made about the access to land and its use, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed’ (p.9). Problems of governance are considered to subsist both in statutory and customary systems and emerge especially when the value of land increases and new powers over land are acquired (see Ubink and Quan 2008; Palmer et al. 2009; Hodgson and Schroeder 2002). This recent focus on governance thus brings the operational debate closer to the everyday politics of tenure relations and its impacts on tenure security as explored in section 2.1.

The literature in this section is based on a critical outlook of the dominant, counter and alternative approaches that exist on the registration of land and their links to tenure security. Understanding these is important to be able to situate the Malagasy land policy in context. Also, the approaches and practices adopted influence the way in which the authority, institutional, political, social and cultural relations affecting tenure security are considered. They also indicate probable sources of tenure (in)security that might emerge with the implementation of policies.

2.3. Dynamic interaction between actors at global, national and local levels

In the two previous sections, I showcased how the conditions for tenure security are influenced by authority; institutional, social and cultural relations; and how legal, administrative and technological solutions to the problem of securing tenure have been sought. A constant element is the interaction between social actors and institutions. Tenure relations are played out inside families, between neighbours, among and between communities, and inside decentralised and state jurisdictions.

In this section, I analyse a third strand of literature focusing on the connections between social actors and institutions in the context of policies and development interventions. These actors are situated at different levels. I consider tenure security as an element in a

development interplay where, alongside states, a range of global, national and local actors have gained authority and sometimes state-like characteristics, started to negotiate interests on land, and influenced the configurations of local spaces. On a meta-level, we can therefore question whether the appearance of new actors is a counterbalance to state powers bringing in diversity and representing more local views and knowledge (Scott 1998) or a demonstration of the disengagement of states where a range of civil society actors fill in the gap states have left (Harvey 2005). We can also analyse changes in local power relations (see e.g. Olivier de Sardan 1995), examine the margin of action left for local actors, whether through democratic processes, contestation or resistance (Li 2014) and research the relationships between actors of all levels (Pedersen 2016). I look at these issues and their influence on tenure security next.

2.3.1. Multiplication of actors and competition over authority at the local level

The policies and development interventions, whether state-led, decentralised or community-based, open rural spaces for the engagement of new institutions, social actors and intermediaries (Bierschenk et al. 2000; Fauroux 2002b). These can be existing local organisations and authorities gaining responsibilities, agents through which development institutions attempt to implement projects, and intermediaries or brokers that work between projects and local people (Olivier de Sardan 1995; Bierschenk et al. 2000; Mosse 2005; Andriamahefazafy et al. 2007).

The community-based and decentralised approaches tend to generate competition between central state and local institutions. Indeed, opportunities are offered for the local decentralised and non-state institutions to establish, consolidate and reconfigure their authority over land and redefine rules of tenure (Leeuwen 2017). In this process, they can become state-like institutions not only questioning state power but also changing people's ideas about the state (ibid.).

At the local level, a number of individuals interact at the interface between the policy-making levels, development projects and end beneficiaries. First, Olivier de Sardan (1995) identifies development agents directly engaged in project activities, playing a double role of awareness-raising (promoting both policy ideas and technical knowledge) and mediation (merging policy ideas and technical knowledge with local concepts to

find the best possible outcomes for their projects). This double role requires an ability to speak ‘different languages’ (e.g. the policy/project jargon and the local language) in order to translate the divergent ways of seeing things, but also a capacity to manage power dynamisms between actors at various levels (Olivier de Sardan 1995). Second, Olivier de Sardan (1995), Bierschenk et al. (2000) and Mosse (2005) talk about brokers, such as local actors (e.g. leading farmers) representing people and translating their demands in different institutional languages, seeking financial and operational support. They can also attract local interest in projects and gain approval for project activities from local authorities (Bierschenk et al. 2000), thus reinforcing their own position in local society (Olivier de Sardan 1995). This can generate rivalries with authorities and customary leaders and thus fragment the constituencies of local powers (Bierschenk et al. 2000; Blanc-Pamard and Fauroux 2004; Bennett et al. 2013).

Clearly, these actors shape the authority and institutional relations discussed in section 2.1 and impact the conditions for tenure security. They also play a role in bringing the practices of securing tenure to local spaces, as seen in section 2.2. Furthermore, they can participate in communicating local experiences in securing tenure to national and global levels where these insights inform the elaboration of policies and the development of guidelines. Indeed, these actors can be linked to wider global dynamisms, explored next.

2.3.2. Transnational character of land

In the contemporary development scene and when external interests in land emerge, tenure security is not only a question of power relations inside and between households, communities and states, but has a transnational dimension as well (Peluso 1993; Peters 2004; Chouquer 2011; Hall 2013; Boone 2014). The transnational character of land can be seen in state efforts to control land across their borders, transnational actors influencing land governance and policies, and states and corporations seeking to control specific pieces of land (Hall 2013). Land can be assembled as a global resource (Li 2014) and some legal forms of its appropriation transferred to global levels (Chouquer 2011).

These transnational dynamisms are susceptible to changes in tenure relations where land and its use are fixed in a given space, but their governance and management debated elsewhere (Chouquer 2011; Hall 2013). This also entails that the control and authority

over land are de-territorialised (Margulis et al. 2013). Peluso and Lund (2011) talk about ‘new frontiers of land control’ that challenge past authorities, produce new conditions for resource rights, and shift *de jure* and *de facto* control of land. In these contexts, disputes over the control and authority over land are equally exercised by an increasing number of parties going beyond single property boundaries, taking place at a vast distance from the land under discussion (Margulis et al. 2013). They become contestations over the norms, rules, discourses and institutions of the production regimes (ibid.).

These mechanisms persist today, especially in relation to agricultural investments and ‘green grabbing’ that can in some cases ‘involve the wholesale alienation of land, and in others the restructuring of rules and authority in the access, use and management of resources’ (Fairhead et al. 2012, p.237). Madagascar is a prime example of a country where these dynamisms play out. It has attracted global attention due to its biodiversity, endemic species and environmental challenges (Duffy 2006; Blanc-Pamard et al. 2012) as well as a perceived availability of land where only 1.5 percent of all agricultural is under permanent crops, 8.5 percent of agricultural land is arable and the remaining 90 percent meadows and pastures (FAO STAT 2016).

The Malagasy conservation sector has become a playing field for IGOs, donors, technical operators, global NGOs, newly-created government agencies and development workers (Horning 2008) that have adopted state-like characteristics (Corson 2016). In such situation, the state plays a role of a nodal point in a wider multi-centric network and is described as a ‘stakeholder’, ‘participant’ or ‘partner’ among other actors (Duffy 2006). This has entailed an end to the state monopoly and public action over the control and management of natural resources (Blanc-Pamard et al. 2012). Rather, external organisations have decided ‘what the Malagasy environmental problem is’ and defined ‘the best way to tackle the problem’ (Duffy 2006, p.738).

In the agricultural sector, the presence of external investors has raised global concerns of states expropriating land from farmers by relying on or going against existing legal frameworks and then passing this land to investors (De Schutter 2011; Rochegude 2011a; White et al. 2012; Broegaard et al. 2016; Burnod and Andriamanalina 2017). In Madagascar, the legal prerequisites of the 2005 land policy should protect land

appropriated by farmers and enable them to directly negotiate with investors, rather than the investors passing through the state (RocheGude 2011a) or relying on local and state authorities to secure their access to land (Evers 2011; Burnod et al. 2013). Yet, this local ‘autonomy’ has remained theoretical (RocheGude 2011a; Chouquer 2011). This is demonstrated through the cases of the South Korean Company Daewoo and the Indian Company Varun International, to whom President Ravalomanana promised respectively 1.3 million hectares (Daewoo) and 200,000 hectares (Varun) of arable land (Teyssier et al. 2010; Andrianirina-Ratsialonana et al. 2011; Burnod et al. 2013).

These and other agricultural investments projects have nevertheless struggled to sustain themselves in Madagascar. Some scholars attribute these challenges to the overall investment environment (Andriamanalina 2014a). Some case studies demonstrate that transnational activism has contributed to the withdrawal of planned investment projects since 2009 (Gingembre 2015). Other authors argue, however, that it has been about internal power plays for instance, in the Daewoo and Varun cases, against President Ravalomanana, rather than ideological opposition to large-scale agricultural investment (Wolford et al. 2013) or contestations over the rules and norms of land governance (Margulis et al. 2013). In fact, the parallel political uprising used the selling of ancestral lands as an argument against President Ravalomanana (Andrianirina-Ratsialonana et al. 2011) and the fall of his government generated international attention to the Daewoo and Varun cases, which could have passed unnoticed otherwise (Andrianirina-Ratsialonana et al. 2011; Wolford et al. 2013).

2.3.3. States seeking to control land

The above examples underline how land and natural resources have attracted attention beyond the local and national levels. However, states remain key players trying to regain control over land and sometimes using transnational influence for their own benefit. In 1993, Peluso showed how states used the global objectives of conservation to enhance their control over land and resources, at the expense of local resource users. Wolford et al. (2013) highlight that states are indeed active in negotiating agricultural investment deals and associating themselves with a range of actors. Pedersen (2016) notes that some states might regret previous decentralised policies that gave control of land to local governments, trying to take it back now that land has become a global good. However,

states are not uniform structures: competition, policy discordances and power plays exist inside them (Wolford et al. 2013). Some segments of the state might be working in favour of pro-poor land policies, building allies within the wider society to implement changes (Borras and Franco 2010). Other segments might instead have conflicting interests, for instance, claiming back authority over the access to land (Borras and Franco 2010; Burnod and Andriamanalina 2017).

These observations are relevant to Madagascar and followed throughout the research. In fact, the 2005 land policy ended state control over all land by legally recognising local appropriations and uses. Regardless of this policy, the central state tends to consider land as its own and something it can freely control and allocate to investors (Chouquer 2011). The endeavours of the central state are backed up by the investment law of 2007 that foresees a facilitation role for the state in private sector-driven development (Republikan'i Madagasikara 2008). This showcases the tension between policies seeking to enhance tenure security of local people through registration of land, and policies and behaviour of the central state favouring investment to satisfy its neoliberal development objectives (Pedersen and Buur 2016).

The literature relevant to this section considers the complex net of interests and interactions that exist at and between global, national and local levels. The underlying interests of actors can explain some of their adopted strategies and expose the dynamics around the Malagasy land policy. I contribute to this literature by examining the influence of these interests and interactions on tenure security, and on the authority actors and institutions hold over land.

2.4. Research gaps and questions

The above literature review explored the multidimensional nature of tenure security. I first discussed tenure security in relation to authority and institutional relations, societal evolutions and state politics, social dynamisms, and belonging and citizenship. Underscoring these aspects is important when the usual practices for securing tenure revolve around legal, administrative and technological solutions that undermine the

dynamic sources of and conditions for tenure (in)security. Through the second strand of literature on securing tenure, I demonstrated that a dominant approach is centred around the registration and mapping of tenure rights by central states, while counter-proposals encourage decentralised and community-based approaches. Additional ideas have tried to bridge the gap and propose to register customary rights when the needs and moments are appropriate. Yet, these debates on practices of securing tenure have rarely created a link between the examination of the sources of and conditions for tenure (in)security. Furthermore, little attention has been paid to tenure security at the interface of global, national and local levels. To explore these, I focused on a third strand of literature looking at the intervention of social actors in the context of public policies and development interventions. These actors can be representatives of governments and state institutions, global and national NGOs, private players or intermediaries of different sorts. They have their own conceptions of tenure security and practices for securing tenure. Furthermore, power dynamics between the actors are liable to influence the conditions for tenure security, and the development and implementation of public policies.

In this research, I bring these three strands of literature together. This enables my thesis to respond to research gaps by linking conceptions of tenure (in)security to practices of securing tenure, and by highlighting the interaction between social actors located at global, national and local levels. Such connections pay attention to power plays and everyday politics that I consider intrinsic constituents of tenure relations. The objective is to shed light on the conception of key policy ideas, to examine their translation into practice and to unravel the dynamics of policy processes. Such investigation reveals factors and mechanisms that shape the considerations of tenure security in a policy process such as that of the Malagasy land policy.

The main research question asks: *How has tenure security been conceived, practiced and maintained in land policy development and implementation processes in Madagascar?* This overall question is divided into three sub-questions:

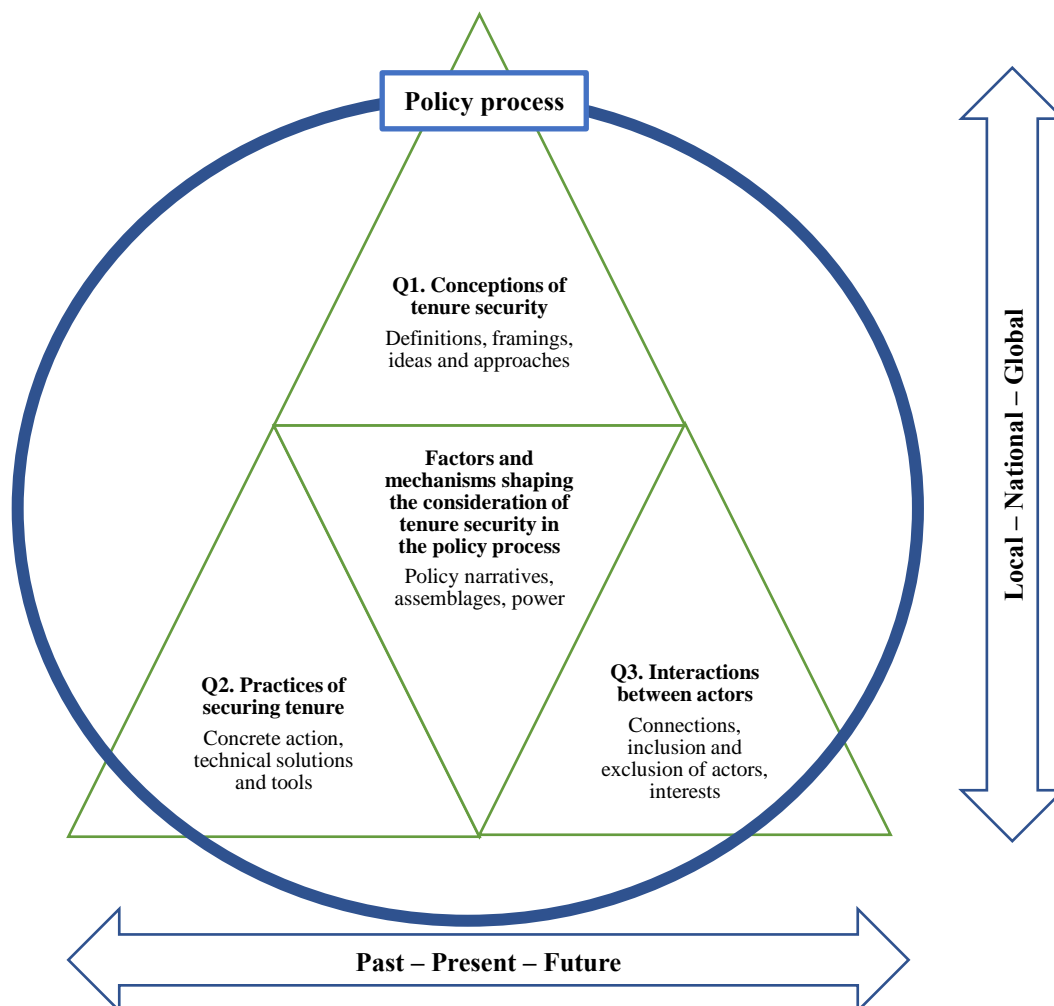
Q1: How different actors conceptualise tenure security?

Q2: What practices of securing tenure have different actors adopted?

Q3: What interactions exist between actors and around which interests?

These research questions entail ‘studying through’ the policy process from its ideas, prescriptions and programmes to those impacted by them (Wedel and Feldman 2005, p.2). I follow the example of Keeley and Scoones (2003) who invite us to analyse policies in terms of their framings, dominant ideas, practices, inclusion and exclusion of actors, and power dynamics. By relying on a conceptual framework of policy narratives, assemblage and power, I can also explore factors and mechanisms that shape the considerations of tenure security in the policy process (see section 2.6). These investigations consider change over time, and connections across levels and sites of policy-making (Keeley and Scoones 2003). The multilevel nested perspective entails examining, for instance, how local practices borrow elements from global framings and ideas that have in turn been informed by local experiences (Keeley and Scoones 2003; Tsing 2005) and analysing the role of mediation played at the national level (Brosius 1999). This link between the questions and concepts is visualised in Figure 2.1.

Figure 2.1. Structure of the research



I conclude that analysing tenure security in relation to a policy process that brings together conceptions, practices and interaction between actors will reveal its multidimensional nature and underscore the influence of politics on such processes. As suggested in the literature review, this multidimensionality constitutes: i) authority, institutional, political, social and cultural relations; ii) legal, administrative and technological practices of securing tenure; and iii) interaction between global, national and local actors. The politics in turn stem from the inherent characteristics of land: the diverse representations people make about land, the importance of land for livelihoods, the link between land and social and cultural identities (and power), and the preponderance of land in philosophical and technical debates (Shipton and Goheen 1992; Benda-Beckmann et al. 2006; Li 2014). My main thesis is then that the possible oversight of the multidimensionality of tenure security and the politics of policy processes can intensify existing or generate new sources of tenure insecurity as well as lead to policy failures, in the face of the intended outcomes of public policies. The research then contributes to a literature on the politics of land (see e.g. Shipton and Goheen 1992; Berry 2002 and 2009; Peters 2004; Benda-Beckmann et al. 2006; Sikor and Lund 2009; Boone 2014; Li 2014). By presenting concrete findings from Madagascar, I demonstrate what policies and reforms do in practice (Sikor and Müller 2009). The research also builds a discussion with political ecology and social-anthropology literature. Through the Malagasy example, I show the ambiguities of development interventions and public policies as well as demonstrate how these are elaborated, implemented and maintained (see Wedel and Feldman 2005; Li 2007; Corson 2016; Lavigne Delville 2017a). This deconstruction of the Malagasy land policy from the angle of tenure security then underscores that the blueprint solutions of recognition and registration of tenure rights are reductive, and that tenure security should be considered through wider perspectives (see Roe 1991).

2.5. Disciplinary foundations of the research

This research approaches tenure security from a constructivist perspective, assuming that knowledge and reality are produced by social actors through interaction and a variety of social influences such as language, history and overall cultural contexts

(Forsyth 2003). I further analyse the way these social interactions co-construct narratives (Forsyth 2003). I bring the knowledge of social actors, presented in the form of narratives, to the forefront, taking an interpretative stance to my data (see Chapter 3 on methodology).

The research is interdisciplinary. While my background is in development geography and political ecology, in this research I also draw from social anthropology and political science. I consider these perspectives beneficial to examine a multi-faceted subject such as land tenure where social (actors, interaction) and environmental (land, resources) elements are linked. It equally adds value to an analysis of a policy process by revealing its complexities and power dynamics.

From this interdisciplinary perspective, geography informs the relations people establish with their environment. These relations contribute in constructing territories and structuring discourses and action. (Pumain 2006) Political ecology then focuses on power relations between resource users and their broader political and economic contexts (Gezon 2006). Social anthropology enables an analysis of the interaction between social actors that represent different cultures and sub-cultures. It permits us to examine the constraints actors face and the strategies they deploy. It further describes the representations and meanings groups mobilise when interacting with each other, and also studies their transformation (Olivier de Sardan 1995). Finally, by drawing on political science, attention is paid to the ‘political aspects of social relations’ and ‘the distribution, exercise and consequences of power’ (Hay 2002, p.3).

2.6. Conceptual framework

The conceptions of tenure security, the practices of securing tenure and the interactions between actors are investigated in relation to the Malagasy land policy, which is the main object of analysis. I consider the Malagasy land policy a dynamic process that introduces changes and enters in a context of ‘development’ (see Olivier de Sardan 1995; Grillo 1997). The dynamism of the process means that its conceptions and practices are continually formed, contested and negotiated through social interaction (Long 1992b;

Corson 2016), which takes place in multiple institutional arenas or sites (Leftwich 2004). This dynamism can lead to situations in which the policy has unplanned consequences and side effects (Long 1992c).

The policy process brings together a myriad of institutions and social actors with their knowledge, practices, interests and resources (Long 1992a; Olivier de Sardan 1995). The agency and power of these actors is dependent on the social networks to which they are linked (Long 1992b) and the structural constraints imposed on them (Clever 2003). These social networks can influence policy aims, conceptions and practices as well as encompass resources used to defend and create political spaces (Long 1992c). In this research, I consider these networks as assemblages where actors that might have different ways of seeing and doing things come together and gather around policy narratives and practices because they have a common goal (Li 2007). Some of the actors are equally linked to a range of assemblages, sometimes acting as brokers between them (see Olivier de Sardan 1995; De Landa 2006; Kumar 2014). These social actors can be individuals and organisations involved in policy development and implementation at global, national and local levels, people benefitting from or affected by the policy, and intermediaries of different sorts intervening between the policy sphere, projects and the ground. To provide a solid theoretical grounding for this line of thinking, I moreover draw from the concepts of policy narratives, assemblages and power as discussed below.

2.6.1. Policy narratives

The ‘studying through’ of the Malagasy land policy process entails identifying framings and dominant ideas around which the policy is formulated. I consider that a diversity of perspectives on complex issues and different ways of seeing the world are combined in the policy context with the objective of creating common conceptions, to give meaning to social and physical realities and to establish more coherent framings (Fortmann 1995; Hajer 1995; Dryzek 2013). These constitute storylines and narratives on social reality (Hajer 1995). Policy-makers, bureaucrats and practitioners use these narratives to reduce uncertainties and ambiguities (Roe 1991; Mosse 2005).

The constituted narratives can maintain moral communities, validate action and reinforce one’s position in political debate (Fortmann 1995; Forsyth 2003). They also

reflect created coalitions and roles cast upon certain actors (e.g. heroes, villains and victims) (Hajer 1995; Adger et al. 2001). The narratives can end up creating apparent ‘truths’ and ‘facts’, establishing knowledge and received wisdom, dominating thinking, being translated into institutional arrangements and determining the frames under which people are allowed and able to act (Fortmann 1995; Leach and Mearns 1996; Adger et al. 2001; Forsyth 2003). They can become hegemonic stories (see Goldman 2005) that persist, regardless of empirical evidence (Roe 1991). Roe (1991) illustrates the persistence of certain policy narratives through an example of the ‘tragedy of the commons’:

Policy makers resort to the tragedy of the commons model in order to understand what is going on and what must be done in lieu of more elaborate and demanding analysis, particularly when such analysis leads only to doubts and uncertainties about just what the story is behind rural resource utilization.

(p.290)

I follow this line of thinking, considering the diversity of conceptions made of tenure security and analysing how these are brought together to constitute policy narratives. I examine how narratives are established, translated into practice and become dominant in the context of the Malagasy land policy. I attend to the ‘sites and spaces where dominant structures get constituted’, consider how ‘people try to subvert’ them, discern ‘the political openings’ and analyse from ‘where alternatives arise’ (Goldman 2005, p.24-25). I identify a dominant policy narrative but also explore counter and competing ones that alter and contest the dominant narrative (Roe 1989, 1991 and 1994). The dominant and counter-narratives belong to ‘complex, multi-participant and multigroup’ assemblages (Roe 1994) and the different weight given to them depends of their access to economic and political power (Roe 1989).

Overall, the examination of policy narratives is also a way to explain different actor positions and render some of their interests and choices more readable (Lavigne Delville 2009). It informs the structures and dynamics of policy debates (ibid.) that are also investigated by relying on the concepts of assemblage and power.

2.6.2. Assemblages of actors around policy narratives

Furthermore, I examine the Malagasy land policy process by relying on the concept of assemblage, enabling us to picture interactions between social actors gathering around

policy narratives and practices and to recognise the existence of their different motives, and explaining ‘why orders emerge in particular ways, how they hold together, somewhat precariously, how they reach across or mould space and how they fall apart’ (Müller 2015, p.27).

An assemblage is defined as an entity constituted from the interaction between people and characterised by its expressive (enunciations and signs) and content-related (actions and passions) elements (Deleuze and Guattari 1980; De Landa 2006). It can be either a loose and heterogeneous network of actors, or an internally coherent one with clear boundaries and identities (Deleuze and Guattari 1980; De Landa 2006; Kumar 2014). The interactions between people not only take place inside the assemblage, but also towards its exterior (Müller 2015). This means that the same actor can be part of multiple assemblages, adopt diverse positions in each and use all available opportunities for new connections (De Landa 2006; Kumar 2014). The interactions of actors towards those outside the assemblage furthermore impact and shape its characteristics (Müller 2015).

What maintains the assemblage is a common motivation. This is well demonstrated by Kumar (2014) with an example of social mobilisation against a mining project in India that brought together a diverse set of actors. The common denominator for collective action between them was their opposition to the project. These actors were not otherwise interacting and their reasons to oppose to the mining project also diverged. However, through the assemblage the actors were more powerful than if they had acted alone, but this required flexibility and negotiating positions. Coming together also increased the number of strong and weak links established with other entities, such as state administration, which gradually provided new interactions.

Scholars using the concept attend to the processes of making the assemblage – the processes of gathering, coherence and dispersion of actors (McFarlane 2009) as well as the processes of holding the assemblage together – the logics, practices and relationships of actors (Allen 2011). Hence, the focus is on the social processes that create and maintain the assemblage (Li 2007; McFarlane 2009; Davies 2012). Li (2007) has investigated these processes in relation to community forestry in Indonesia. For her, the ideas of community forestry have been created and hold together as a means of environmental management through six practices of assemblage, regardless of the

existence of opposing visions and positions:

- *forging alignments*: linking together the objectives of the various parties involved in the assemblage
- *rendering technical*: making sense so that an intervention developed as a response to a problem produces beneficial results
- *authorizing knowledge*: defining required bodies of knowledge, confirming enabling assumptions and covering emerging critiques
- *managing failures and contradictions*: making failures to look rectifiable and contradictions superficial; planning compromises
- *anti-politics*: presenting political questions as technical ones, referring to expertise and limiting the agenda of public debates
- *reassembling*: bringing in new elements and adapting old ones, using existing discourses to new ends and transposing the meanings of key terms

Li (2007, p.265)

These practices are furthermore associated with a common motivation to change things ('will to govern') to keep the assemblage together (Li 2007). In a more recent study, Li (2014) has analysed how land has been assembled as a global resource for the motivation of agricultural investments by a range of actors that have drawn on discourses on land, materiality of land, tenure relations and inscription devices such as maps, surveys and statistics.

In the assemblage, social interaction takes place between a range of actors located at multiple levels. The question of levels can thus be seen from the perspective of transnational horizontal and vertical networks where both state and non-state actors interact and assemble around certain ideas and practices (see Ferguson and Gupta 2002). There can be forms of interaction in which the 'global is folded into the local', where 'power and authority register their presence through a variety of spatial twists and turns' and where powerful and less powerful actors interact (Allen 2009, p.206). In this conceptualisation, actors can be assembled together whether they are public, private, central or decentralised (Allen and Cochrane 2010). This way of considering levels is interesting, as it means abandoning i) a territorial understanding where power radiates from one centre to its peripheries (Allen 2009); ii) a vertical postulate where one level dominates another (Escobar 2005; Allen 2009); and iii) a focus on the agency of a single actor or institution as a holder of power (Ferguson and Gupta 2002; Pedersen 2016).

By drawing on the concept of assemblage, I can therefore examine how assemblages of global, national and local actors are constituted (or not) around certain policy narratives and practices of securing tenure in the context of the Malagasy land policy. I can attend

to how these interactions constitute networks of interest that are maintained in time and space. I can investigate the motivations behind the assemblages, the mechanisms and practices that keep them together, and the tensions, contradictions and clashes that exist inside and between them (Allen 2011; Kumar 2014; Li 2014). This entails looking more closely at the concept of power.

2.6.3. Power

The Malagasy land policy process can be examined by relying on the concept of power. Indeed, the reality of the policy process is constituted of complex interactions between social actors, where power resides in the ability to persuade others to pursue certain goals and practices, to unite actors in networks of interest and to negotiate organisational resources (Allen 2009). Power manifests in the processes of decision-making and constitution of assemblages. It is plural, in continuous transformation and simultaneously operating across sites (McFarlane 2009). To define power, I rely on definitions made by political scientists who have applied it to policy processes.

Lukes (2005) relates power to processes of decision-making and sees it in three dimensions: i) plural, visible forms of power in processes of decision-making; ii) hidden forms of power; and iii) invisible forms of power in processes of decision-making and control over a political agenda that are linked to discursive power (see also Gaventa 2006 and <http://stevenlukes.net>). The first dimension is based on the work of Dahl, who described power as person A being able to make person B to do something person B would not do in other circumstances (Lukes 2005). This concentrates on observing the visible behaviour of people in decision-making processes involving multiple parties where the one with power sees his/her interests and preferences being adopted (Lukes 2005). The second dimension is based on the work of Bachrach and Baratz. It includes processes of non-decision making, which in a policy process could involve the preparation of hidden agendas, leaving potentially contentious issues aside and bringing forward others (Lukes 2005; Hathaway 2016). The third dimension is Lukes's own understanding of power, which is as domination where, for instance, potential issues are kept out of the policy sphere by shaping people's preferences and interests (Lukes 2005). These could be actions taking place up-stream of the policy process where people's and groups' thinking is influenced and controlled such that they might not even be aware of

their real interests (Lukes 2005).

Gaventa (2006) has added to these three dimensions or forms of power the notions of spaces and levels. He visualises power in a form of a cube, constituted of three axes: forms (visible, hidden and invisible), spaces (closed, invited and claimed) and levels (global, national and local) (Gaventa 2006). For him, the three spaces 'exist in dynamic relationship to one another and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation' (p.27), while the notion of levels sends us back to the earlier discussion on the interaction between actors. The notion of time is also crucial when talking about power. Hathaway (2016) reminds us about 'exploring the historical evolution of a particular case in order to understand the role of power in the configuration of the status quo, the process of political formulation, the process of policy implementation, the ongoing societal impacts of policy and societal change outside of formal policy' (p.123).

In addition to these conceptions relevant to policy and decision-making processes, power can be described in negative or positive terms. Scholars talk about 'power over' where the powerful affect the powerless; (also first dimension of Lukes), 'power to' which describes the agency of actors to realise something; 'power within' where power stems from self-confidence and is a pre-condition for acting; and 'power with' related to synergies created through collaboration (Gaventa 2006). Power is therefore not only seen from a negative perspective of 'power over' but also in generative terms of 'power to' do something (Rowlands 1995). Scholars and development practitioners hence talk about empowerment. Rowlands (1995) synthesises empowerment not only as bringing people to decision-making processes and maximising their opportunities, but also about people being aware of their own interests and those of others, as well as people perceiving themselves as apt and legitimate to be part of the decision-making spaces. Empowerment in such circumstances can be personal with 'a sense of self', linked to agency in closed relationships or a collective endeavour working to achieve greater impacts (Rowlands 1995).

These forms, spaces and levels of power, the positive and negative nature of power, and the presence of power in time and space all provide insight on the elements to be analysed. I intend to consider some of these characteristics of power when analysing the

establishment, operationalisation, translation, maintenance and contestation of policy narratives on tenure security and practices of securing tenure, and the constitution of assemblages of social actors around them. The conceptions around empowerment, in turn, enables us to examine the agency of local people in relation to the policy implementation. Overall, the focus on power explains the dynamics of the land policy process at global, national and local levels.

2.7. Conclusion

In this chapter, I provided an overview of the research by examining literature on tenure security, presenting the research questions and discussing the theoretical structure. The literature review centred around three strands of literature analysing the sources and conditions of tenure security, the practices of securing tenure and the interaction between social actors in political and development contexts. First, the review enables me to define tenure security as a matter of authority, institutional, political, social and cultural relations between actors. Second, it situates Malagasy land policy in relation to dominant approaches to secure tenure, recording counter-proposals and awareness of additional ideas. Third, it facilitates consideration of interactions between global, national and local actors that influence tenure security. I argued there is a lack of connection between the different corps of literature. In fact, the dynamic aspects impacting the sources and conditions of tenure (in)security are rarely considered by the practices of securing tenure that do not consider the influences between levels.

The literature review moreover guides the analysis of tenure security in the context of the Malagasy land policy. I analyse the policy by paying attention to conceptions around the notion of tenure security, practices of securing tenure and to interactions between actors. I consider the development and implementation of the Malagasy land policy an interactive process that involves social actors from global, national and local levels. In this process, policy narratives are established on tenure security that guide practices of securing tenure. Social actors with certain ways of seeing and doing things assemble around these narratives and practices motivated by common objectives, and power is played out between them in its various forms. The policy narratives, assemblages and

power dynamics moreover shape the considerations of tenure security and reveal the politics of the policy process.

By looking at tenure security through a policy process, I am able to demonstrate the dynamism of the notion, to underline the ambiguities of considering it through singular practices of securing tenure and to showcase the influence of interactions on tenure security. The research hence highlights the inherently multidimensional and political nature of tenure security. It invites considering tenure security in land policies from multiple and complex perspectives and reflecting on the way in which the conceptions, practices and conduct of policy processes might enhance existing or create new sources of tenure insecurity and lead into policy failures.

3. Research design

This research centres on the conceptions of tenure security, practices of securing tenure and interaction between actors intervening in the development and implementation process of the Malagasy land policy. In these examinations, I attend to factors and mechanisms, such as policy narratives, assemblages of actors and power plays, which shape the considerations of tenure security. To reveal these dynamics, I ‘study through’ the policy process from its elaboration and implementation to its results (Wedel and Feldman 2005). I also investigate the policy process through temporal and nested approaches, recognising that policy ideas and framings around tenure security, practices of securing tenure and power dynamisms around a range of actors evolve and take place in multiple sites/arenas at the same time (Keeley and Scoones 2003). Hence, I move away from a holistic single-site exploration to a nested one in which interaction, regularities and connections between levels are examined in a diffuse framework of time and space (Marcus 1995; Goldman 2005; Mosse 2005; Tsing 2005). The final research results are then organised around cross-case/level conclusions (Yin 2009).

These questions and conceptual framings have shaped the research design. First, I have conducted research at three levels (global, national and local) to uncover the (dis)connections and regularities between them. Second, I have analysed the Malagasy land policy from its elaboration in 2004/2005 to its consolidation in 2015/2016 to reveal changes over time. This has entailed drawing on a range of policy documents and interviewing people who have intervened in the policy process at different stages. Third, I have aimed to elicit the conceptions of tenure security, practices of securing tenure and power dynamisms linked to the policy process in the actors’ own words. This has been done through qualitative research based on flexible and sensitive data collection, which aims to understand complexity in different contexts (Mason 2002). The qualitative nature of the work has also meant that the research has interpretative intentions (Mason 2002).

I have collected data from 2015 to 2017. I have relied on ethnographically-inspired observations, event ethnography, semi-structured interviews and document analysis. I

have combined these data sources to gradually identify actors involved in the policy process, record conceptions that constitute policy narratives and practices, picture interconnections between actors that form assemblages and reveal power dynamisms in the process. I have also attended to the narratives of actors in terms of what they say, how, when and in which contexts to highlight the subtleties of the policy process.

In this chapter, I discuss the research design, implementation and analysis in more detail. I start by introducing the research sites and the levels involved, as well as the practical research implementation. I continue by discussing the methods used and present the orientations in terms of data analysis. I finish by reflecting on the research ethics, positionality and challenges.

3.1. Research sites, samples and implementation

The main research object is the Malagasy land policy process, analysed through a nested approach involving global, national and local elements. The global research attends to actors intervening in Madagascar and/or linked to international policy frameworks on tenure security; the national analysis centres on Malagasy land policy process; and the local investigations study tenure security as everyday experience and examines the participation of farmers in policy implementation. The sections below outline the sites, samples and practicalities of the research.

3.1.1. Nested approach combining global, national and local research

In reference to global level, the aim of the research is to understand how tenure security is framed in current debates and transposed in Madagascar. I focus on global policy arenas on land tenure, and on global actors intervening in the development and implementation of the land policy in Madagascar. Therefore, global understandings, practices and interactions are not analysed as such, but integrated into the consideration of Malagasy land policy.

The aim of the national-level research is to analyse Malagasy land policy in terms of tenure security. I focus on the policy process from its conception in 2005 to its consolidation in 2015 and the elaboration of the National Land Programme (PNF - *Programme National Foncier*) in 2016. I centre the investigations on the main innovation of the policy, which was the recognition of rights to land based on its current appropriation and use. This led to the elaboration of framework laws and regulations, new institutional structures, and adoption of an approach centred on decentralisation and certification. This framing means that I do not attend to the evolutions of the state land service, which used to control all land. Nevertheless, I do speak about the state land service in relation to the newly-introduced policy ideas and practices.

Finally, the local level research strives to understand how the policy has been implemented on the ground and analyse local realities in terms of tenure security. This includes looking at the operations of the local land office at a municipal level, but also conducting more detailed research with potential beneficiaries in villages. The focus of my research is on rural land, as the land policy has mainly been implemented in rural and peri-urban municipalities involving the certification of agricultural parcels and rural housing plots.

3.1.2. Choosing research sites and samples

Having defined the orientations of the research, I selected specific research sites and samples for data collection.

3.1.2.1. Global level

The global-level research builds on my professional experience acquired in the land tenure team of FAO from 2008 to 2013. I was involved in the development and implementation of the Voluntary Guidelines on the Responsible Governance of Tenure, through which I became aware of debates on tenure, arenas for policy-making and actors intervening in the sector, which motivated me to examine the notion of tenure security and policy-making processes more closely.

In my research, I have used the global debates on tenure security as background. In the absence of on-going international negotiations on land, I participated in a range of conferences and meetings during the research period (see table 3.1.). These have been public open spaces and thus easily integrated in the research plan. One of the most central meetings is the World Bank Annual Conference on Land and Poverty, which brings together professionals in the land tenure and administration sectors. Some of the meetings were also linked to international frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure.

This combination offered the most pertinent and regular occasions for taking note of conceptions of tenure security and practices of securing tenure. They are also sites where a range of social actors meet, and epistemic communities interact while exchanging visions and experiences, hence enabling me to examine relations between actors. These are stages for governance, framing and institutionalisation of agendas, and structuring of paradigm shifts by actors that are otherwise dispersed in time and space (Campbell et al. 2014; Corson et al. 2014).

In addition to research in multiple venues, I attended to the work of actors who have been involved in the development and implementation of the Malagasy land policy, and/or participated in the elaboration and framing of international frameworks. The sampling was purposive (see Etikan et al. 2016). The interviewed actors are representatives of government institutions, donors, IGOs, CSOs, technical operators or individual consultants. Many of them are people I first met through my work in FAO and some are former colleagues.

Table 3.1. Global discussion arenas followed

Arena	Place and Date	Characteristics	Participants
World Bank Annual Conference on Land and Poverty	World Bank, Washington D.C., United States of America (USA) 23-27.03.2015 14-18.03.2016	The conference aims to foster dialogue and review progress on land policy development and implementation. The conference is the main annual event that brings together people working on land tenure. It enables delegates to grasp the state of the art of professional debates on land tenure.	Representatives of ministries and government agencies from around the world, IGOs, NGOs, CSOs, private sector players (e.g. consulting companies), donor agencies and researchers. Many participants are linked to World Bank projects.
World Forum on Access to Land (WFAL)	Valencia, Spain 31.03-02.04.2016	The Forum was organised as a follow-up to the 2006 ICARRD. It discussed evolution in access to land, redistribution of land and needs of rural communities. The Forum had a flavour of advocacy.	Some representatives of ministries and government agencies, some IGOs, NGOs, CSOs and researchers. Participants came mainly from French-, Spanish- and Portuguese-speaking countries.
Seminar on the governance of tenure and the status of the implementation of the Voluntary Guidelines.	Ministry for Foreign Affairs, Paris, France 13.09.2016	The Seminar was organised by the French technical committee on land tenure to elaborate the French position on the implementation of the Voluntary Guidelines.	Government, CSOs, private sector and academic members of the French technical committee on land tenure.
Committee on World Food Security 43 rd session	FAO, Rome, Italy (followed up online) 19.10.2016	A global thematic event of the 43 rd CFS session discussed the monitoring of the implementation of CFS decisions and made recommendations on the monitoring of the Voluntary Guidelines.	Representatives of countries to CFS, representatives of Ministries of Agriculture, “Rome-based agencies” and members of the CFS civil society mechanisms.
Technical Thematic Forum to commemorate the 5 th Anniversary of the Voluntary Guidelines	FAO, Rome, Italy 05-06.10.2017	The Forum was held to share experiences on the implementation of the Voluntary Guidelines and to discuss ways forward for governance of tenure.	Representatives of ministries and government agencies who have been implementing the Guidelines, representatives of countries to CFS, Rome based agencies, donors, NGOs and CSOs. Participants had direct links with the Guidelines.

3.1.2.2. National level

I selected Malagasy land policy as an object for research because it has been strongly articulated around the notion of tenure security and has received attention in the global arena, especially in francophone countries.⁸ Its 2015 version took inspiration from global frameworks. I also analysed some aspects of the policy in my Masters thesis.⁹ Furthermore, the natural richness of Madagascar associated with its economic poverty has attracted a range of development actors and investors to the country, especially in agriculture and conservation (Moreau 2006). Hence, the influence of these actors on Malagasy policies can be investigated (Corson 2016). In addition, an extensive quantity of policy documents, analysis and reviews have been written on Madagascar, but debates on land tenure are still on-going, and an array of development activities undertaken. While these are helpful in analysing the specificities of the Malagasy policy process from 2005 to 2016, they also enable examination of the cross-fertilisation of ideas and practices at global and more localised levels.

My contacts to enter the national research site included employees of the Land Observatory, coordination unit of the PNF, Cirad (Centre de coopération internationale en recherche agronomique pour le développement)¹⁰ and FAO. Upon my arrival in Madagascar, representatives of FAO and the coordination unit invited me to attend policy discussions on the PNF, which set the basis for building other national-level contacts and mapping actors related to the policy. Suggestions for further contacts were also gathered during each interview and continuously provided by the coordination unit. The sampling was purposive (see Etikan et al. 2016) with the target of including representatives of government institutions, NGOs, CSOs and technical operators as well as individuals who had intervened in the policy process at different stages. During my

⁸ Malagasy experiences have often been brought into the global arena through research and the participation of Malagasy delegations in global and regional policy processes, as well as technical meetings. The representatives of the state land service, coordination unit of PNF, Land Observatory and NGOs participated, for instance, in the consultation and awareness-raising meetings on the Voluntary Guidelines and in meetings of the French technical committee on land tenure. Representatives of the Land Observatory also frequently attend the World Bank Annual Conference on Land and Poverty.

⁹ My Masters thesis conducted under the supervision of Chantal Blanc-Pamard in University Panthéon Sorbonne (Paris 1) focused on Madagascar. It included a literature review on questions of participation in rural development, natural resource management and land tenure. At the time in 2007-2008, I did not have the opportunity to conduct field research in Madagascar, for which the PhD offered an excellent opportunity.

¹⁰ The French agricultural research centre for international development

stay in Madagascar, I also attended a range of multi-actor or CSOs events (Table 3.2.). With the global and national research, I stopped the data collection and interviews when I felt I had reached saturation point.

Table 3.2. National discussion arenas

Arena	Place and Date	Characteristics	Participants
Provincial consultations on the PNF	Toamasina, 30.11-01.12.2015 Antananarivo, 03-04.12.2015	Consultation on the contents of the PNF. Presentation of the Voluntary Guidelines	State land service, coordination unit of PNF, regional actors, land professionals, CSOs, farmers' organisations
Civil society workshop on gender and land tenure	Antsirabe, 03.03.2016	Awareness-raising on gender and land tenure. Discussion of the Land Policy Letter (LPF) and PNF	Members of the CSO umbrella organisation SIF (Solidarité des intervenants sur le foncier)
Presentation of the PNF	Antananarivo, 17.11.2016	Official launch of the PNF for 2016-2020	High-level officials of line Ministries, state land service, coordination unit of PNF, Land Observatory, donors, NGOs, CSOs, researchers
Multi-actor workshop on agricultural investments	Antsirabe, 09.12.2016	Discussion of challenges and opportunities in agricultural investments	State land service, line Ministries, coordination unit of PNF, Land Observatory, Cirad, researchers, private enterprises, individual consultants
Presentation of a perception study on tenure security	Antananarivo, 13.12.2016	Presentation of findings of a perception survey on tenure security	Institut de recherche pour le développement (IRD), Cirad, Land Observatory, donors, students. There were no representatives of the state land service.
Annual meeting of SIF	Antananarivo 23.12.2016	Celebration of the 10 th birthday of SIF	Members of the CSO umbrella organisation SIF

3.1.2.3. Local level

After a couple of months in Madagascar and having met national actors, I decided to focus on the region of Vakinankaratra, located in the Malagasy Highlands south of Antananarivo, because the land policy has been heavily implemented in Vakinankaratra in terms of the number of land offices opened and certificates issued, and because I had solid regional contacts.

I first arranged interviews with regional administrators and actors who have played a role in policy implementation. These included the representatives of the state land service, the region of Vakinankaratra, the private sector, technical operators, CSOs and individual consultants. These actors were mostly based in the towns of Antsirabe, Betafo or Mandoto. My main access point was an officer in Vakinankaratra responsible for land tenure. He also introduced me to the Chiefs of the region and other high-level officers.

The main local research took place in the municipality of Ankazomiriotra in the district of Mandoto. I chose it as the research site for several reasons:

- it has a functioning local land office that opened in 2008. The office received support from the Millennium Challenge Account (MCA)¹¹ from 2008 to 2009, and should be linked to an on-going World Bank project called CASEF (Croissance Agricole et Sécurisation Foncière);
- it hosts the Land resource and information centre (CRIF – Centre de ressources et d'informations foncières) and agricultural offices of the district of Mandoto. This enables me to examine the implementation of the policy from the point of view of district and inter-communal structures;
- it is in the 'Moyen-Ouest' of the region of Vakinankaratra that has been an agricultural frontier zone (Raison 1984), bringing a variety of land tenure situations; and
- it is easily accessed from Antsirabe through national road RN 34.

My entry point was an employee in the local land office, whom I met during an initial courtesy visit. He introduced me to the municipal actors, gave an overview of the local context and provided additional contacts. I spent the first weeks in the municipality getting a grasp of municipal life and conducting initial interviews with municipal actors, representatives of farmers' organisations and agricultural services, and private actors. The sampling of these interviewees was purposeful (see Etikan et al. 2016). I also visited eight of the sixteen *fokontanys*¹² in Ankazomiriotra, where I conducted interviews with the chiefs and met some elders.

As the research progressed, I selected three *fokontanys* to conduct interviews with farmers. The selection of the *fokontanys* was based on their status in terms of the implementation of the policy and their geographical location (Table 3.3.). I chose

¹¹ MCA is an office of the Millennium Challenge Corporation (MCC) of the USA. It is opened in countries to implement Compacts (funding agreements) signed between the host country (here Madagascar) and the MCC.

¹² A *fokontany* is the lowest administrative unit in Madagascar. It is a deconcentrated structure. Each *fokontany* has a chief. The *fokontanys* are often composed of several villages and/or groups of housing. In Ankazomiriotra they have in average 1800 inhabitants.

fokontanys with relatively high, medium and low numbers of certificates delivered. I also included in the sample one *fokontany* where a grouped certification programme called *Kara-Tany Malaky* had been undertaken. Furthermore, I excluded two central *fokontanys* because they are of a more urban nature. Finally, I sought to include *fokontanys* with varied distances from and with different conditions of access to the centre of the municipality. This was to see whether geographical location plays a role in tenure issues and the implementation of the policy. I have chosen not to name the three *fokontanys* or their focus villages in this research to preserve the anonymity of my interviewees.

Table 3.3. Characteristics of the chosen *fokontanys*

<i>Fokontany</i>	Implementation of the policy (situation in April 2016 when data collection started)	Geographical location	Other
A	86 certificates issued Part of the <i>Kara-Tany Malaky</i> programme with three other <i>fokontanys</i> .	45 minutes by foot from the municipal centre. Accessible by motorbike, bicycle, <i>charette de zébu</i> and foot.	1142 inhabitants in 2016
B	30 certificates issued Demands made on ad-hoc basis	On the RN 34 some 5-7km from the municipal centre. Easily accessible.	3219 inhabitants in 2016
C	1 certificate issued Demands made on ad-hoc basis	2.5-3 hours by foot from the municipal centre. Accessible by truck in dry season. Accessible by motorbike, bicycle, <i>charette de zébu</i> and foot all year.	2500 inhabitants in 2006 (figures for 2016 not known)

Source: Municipality, local land office and *fokontany* statistics

Moreover, each *fokontany* has four to six villages¹³ established around family lineages. I selected two villages in each of the three *fokontanys*. This enabled me include several families in the research as well as keeping the number of villages manageable which was crucial for creating deeper relations in each site. In each village, the sampling had some random and convenient characteristics (see Etikan et al. 2016). I used the official electoral lists that name people over the age of 18 by village, as well as the lists of people with a certificate, to establish samples. The electoral lists were provided by the chiefs of

¹³ In French one would say *îlot* or *hameau*. I use ‘village’ here to describe these concentrations of houses.

each *fokontany* and lists of certificate holders by the local land office. The sample for each *fokontany* included 20 people proportionally divided between the two selected villages. I first stratified the sample based on two criteria: people with a certificate and people without a certificate in the two villages. I then tried to make the final number of people interviewed with or without a certificate proportionate to the total number of adults marked in the electoral list for the two villages. This means that I interviewed, for instance, every tenth or fifteenth person from the sample list. When only a few people had received a certificate per village I tried to interview them all. This means that at the end, some 13.7 percent of all interviewed farmers had a certificate (excluding the chiefs of *fokontany*) and a few others had applied for one. This is a higher proportion than the percentage of people with a certificate at the municipality but necessary to understand some of the logics that motivated farmers to demand for a certificate. With both lists, if I was not able to reach a person from the initial sample list, I interviewed another member of the same household. If that did not work out, I selected the next person from the sample list. There were cases where two people on the sampling list were part of the same household. In such cases, I considered the next person from the sample list.

The sampling method allowed some space for hazard in the selection of interviewees. There was a good distribution between women and men, and young and elderly. Some women preferred, however, that their husbands were interviewed instead of them. The electoral list was furthermore a neutral way to justify why I am interviewing certain people and not others. It enabled me to avoid a sample influenced by key informants and/or a sample containing only the most vocal and welcoming people (e.g. those approaching us in a village upon arrival). It also gave a solid reason to refuse demands for interviews where people approached us independently, maybe in the hope of receiving one of the soap bars given to each interviewee.

3.1.3. Practical implementation of the research

The overall research expanded from October 2013 to the submission of the dissertation in December 2018. During this time, I was enrolled part-time (October 2013-March 2016) and fulltime (April 2016 onwards). Data collection took place in March 2015, from December 2015 to July 2016, and September 2016 to January 2017 (Appendix 1). I visited Madagascar again in November and December 2017 during the writing up. This

enabled me to go to the same places over a period of 1.5 years and was useful for observing change and staying in contact with key actors. Especially at the local level people expressed their contentment at building longer-term relationships.

I conducted the global and national research independently, in both English and French. I contacted interviewees by email or phone, introducing myself and asking for their availability and interests in participating in the research. If they agreed, I set a time and place for the meeting, gave some indication of the topics I would like to discuss and often sent the consent form. I met most of these actors personally in Paris, Rome and Antananarivo, and with others I conducted interviews through Skype.

In general people were willing to talk and I did not receive direct refusals. From the global actors, only one person did not respond to my request for an interview (after having sent the consent form). At the national level, the representatives of the state land service were the most difficult to get hold of. I approached them via an official letter to the Director of the state land service, explaining the background of my research and my willingness to exchange information with some of the employees. In the absence of an official response, I followed up via an informal route and scheduled meetings directly with the secretaries of the different department directors. Overall, one global- and one national-level actor refused to record the interview. With the higher-level Directors, I did not record the interviews to keep them relaxed and informal. On several occasions, the set appointments were cancelled requiring rescheduling. This meant stretching my own timelines and keeping the calendar flexible to be able to accommodate change. The transport in Antananarivo presented a challenge of its own, as it can take hours to travel from A to B. Therefore, I decided to have one meeting per day, ideally in the morning to avoid the afternoon rain that is common, especially in November and December. At the local level, I employed a research assistant (Hoby) who helped with the translation (Malagasy – French – Malagasy), facilitated discussions, organised logistics, and assisted with transcription and translation of the Malagasy interviews. Her assistance was crucial in entering the local research site and understanding its overall dynamics.

During our stays in Ankazomiriotra from April to July 2016, October to November 2016 and in December 2017, we lived with a community of nuns, with two families and in a local dispensary. I spend five working days per week in Ankazomiriotra and the

weekends in Antsirabe. This was to have a proper rest, so as to be able to sustain the research over several weeks. Approximately three weeks were spent in each *fokontany* to conduct interviews with farmers. We interviewed an average of three farmers per day. This enabled us to concentrate and take notes on observations and contextual matters. The bulk of the interviews were conducted after the harvest of rice and cassava, which are the main crops in the region. People were thus present in the villages and available to talk, except on the market days. We conducted the interviews during the morning hours due to overall insecurity, which forced us to be back in the host villages latest at 3pm. The security situation was poor due to armed attacks by *dahalos*, who steal *zébus* (cattle) and mobile properties.

Having established the samples, I started in each *fokontany* by meeting the chiefs and people responsible for security (*quartier mobile*). Their authorisation and help in identifying people from the list were vital. Yet, using the sample list was time-consuming. Regardless of the assistance of the chiefs, I spent a lot of time trying to catch people and set appointments. In *fokontany* B, the chief also wrote an introductory letter, as due to the security situation, people might have been unwilling to talk to strangers without official approval.

I asked for written consent from the municipal actors and oral consent from farmers, as many people are illiterate and might have been hesitant to sign papers, especially when the discussion dealt with their land and the overall security situation was fragile. A couple of farmers from the initial sample lists did not want to participate or I was not able to identify them. During interviews, I refrained from taking notes or having papers around me and memorised a set of overarching questions. Some people refused to record the interviews (in some villages 1/3 of interviewees), in which case, I took notes afterwards with the assistance of Hoby.

3.2. Methods for data collection

I collected data through document analysis, observation, event ethnography and semi-structured interviews.

3.2.1. Document analysis, event ethnography and observation

The document analysis and observation served as an introduction to the global, national and local research sites. Through them, I have been able to up-date myself on the latest debates, identify dominant narratives and aspects to be explored, note issues to be asked about in interviews and establish personal networks for further research.

The document analysis has helped me go deeper in an understanding of policy visions and their ramifications in terms of tenure security, as well as compare these with interview data. I have considered international frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure. The analysis has centred on Malagasy policy documents, including the Land Policy Letters (LPFs) 2005 and 2015, the framework law and other laws linked to the policy, Land Policy Programme (PNF) of 2016, the evaluations made of the policy in 2008 and 2011, advocacy material of CSOs and documents of the on-going donor projects. I have also looked at documents from the local land offices, such as training and communication material.

The event ethnographies conducted in global and national policy arenas provided valuable contextual information for analysis (Tables 3.1. and 3.2.), enabling me to consider the events themselves (e.g. the World Bank Conferences and WFAL) as objects of ethnographic investigation (Brosius et al. 2010). This meant observing the more formal opening, closing and plenary sessions but also attending to side events, interactions between conference participants and the overall conduct of the event (Brosius et al. 2010; Campbell et al. 2014; Corson et al. 2014). The added value of such an exercise lies in observing the interaction of actors in real life situations and the dynamics in the production of their stories. I attended to their spoken, written and expressive communication. Overall, these observations contributed to a more personal understanding of the stories being produced on tenure security and practices of securing

tenure, and dynamics existing between actors, thus enabling more detailed field work to take place, complemented by other data collection methods.

In addition to the global and national levels, I conducted observation in Ankazomiriotra. The observations served as an entry point for establishing contacts with people, getting access to information and building a deeper understanding of the local context, including its complex power structures (Fauroux 2002a). My intention was to understand the work and challenges faced by the local land office, observe the interaction between the office and farmers, grasp some of the realities of local life, and appreciate the relations farmers hold with their land. Market days were suitable occasions for getting to know life in the municipality and the work of the land office. Walks in the countryside, time spent in the villages and work in the fields were additional occasions to observe the land use practices of farmers, such as how they delineate their boundaries, coordinate activities and link with public authorities, which I recorded in field notes (Gibbs 2007). These notes were useful in the data analysis to explain local contexts and actor positions, and reflect on my role in the research.

3.2.2. Semi-structured interviews

The semi-structured interviews constitute the main source of information and method of data collection. Their added value lies in being able to directly interact with actors, and they were conducted with global, national and local actors (Table 3.4.). Prior to the interviews, I defined key themes to frame the discussions and more targeted questions specific to each situation. Mason (2002) talks about big and mini-research questions decided on the spot during interview. The themes and questions provided overall guidance and structure for the interviews, rather than being too directive. My aim was to keep the discussions as open as possible to generate natural conversation, reflecting the constructions and orientations of the interviewee rather than of the researcher (Riessman 1993; Gubrium and Holstein 2009).

Table 3.4. Summary of semi-structured interviews

Level	Sample	Number of interviewees
Global	Purposive	23 (9 representatives of IGOs; 5 government officials; 4 financial and technical partners; 2 private consultants; 1 CSO; 1 from the private sector)
National	Purposive	24 (9 representatives of national administration; 8 CSOs; 7 financial and technical partners)
Local	Purposive (municipality); Some randomness and convenience in the sampling (farmers)	1 focus group discussion (Chiefs of <i>fokontany</i> and elders) 93 Interviews (7 representatives of local administration; 6 regional administration and deconcentrated state land service; 7 local CSOs; 2 regional CSOs; 2 local economic players; 2 regional economic players; 9 chiefs of <i>fokontany</i> ; 58 farmers)

3.2.2.1. Interviews with global and national actors

The global actors interviewed have either contributed to the land policy process in Madagascar or to international initiatives. The national actors were directly involved in the policy process at some stage since 2005. The themes that structured the interviews focused on: i) the activities of the institutions and actors; ii) how tenure security has been conceived; iii) their engagement in the Malagasy land policy process; iv) visions and experiences of the policy process; and v) their interaction with other institutions and actors. I furthermore adapted more specific questions to the characteristics of each institution and social actor, and to the dynamics of each discussion, leading to a very diverse set of discussions.

The discussions progressed easily when the interviewees were vocal and willing to share their opinions. They built their own narratives, in which I intervened by seeking clarification or introducing new topics. It was more demanding to manage the dynamics when the interviewees were restrained and/or maintained an institutional position. This could have been because of the more official nature of the interview (demand of consent, recording etc.) while off the record they spoke more openly. On those occasions, I had to direct the conversations more.

I found it most demanding to reach out and conduct meaningful interviews with the directors of the state land service. They remained distant, did not show much interest in the subject and power imbalances existed between me and them. Therefore, the discussions often stayed superficial, involving an exchange on the policy in general. I

had to combine other sources of information (observations, document analysis) to properly capture their discourse of contest and resistance to the policy. Yet, the overall difficulty in reaching out to representatives of the state land service is also indicative of the conflicts in the policy process and the weak integration of the state land service in it. Because of these constraints, I ended up conducting many more interviews with actors who had been part of the policy process. Consequently, the story of the state land service is told to a large extent by the initiators and proponents of the policy, who might emphasize the negative characteristics of the state land service.

A considerable aid in the global and national interviews was the ability to speak the same language (French or English) and play with words. However, the Skype conversations were more demanding. They had to be concise (one hour maximum) and I could not observe the body language of the interviewee, which would have enriched their stories.

3.2.2.2. Interviews with local actors

I started the local interviews by talking to municipal actors, farmers' organisations, CSOs and economic players. I also organised a focus group discussion. The chiefs of the three *fokontanys* and two *elders* from each were invited to take part. However, only the *fokontany* C was fully represented. The discussion helped identify key tenure issues in the municipality and the selected *fokontanys*, and review questions related to policy implementation. I conducted further individual interviews with the chiefs of the three *fokontanys* and seven other chiefs. The interviews were particularly useful in gathering information on local history, developments and challenges in terms of land tenure. I met the chiefs of the three *fokontanys* on several occasions to build up longer-term relations and to learn the latest news. I equally conducted interviews with the employees of the local land office and CRIF.

The main data collection consisted of interviewing 58 farmers selected on the basis of the sampling list. These interviews enabled me to understand local meanings of land and land tenure systems (Shipton and Goheen 1992), picture challenges of tenure security in the *fokontanys*, learn about local practices to secure tenure and the participation of farmers in the policy process, and the use they might have for certificates. I structured

the interviews around these elements. Again, I asked more specific questions, adapting to each interview.

Tenure security being an abstract notion, I introduced the subject by talking about challenges, tensions and conflicts that might exist. The idea was to discuss any open, latent or probable issues inside families, between neighbours or towards outsiders. The issue was also introduced by talking about any real or perceived threats to tenure rights. Finally, I asked whether people feel confident in terms of access to, control over and management of their lands in the longer term. When introducing tenure security, I avoided referring to the local land office and the certificates, as these would have restricted the conversation.

This leads me to the challenges of conducting interviews with farmers. First, my experience is that it is complicated to talk about tenure security. People might not be willing to expose sore points, admit possible vulnerabilities and reveal tensions to an outsider, especially if these exist within families. When I perceived tension in the interview situation, I kept the discussions more general, inviting the interviewees to reflect on their knowledge of what happens in the village or wider community, rather than directly sharing their own case. Furthermore, some people were reluctant to discuss their wealth, how much land they have land and where. Indeed, Shipton and Goheen (1992) also note the subtleties and challenges in statistically measuring land holdings. Therefore, I chose not to collect any quantitative data, identify precise locations of parcels or produce maps.

Another challenge I faced was leading rich and reflective discussions especially with younger people and women. There were interviews that did not flow easily, in which responses to questions were short and the situation was more of an investigation than a semi-structured interview. I kept conversations short if I saw they did not lead anywhere. I also tried to talk about the local life in general and family history before introducing questions related to land. However, these shorter interviews are also valuable as they enabled me to observe differences between people and provide a richer picture of the villages. A personal challenge I encountered was developing clear and open-ended questions on the spot. First, I attended to separating my own analytic questions from content-related ones directed at interviewees. In fact, there were cases where the

interviewees asked me to repeat questions as they were not coherent enough. Second, I recognised the need to be careful not to direct the answers by the way the questions are framed when listening to recordings and observing my own practice. Third, a lot of interactional dynamics are lost in translation.

A related challenge is about the extent of information collected. Throughout the data collection, I was concerned whether the interviews are deep enough, wondering if I asked the right questions and could have pushed the interviews further without intruding. My self-censure and shyness in this sense might have left some issues undiscovered. In general, I enjoyed the semi-structured interviews when they were built around a dialogue and an easily flowing thematic discussion into which I can drop questions to ensure that all key topics are covered. These are interviews that adapt to the characteristics of the interviewee and the dynamics of the situation. The nature of qualitative research enabled me to conduct this type of interview. The downside is that it is difficult to collect information in a systematic way. Therefore, they could be combined with more structured interviews to collect data on specific aspects.

3.3. Data management and analysis

The collected data constitutes documents, photos, recordings, personal descriptive and reflective notes, and transcripts. I have used the software Nvivo to manage them. In my data analysis, I attempted to concentrate on the narratives of my interviewees: what they say, how, when and in which contexts.

3.3.1. Data management

During the data collection, I took personal notes of my observations and interviews. These have been typed up or photographed. The focus group discussion and interviews were recorded when participants consented. I did not take written notes during the interviews but noted salient points and key impressions after each interview and discussion with Hoby. I decided to transcribe all the interview recordings to have a comprehensive database. This was done in the three months after the data collection.

Hoby transcribed and translated local interviews in French. I transcribed the national- and global-level interviews in the spoken language (French or English). I then used Nvivo to organise and cluster the data under various themes. All data were saved on my computer, external hard drive and in a password-protected cloud service. I have also used a coding system to ensure the anonymity of the interviewees. Daily back-ups have been made of the different chapters during the writing-up stage.

3.3.2. Data analysis

The research questions (structured around conceptions on tenure security, practices of securing tenure and interactions between actors) and the conceptual framings (organised around policy narratives, assemblages and power dynamisms) have informed data analysis (see Table 3.5. below). This analysis has been gradual. I have reflected on and analysed data as I collected it.

I started by building general knowledge of Malagasy land policy process through event-ethnography, document analysis and exploratory interviews. First, this entailed mapping national and international actors involved in the policy process. Second, this meant building a general idea of the policy framings, ideas and practices (Keeley and Scoones 2003). These steps indicated how tenure security is officially conceived and practiced, shed light on how actors refer to global instruments or local experiences, and revealed the nature of links actors have with the policy. The elements emerging from this ground analysis also guided the interviews.

I continued by recognising the way in which individual actors and institutions conceive tenure security and the practices they undertake to secure tenure. I also identified the concrete roles actors play in the policy process, the attitudes and positions they hold towards the policy, and the connections they establish between themselves. I first interviewed regional and local administrators, intermediaries, chiefs, elders and farmers. By the time of the national- and global-level interviews, I was aware of the key issues on which I invited the interviewees to elaborate.

With the interviews, I tried to allow my participants to tell the story of the policy process from their perspective. I wanted to ground the analysis in the ‘everyday life experiences

and understandings' of actors (Long 1992a, p.5). I have aimed to recognise the multiple realities of actors, be aware of on-going social processes and grasp the real dynamisms at play (Long 1992a; Olivier de Sardan 1995). This has been possible by keeping the interviews as open as possible and by attending to the narratives of interviewees in the data analysis. I consider that through stories interviewees communicate messages and make sense of events and actions (Riessman 1993; Adger et al. 2001). Therefore, aside from the regular discussions, I have taken note of what they said and how, the history of their accounts, the social context in which their accounts were constructed, the way they persuaded the listener of the validity of their stories, and the way they gave voice to actors not commonly represented (Riessman 1993; Gibbs 2007; Gubrium and Holstein 2009). These elements have enabled me to highlight the lived experiences of actors and the dynamics of the policy process.

I then listened to and transcribed the global- and national-level interviews, and read the translated local interviews. This enabled me to refamiliarize myself with their content, who said what and where, and continue writing reflective notes. The organisation of the data in Nvivo was also helpful for analysing key content-related issues. I clustered some data under themes that gradually emerged in this process. These clusters were in turn organised under wider groupings: i) overall meanings of land and views on the land policy process; ii) concepts of tenure security; iii) practices of securing tenure; iv) relations and power plays; and v) new sources of tenure insecurity. I did the clustering and grouping separately for local, national and global data. Furthermore, the clusters informed the organisation of the empirical chapters and enabled me to go back and forth with the thematic content during the write-up.

Finally, drafting the thesis has enabled me to connect content with the conceptual framework and with personal reflections. I have recognised the diverse concepts of tenure security, captured the variety of practices undertaken to secure tenure, examined the translations of the policy on the ground and attended to the interaction between actors. By linking official sources with the accounts of actors and my own observations, I have analysed how actors relate to the different concepts, practices and other actors. I have also been able to identify (dis)connections between levels. This analysis has informed the identification of policy narratives, assemblages of actors and existing power dynamics, wherein some actors are included in, and others excluded from, the

policy process. In particular, the stories of the interviewees enabled me to go beyond the factual elements of the policy process and grasp how policy dynamisms manifest on the ground.

In this final process, I have also been able to structure ideas, elaborate key messages and form a coherent narrative. I have described a dominant policy narrative, but also explored counter- and competing stories that alter and contest the dominant narrative (Roe 1989, 1991 and 1994). I have recognised that these narratives belong to ‘complex, multi-participant and multigroup’ assemblages of actors and the different weight given to them depends, for instance, on their access to economic and political power (Roe 1989 and 1994). I have paid attention to the key actors producing, transforming and maintaining these narratives and assemblages as well as how they persuade others of the validity of their ideas (see Li 2007).

Table 3.5. Analysis of key variables

Variable	Definition	Elements to be considered (examples)
Actors	People and organisations involved in and/or affected by the land policy process.	Farmers, (in)formal groups, associations, brokers, intermediaries, local administrations, advocates, private sector players, experts, government departments/ministries, donor agencies, international organisations, development projects etc.
Concepts	Definitions, framings, ideas about and approaches to tenure security.	Direct definitions; ideas, framings and approaches; values given to land; references to sources of and conditions for tenure security (e.g. political, social, cultural, legal, administrative); references to conflicts, tensions, threats; references to practices of securing tenure; new sources of tenure insecurity; etc.
Practices	Concrete actions, technical solutions and tools to recognise, respect and protect legitimate tenure rights.	Policies and laws; titling, cadastre, certification and <i>petits papiers</i> ; administration (registration, up-dating, safeguard of records and maps); taxation measures; land use planning; natural resource management practices; contractual arrangements; social and cultural relations; socio-economic positions; negotiations; dispute resolution mechanisms; new sources of tenure insecurity etc.
Interactions	Connections between actors, quality of interaction and interests behind interactions	Relations and networks; discontinuities; collaborations, oppositions; inclusion and exclusion; cross-fertilisation of ideas and practices; authority relations; financial flows; vision on policy process; new sources of tenure insecurity; etc.

Mechanisms	Processes shaping the consideration of tenure security in the policy process	Policy narratives; assemblages of actors around certain ways of seeing and doing; power in policy and decision-making processes
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3.4. Reflections on the research process

Engaging in qualitative research meant that I was an integral part of the research process through my physical presence in the research sites (Gibbs 2007). This highlights the importance of being reflective on how my background, experiences and preferences influence the research process (Gibbs 2007). Furthermore, the multi-sited and multi-positional nature of the research required adaptability to diverse situations, and deal with cross-cutting and contradictory commitments (Marcus 1995; Mosse 2005). This means that I had to attend to my positionality as a European woman in Madagascar and the proximity of the research subject to my (previous) professional work. Moreover, ethical considerations are related to the conduct of qualitative research and the political nature of tenure questions. Their investigations could have revived latent or existing conflicts, especially in the context of an on-going policy process. In the next sections, I elaborate on the research ethics, positionality and overall challenges encountered.

3.4.1. Ethics

I received ethical approval for the research from the International Development Research Ethics Committee of UEA in February 2015 prior to starting data collection. I followed the ethical procedures described in the application throughout the research.

I conducted research in an independent manner in Madagascar. My main institutional contacts were the coordination unit of the PNF (national level), region of Vakinakaratra (regional level) and the local land office (Ankazomiriotra), who all accepted my presence and were regularly updated on the research progress. However, I did not establish formal institutional agreements with them nor seek an official research permit for several reasons. Institutional arrangements would have been complex to set up, as clear practices of requesting research permits for social sciences did not exist in

Madagascar, and other researchers based in the United Kingdom or France have regularly worked without these.

Prior to starting data collection in Madagascar, I met with the key institutional contacts and *fokontany* chiefs, prepared an introductory letter and a description of my research, and translated consent forms into French and Malagasy. I started the interviews by explaining why I would like to talk to people, presenting the research, asking for written or oral consent and seeking their approval to record the interview. I explained to the interviewees that the discussions are voluntary, confidential and anonymous. I also highlighted that they do not need to answer all questions if they find them uncomfortable and they can stop the interview at any moment or withdraw from the research until the write-up stage. I provided the interviewees with my contact details or explained to local people how they could reach me. I decided to offer a bar of soap (value 500 Ariary¹⁴) to the interviewed farmers and monetary compensation (3000 Ariary) to each participant in the focus group at the end of each discussion. I did not offer anything to other local or national- and global-level actors, as meeting researchers is one of their professional responsibilities.

I kept the interviews short if I observed that people participated solely out of courtesy and felt uncomfortable during the discussion. While I aimed to conduct individual interviews, this was almost impossible at the local level. In most cases, other family members attended the interviews, neighbours followed them from a distance (e.g. from windows or from around the corner), and children were constantly running around. There could be some thirty people in the room, with several of them (women and men alike) contributing to the discussion. This posed, of course, concerns in terms of confidentiality, and so I steered the discussions towards more general debates on tenure issues, inviting everyone to participate rather than asking for personal details.

Overall, respect for confidentiality and anonymity was a key concern for myself and Hoby. During interviews, I refrained from exposing points stemming from earlier discussions or referring to the views of other people. I recorded the interviews and took

¹⁴ One euro (main foreign currency used in Madagascar) was around 3400 to 3600 Ariary in 2016 and 2017. A soap bar of 500 Ariary would then be around 15 Euro cents. As a comparison, the daily salary of an agricultural employee is 1500-3000 Ariary.

notes without marking down the name and affiliation of the person, and instead created a parallel coding system. Furthermore, I do not name people, the six target villages or the three *fokontanys* in this research. I rather identify people based on a rough group of actors with which they are associated. I also refrain from exposing details that could be easily traced back to the source of information or person described. Corson (2016) adopted a similar strategy in a study of the political economy of the conservation sector in Madagascar. She noted downplaying the roles of key individuals, identifying them by a general position. However, considering the limited number of national and global players interviewed, and the focal roles some of them have played in the policy process, it is almost impossible to achieve complete anonymity, as someone who has knowledge of the setting would be able to trace back to the right person.

3.4.2. Positionality

When conducting qualitative research, my values, views and background play out in how I perceive social realities and the environment, but also how the social actors with whom I interact see me. This in turn influences the production of knowledge. The question of positionality is diverse in my research, due to its multi-sited and multi-level nature. Being a European female in my mid-thirties with a previous professional background from FAO played out differently in each site. Therefore, I have been reflecting on my own actions and role in the research process (see Mason 2002). Especially in terms of interviews, I recognise that their interactional form has influenced the accounts of the interviewees (Elliott 2005).

3.4.2.1. Global and national level

At the global level and with national players in Madagascar, I had to distinguish between my former professional identity as a FAO officer and my position as an independent researcher. This was a concern when interviewing former colleagues and collaborators. I had previously established trusting relationships with them and could more easily address the challenges linked to the policy. Yet, I had apprehensions about interviewing people I knew, wary of the possible attitudes they might have towards my research topic. I was also careful not to put the interviewees in a delicate position where they would expose confidential information. To counter such risks, I clearly explained the objectives

of the research and my role as researcher. Most of the interviews were relaxed, with free-flowing conversation. On one occasion only, my role as a researcher froze the interviewee, who adopted an institutional position in comparison to more collegial exchanges that we are used to have.

With new encounters, I had more trouble accessing ‘inside information’. I was concerned whether higher level officials would take a younger female researcher seriously and share meaningful pieces of information, but also I had to ensure that my European background did not inspire a perception of wealth and power in the Malagasy context and thus create unnecessary imbalances in the interview situation. In general, examining a policy process as an outsider is demanding. I say this from a position in which I have been an insider of the development and implementation processes of the Voluntary Guidelines on the Responsible Governance of Tenure while working in FAO and now an outsider of the Malagasy land policy process. There is a significant difference in terms of access to information as a researcher compared to someone playing an institutional role. When these ‘institutional aids’ don’t exist, it demands more effort from the researcher to build up relations and networks. I find that this is possible only in the long term when trust has been built on both sides, requires a constant presence in the policy settings (difficult for a researcher due to time and resource constraints) and involves unofficial, personal encounters as well. Finally, it is important to note that the accounts presented here are the views of interviewees at a certain point in time. Also, while many of the aspects presented are widely acknowledged, they have been written down only rarely. Consequently, there is a risk that some people feel uncomfortable with the results or could contest them (Mosse 2005). It has thus been important for me to conduct the research in a rigorous manner, formulating solid arguments and grounding the research theoretically.

Against this background, I recognise that the results are my interpretation of multiple existing realities. Following Corson (2016), I do not aim to critique the policy nor its key individuals ‘but to reveal the complex processes through which policy actions transpire’ (p.28). Therefore, the research should not be read as a singular evaluation of the policy, nor as a prognostication on its future. It is a piece of work that argues that the policy process has challenges and is affected by power dynamics. It explains the complex positions of policy actors who use similar mechanisms of power to establish

and maintain their ideas and practices. If I take a stance towards one group of actors over another, it is the people of Ankazomiriotra and the most vulnerable among them. It is from their point of view that any judgements are made.

3.4.2.2. Local level

In Ankazomiriotra, both I and Hoby were outsiders to the local context. We were perceived as the *vazaha* and the *gasy* – the foreigner and the Malagasy. We introduced ourselves as students, willing to learn from people's experience of agriculture, land tenure and rural development. Introducing ourselves as researchers could have created suspicion (e.g. that we are looking for land). On several occasions, we had to clarify our positionality and correct misapprehensions. In fact, at times people thought we were on an awareness-raising mission or undertaking small scale development activities that could directly benefit the interviewees.

We started the overall research gently by meeting key informants, hanging around in the centre of Ankazomiriotra and walking around the countryside. Little by little, people started to recognise us. As we conducted research in six villages, more time would have been required to approach these spaces gradually and meet people first in informal settings. Because of time constraints, we started interviews after meeting the chiefs of *fokontanys* and the elders and visited each village once or twice. This meant that some interviewees were still surprised to see us. Most people became more accustomed to our presence when they saw us returning to the same place a couple of months later.

Power imbalances were omnipresent in the interviews with farmers. It came up as a difficulty in building up a meaningful dialogue, especially with younger people and women. Most of the farmers would not look me into the eye, but preferred to talk to Hoby. To mitigate these challenges, we dressed and acted in a modest way, accepted any hospitality shown by people, conducted interviews in spaces where we met people and refrained having any papers in view. We placed the recorder discreetly, talked with calm and soft voices, remained relaxed, and physically placed ourselves at the level of the interviewees (e.g. if they sat on the floor, we sat on the floor as well). Yet, asking for consent before an interview, even if oral, brought formality to the interaction and sometimes froze a social exchange that had otherwise been smooth.

During our stays in Ankazomiriotra we strived to keep cordial relations with everyone, not getting involved in local dynamics and community politics. Keeping such distance was easy, as we did not lodge in the villages where we conducted research and were thus not associated with a certain family or group. However, we were actively related to the employees of the local land office and the chiefs of *fokontanys*. These apparent contacts might have influenced the narratives of some interviewees (e.g. some farmers were determined to demonstrate their knowledge of the processes).

3.4.3. Practical and personal challenges

The nature and the context of the research have represented some challenges. It is demanding to conduct research in new cultural settings, in three languages and relying on assistance. I felt at ease with the global-level players as I could relate to them; and with national players, I could converse in French and manage the dynamisms of the interaction by playing with words, changing my tone of voice and following the dynamisms set by the interviewee. Locally, I relied on assistance, without which the research would not have been possible. Thus, it was challenging to establish a certain proximity with the interviewees through the translator and pass messages from one language to another. I am aware that details are lost in translation. Also, I had to manage relations with Hoby and consider her influence on the interviews. Moreover, the security situation in some villages was poor in June and July 2016. During one interview, the village was on alert against the *Dahalos*, who attacked the village the following day. Our host village was also under a nightly alert, meaning that life in the village stopped from 5pm to 6am.

Secondly, I have actively used English and French, and relied on Malagasy language assistance during the research process. This has implication for the written form of the research. I have chosen to use French abbreviations and wordings of technical terms when these are used in relation to the Malagasy land policy. Indeed, Malagasy land policy, laws and programmes were initially written in French. Many of these French terms (e.g. *petits papiers*) are used in francophone literature and circles to refer to the Malagasy case. I use Malagasy words (e.g. *tanety*, meaning hillside land) when their use is current in Anglophone and francophone literature, and direct translation more complex.

Thirdly, my own state of mind has impacted the research. At the beginning of my stay in Madagascar, I went through major set-backs in my personal life that remained unresolved for over six months. I was forced to change my initial fieldwork plans and my ability to work, think clearly and take decisions were also affected. While the fieldwork provided a distraction from personal issues, I conducted it under major emotional stress. This experience thought to me how our research projects and personal lives are intrinsically linked to one another.

3.5. Conclusion

The research examines concepts of tenure security, practices of securing tenure and interaction between actors in the context of the Malagasy land policy process. By relying on the concepts of policy narratives, assemblages and power, I highlight factors and mechanisms that have influenced the consideration of tenure security in the policy process. To go about the research, I have adopted a nested approach where research has been conducted with global, national and local actors involved in the policy process from its beginning to its consolidation in 2015. I have collected data through observation, event ethnography, semi-structured interviews and document analysis. The data has been analysed by paying attention to the narratives of actors, seeking answers to the thematic questions and investigated in view of the key concepts.

In this chapter, I have exposed the research background, methodologies, methods, analysis and ethics. This helps understanding the logic of the research and the subsequent empirical chapters. In the next chapter, I introduce the context of the Malagasy land policy in more detail.

4. Overview of the Malagasy land policy context

This research centres on the notion of tenure security in the context of the Malagasy land policy process. My intention is to ‘study through’ the policy process from its conceptions of tenure security, to practices of securing tenure, to interactions between actors and successes on the ground (Keeley and Scoones 2003; Wedel and Feldman 2005). In this chapter, I provide an overview of the land policy and the development contexts in which it operates. This overview is based on a literature review, information collected through interviews and personal observations. I demonstrate that conceptual differences, practical challenges and power dynamics shape tenure security and question the successes of the policy. These initial insights furthermore support the reading of the empirical chapters, which investigate in detail concepts, practices and interactions around the notion of tenure security (Chapters 5, 6 and 8) and explore local integration of the policy (Chapter 7).

I begin by providing a background to the political and development context in Madagascar. I then introduce some factual details about the Malagasy land policy. Finally, I discuss the socio-economic development context in the focus municipality of Ankazomiriotra where the land policy has been implemented since 2008.

4.1. National political and development context

The land policy process should be considered against the background of wider state politics, societal evolution and development interventions in Madagascar. The most relevant of these for the research are the overall socio-economic context and political changes, development, conservation and agricultural investment priorities, and decentralised policies.

4.1.1. Impoverishment of population and prevalence of political changes

Madagascar is an island in the Indian Ocean east of Mozambique (Figure 4.1.). Its favourable conditions for development (natural borders, availability of land, mineral and forest resources, unified culture, absence of major conflicts and limited human pressure) hide persistent socio-economic and political challenges (Razafindrakoto et al. 2014 and 2015) (Table 4.1.).

Figure 4.1. Localisation of Madagascar

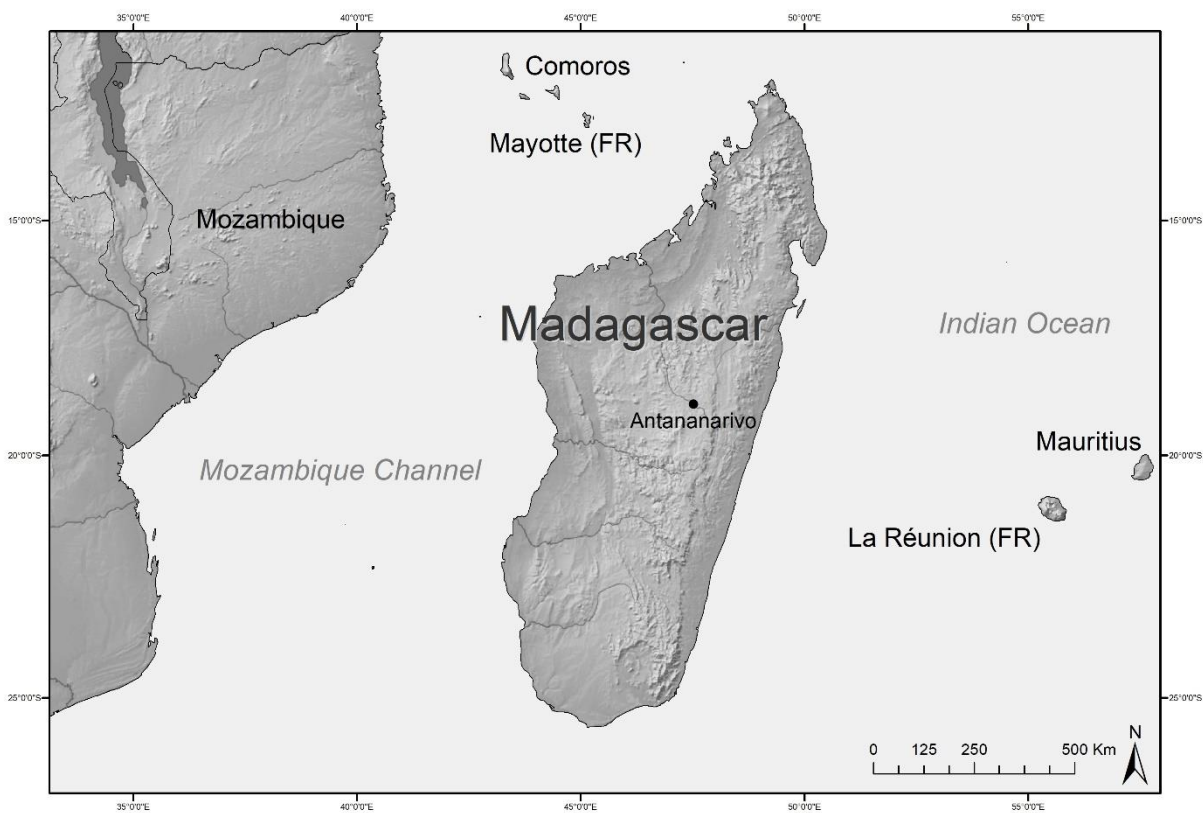


Table 4.1. Some characteristics of Madagascar

Population	24.8 million, of which 64% live in rural areas 36% live in urban areas
Land mass area	587 000 km ²
Agricultural land	71% of the land mass, of which 1.5% permanent crops (620 000 ha) 8.5% arable land (3.5 million ha) 90% meadows and pastures (37 million ha)
GDP	10 billion USD (in 2016)
Economic growth rate	Some 4% (in 2016)

Poverty	70.7% of people (17.5 million) live below the national poverty line
Life expectancy	65.9 years (in 2014)
Undernourishment	41.5% of people (10.3 million) (in 2016)

Sources: FAO STAT (2016 and 2018); World Bank (2016 and 2018)

Madagascar is hence characterised by scholars through the impoverishment of its people. Razafindrakoto et al. (2014 and 2015) argue that the purchasing power of the Malagasy has decreased by 40 percent since independence in 1960. Today, some 70 percent of its 24.8 million inhabitants live below the poverty line (World Bank 2018). These socio-economic challenges have deep roots and are linked to longer periods of hardship. Pélissier and Sautter (1994), for instance, describe the 1980s as a period of crisis, impoverishment and despair:

the Malagasy crisis of the eighties (...) reflects the unease of a country where the divorce has become particularly flagrant between a state apparatus (the fanjakana) trying to hide the decline of its means behind a growing bureaucratic stiffness, and a society in its majority essentially rural, increasingly monopolized by the concerns of daily rice, increasingly abandoned to itself in the name of decentralisation, increasingly alien to official discourse and its returns.

(p.5)

These socio-economic development challenges are closely tied to political instability. Razafindrakoto et al. (2014 and 2015) demonstrate a connection between the periods of economic growth that have been stopped by socio-political crisis, and this in a cyclical manner. Since independence there have been political crises in 1972, 1991, 2001-2002 and 2008-2009, each time impacting living standards (Razafindrakoto et al. 2015). This lurching of the country from one political crisis to another (Razafindrakoto et al. 2014) impacts the development and implementation of policy processes, as we will see later in relation to the land policy.

4.1.2. Development, conservation and agricultural investment priorities

What interests us here are the sectoral evolutions adjacent to the land policy process. These have contributed to making land a transnational concern that is linked to neo-liberal development endeavours (Peluso 1993; Peters 2004; Chouquer 2011; Hall 2013; Boone 2014). The political crisis of 2001-2002 brought President Ravalomanana to power, under whom the land policy was initiated. His overall political objective was to install a programme of ‘rapid and sustainable’ development, as a result of which Madagascar became a ‘front-runner’ of development in Africa in the 2000s, attractive

to donors (Blanc-Pamard and Rakoto 2003; Goedefroit and Revéret 2006; Razafindrakoto et al. 2014). One of these development ambitions was engagement in environmental conservation and agricultural investment. These endeavours were in parallel of the development of the new land policy. This led to a contradiction wherein the President simultaneously tried to increase the size of protected areas, allocate land to large agricultural operators and secure the tenure of smallholders through the registration of land (Teyssier et al. 2010; Chouquer 2011). Part of this paradox is the inability to find available land that has not been appropriated and used as well as supposedly enjoying legal security under the land policy, or to recognise right-holders, provide compensation and engage them in conservation and investment activities.

President Ravalomanana became known internationally by promising to triple the protected area at the World Parks Congress in Durban in 2003. Corson (2016) argues that these conservation plans did not involve community consultation but rather reinforced ‘upward accountability to national politicians, foreign aid donors, and transnational conservation NGOs based in Antananarivo’ (p.179). The conservation sector became a playing field for these actors (Horning 2008) who started to act like states (Corson 2016). Indeed, these ‘actors shaped the boundaries, resource rights, and decision-making authorities associated with the new protected areas, thereby consolidating their ability to determine land and resource rights through SAPM’ (Corson 2016, p.179).¹⁵ Given that poverty has also persisted, the conservation plans have led to a contradiction in which ‘there is more concern about whether local people are protecting the environment than knowing what they eat!’ (Blanc-Pamard and Rakoto 2003, p.189).

In terms of (agricultural) investment, Ravalomanana saw the private sector as the motor of development, with the state acting as a facilitator (Republikan’i Madagasikara 2008). The investment law enacted in 2008 foresaw the creation of the Economic Development Board of Madagascar (EDBM) that became the interface between investors and the state. It also recognised the importance of enterprises accessing land. The state was ready to guarantee that there are no programmes of nationalisation, expropriation or requisition on lands allocated to investors (Republikan’i Madagasikara 2008).

¹⁵ SAPM stands for *Système des Aires Protégées de Madagascar*, meaning which translates as a System of Protected Areas of Madagascar.

The agricultural investment endeavours came to international attention through two intended investment cases in 2008 and 2009, and parallel political instability. While the government was negotiating with Daewoo for the allocation of over 1.3 million hectares of land, and with Varun International for over 200,000 hectares (Teyssier et al. 2010; Andrianirina-Ratsialonana et al. 2011; Burnod et al. 2013), discontent with the Ravalomanana regime grew and power was taken by Andy Rajoalina in 2009. This led the country into a transition period that lasted until 2013. The political opposition used land-related arguments against President Ravalomanana, who was accused of selling ancestral land (*tanindrazana*) to foreigners (Andrianirina-Ratsialonana et al. 2011; Andriamanalina et al. 2014a).

While the Daewoo and Varun investment plans failed, the transition government did not stop agricultural investment as such (Andriamanalina et al. 2014a), but worked case by case and aimed to bring more land under state control.¹⁶ Investment was one means, together with the exploitation of rosewood and mineral prospects, to seek new sources of funding, as international aid had largely been frozen due to the political coup (Razafindrakoto et al. 2015). Razafindrakoto et al. (2015) also observe that during the transition there were no meaningful oversight mechanisms, which led to illegal exploitation, increased corruption and misappropriation of resources within the administration.

President Rajaonarimampianina, in power from 2013 to 2018 was not able to change these socio-economic dynamics even though the estimated economic growth has been above four percent since 2016 (World Bank 2016).¹⁷ In terms of agricultural investment, the government has continued to promote access to land for investors by planning the creation of agricultural investment zones (ZIAs) and the Ministry of Agriculture is reserving two million hectares of land for potential investors.¹⁸

¹⁶ Details presented by Perrine Burnod in a conference on Access to land organised by the Land Observatory on 31 October 2017 in the Institut Français de Madagascar in Antananarivo.

¹⁷ Presidential elections are held in November and December 2018. The candidates include four previous presidents. The President Rajaonarimampianina had to resign from his post to be able to participate in the elections.

¹⁸ Statement made by a Representative of the Ministry of Agriculture in a public conference on Access to land on 31 October 2017 in the Institut Français de Madagascar in Antananarivo.

Nonetheless, agricultural investment has been less important than initially foreseen. The Land Observatory notes that between 2000 and 2016 some 96 companies expressed their intention to access land and develop large-scale agriculture. Some 74 percent of these have abandoned their plans or stopped their activities, and only 25 000 hectares were cultivated.¹⁹ Andriamanalina et al. (2014a) explain these failures as due to difficult agronomic conditions, inexperienced operators, difficulty in accessing land, administrative costs, and resistance from people on the ground who received little benefit in return for their land. Others have also explained these failures through the impact of transnational activism on investment (Gingembre 2015) and internal power plays (Wolford et al. 2013).

4.1.3. Decentralised policies

Parallel to political and socio-economic change, Madagascar has implemented decentralised policies since 1990. Municipalities were created in 1994 as the legal and administrative structures of the state. They have become key sites for rural development and environmental management, and privileged interlocutors of external actors (Weber 1998; Blanc-Pamard and Rakoto 2003; Blanc-Pamard and Fauroux 2004; Bidou et al. 2008). In addition, inter-municipal public organisations (*Organisme public intercommunal* – OPCI) have been responsible for managing issues going beyond the municipal boundaries (Bidou et al. 2008). The implementation of the core approaches of the land policy has depended on these two structures.

The Constitution of the 4th Malagasy Republic enacted in 2010 restates effective decentralisation as one of the means to achieve sustainable development and recognises municipalities, regions and provinces as decentralised structures (Repoblikan'i Madagasikara 2010). The constitution and accompanying organic law (loi 2014-018) furthermore add that village communities (*fokon'olona*, spatially organised in *fokontanys*) participate in municipal development programmes and are thus the basis for development and socio-cultural and environmental cohesion (Repoblikan'i Madagasikara 2014 and 2010). This decentralisation is moreover accompanied by

¹⁹ Details presented by Perrine Burnod in a conference on Access to land organised by the Land Observatory on 31 October 2017 in the Institut Français de Madagascar in Antananarivo.

deconcentrating the functions of the central state, raising questions of sharing of responsibilities and ensuring competencies.²⁰ This issue is reflected in an organic law (loi 2014-018) that foresees the pre-eminence of the sovereign functions of the state and their deconcentration rather than decentralisation (Republikan'i Madagasikara 2014).

The first advances in the allocation of responsibilities to local levels were in the environmental sector (Bidou et al. 2008), where devolution targeted local communities rather than municipalities. Some of these initiatives were under national environmental programmes in the 1990s and built the basis for the land policy, such as the law known as Gelose (*Gestion locale sécurisée des ressources naturelles renouvelables*)²¹ under which rights over the management of natural resources were transferred from the state to local communities, defined as such for the purposes of environmental management (Republikan'i Madagasikara 1996). The management practices were defined through negotiation between local communities, decentralised authorities (municipalities) and state representatives (Babin and Bertrand 1998; Weber 1998 and 2000).

The Gelose was complemented by a decree in 1998 on securing tenure that proposed three practices for securing community tenure: relative (SFR – *Sécurisation foncière relative*), intermediate (SFI – *Sécurisation foncière intermédiaires*) and optimal securing of tenure (SFO – *Sécurisation foncière optimale*) (Maldidier 2001). These moved gradually from the simple cartography of parcels (SFR) to include cartography, the allocation of rights by judicial authorities and the inscription of the parcels on the cadastre (SFO) (see Appendix 2). These were all alternatives to existing land titling measures. According to Maldidier (2001) there were two motivations for their development: finding rapid solutions for securing the rights of communities on land they managed and initiating debate on the need for a new law on tenure.

²⁰ In this research, I differentiate decentralisation from deconcentration. This separation is made in French when describing the Malagasy administrative structures. It is in line with the definition made by Ribot et al. (2006): 'Deconcentration (or administrative decentralization) is said to occur when powers are devolved to appointees of the central government in the local arena. In contrast, political decentralization (also called democratic decentralization) involves the transfer of power to actors or institutions that are accountable to the population in their jurisdiction.' (p.1865). Malagasy municipalities and their local land offices are part of political decentralisation. While opening offices of the state land service in districts is about deconcentration of the central government.

²¹ Gelose refers to secure local management of renewable natural resources.

The spirit of the Gelose on community-based approaches found its way into specific land laws. In 2003, a law (loi 2003-029) modified a decree from 1960 that regulated the registration of lands and buildings under the titling system (decree 60-142). The changes enabled collective forms of registration in addition to individual titling. Demands for registration could be made either by the state, a community or an association, and should mention the delimitations and approximate surface of the zone in question and the modalities (titling, SFR, SFI or SFO) through which tenure is secured (Repoblikan'i Madagasikara 2003). Rochegude (2004) finds that by enabling recourse to different modalities of securing tenure, this law from 2003 built the first basis for the decentralisation of land administration and recognition of local practices.

What stands out from this overview is the volatility of the national political and development context. State politics affect the implementation of policies; socio-economic development challenges keep most Malagasy trapped in poverty; and fluctuations in strategic orientations (from the promotion of private sector-led agricultural development to the securing of community management rights) create friction between policies. These changes, priorities and policies furthermore engage with a range of global, national and local actors among whom tenure relations are played out. What this instability suggests for tenure security is that the authorities and institutions recognising and protecting rights are susceptible to change in line with wider political and development efforts. These influence the sources of and conditions for tenure (in)security and the administration of land. The unpredictability finally entails that the land policy is in a constant state of flux, as seen next.

4.2. Malagasy land policy

The purpose of the Malagasy land policy when it was launched in 2005 was to improve the conditions for investment, agricultural production, environmental management, decentralisation and social cohesion (Repoblikan'i Madagasikara 2005a). It hence addressed a range of development aims. The policy was furthermore consolidated in 2015 with the objective to make land simply 'a basis for development' (Repoblikan'i Madagasikara 2015).

The elaboration and implementation of the policy has consisted of the drafting of Land Policy Letters (LPF – *Lettre de Politique Foncière*), publication of laws and regulations, setting up institutional structures and establishment of Land Policy Programmes (PNF - *Programme National Foncier*). In its early years, the policy received political support from President Ravalomanana and Minister of Agriculture Harison, and was funded by donors. The dynamics changed after the 2009 coup. Changes in the overall government policies and withdrawal of donors left the policy without political and financial backing during the transition period from 2009 to 2013. Its consolidation started in 2014 under a new government and with a slow revival of donor projects. An initial consolidated LPF was approved by the Government Council in May 2015 and a revised one in August 2015. The consolidation process was marked by major institutional disputes. A new PNF was finally set in place in November 2016.

4.2.1. Previous land administration system

Before the new policy, and as in many sub-Saharan African countries, all lands were presumed to belong to the state unless the state land service had allocated statutory rights to people through legal recording or cadastral mapping (Repoblikan'i Madagasikara 2005a; Colin et al. 2009; Teyssier et al. 2009). These administrative processes were legislated for in 1897, 1911 and 1960, and orchestrated by the state land service based in Antananarivo or by its regional offices. There was little recourse to intermediaries such as notaries or private surveyors, and the customary authorities did not play any role in the statutory administration of land (Repoblikan'i Madagasikara 2005a; Omrane 2008; Teyssier et al. 2009). Consequently, the state land service exercised statutory authority over land, which became constitutive of its power (Lund 2016).

The registration of land was based on the Torrens Act, which proclaims all powers to titles against third parties (Repoblikan'i Madagasikara 1960). This includes the physical identification of parcels on the ground, placing boundary markers and the registration of parcels and right-holders in the land registry (RocheGude 2011a). In theory, the process involves the consultation of neighbours and the write up of minutes of meeting (RocheGude 2011a). However, the statutory administration of land has faced challenges over the years. In 1967, Rarijaona noted a failure to implement land laws and achieve results through titling, which he attributed to the inflexibility of laws and processes, their

consideration of only some segments of the society, and their sporadic approach and heavy bureaucracy (Rarijaona 1967). Gasse (1971) added high costs, lack of human resources and problems of updating registries by the state land service.

These challenges have persisted, providing a justification for the 2005 land policy, which was framed around a ‘tenure crisis’, a ‘massive demand’ for securing tenure and external threats. The tenure crisis refers to the failure of the state land service to allocate titles and manage administrative procedures. In parallel, people had adopted local practices to administer land through the allocation of *petits papiers* (literally small papers) (Republikan’i Madagasikara 2005a; Teyssier et al. 2009). This practice, together with customary land markets, was taken by policy-makers as a demonstration of a ‘massive demand’ for securing tenure on the ground. The starting point for the policy was thus the enhancement of the statutory administration of land and entering customary tenure rights in its sphere. This was finally seen to protect customary tenure right holders against any adverse claims coming outside of the local community.

4.2.2. The core of the policy: 2005 Land Policy Letter and new statuses of land

The development of the 2005 LPF was facilitated by a technical committee and its final version was validated by the Government Council in May 2005. The 2005 LPF outlines the principles of the policy, which aims to ‘respond to a massive demand for securing tenure [...] through the formalisation of non-written tenure rights and through the safeguard and regularisation of written tenure rights’ (Republikan’i Madagasikara 2005a). To achieve this objective, the policy is designed around four strategies:

1. restructuration, modernisation and digitalisation of land administration and archives (titles and topographical maps);
 2. enhancement and decentralisation of land administration;
 3. revision of regulations on land tenure; and
 4. establishment of education and training programme for land professions.
- Republikan’i Madagasikara (2005a)

The above framing entails that the state land service continues to operate in parallel with the new decentralised administration. Indeed, the state land service received funds for the improvement of its titling and cadastre operations. (Strategies 1 and 4) Although these are important activities, in this research I focus on the novelties of the policy (Strategies 2 and 3) that proposed revised concepts of tenure security, generated changes

in approaches and practices of securing tenure, and caused shifts in power dynamics between social actors and institutions, all of which questioned the sole authority of the state land service over land.

The policy framing also entailed a spatial distinction. In fact, the state land service kept responsibility for urban areas where titles are issued, and the municipalities gained authority mainly in rural areas where certificates can also be allocated (World Bank 2006). The World Bank (2006) justified this spatial choice through economic rationalities:

A modernized Torrens system is most appropriate for urban and other areas of high-value land where land markets are fully developed, and the volume of transactions against which fees can be charged is significant enough to make the system affordable and sustainable. However, a lower cost system is needed for other areas. The policy therefore provides, in the spirit of the existing practice of “*petits papiers*”, a new and less onerous system, more appropriate for the smallholders of very modest means for whom the current system is too slow and too costly.

(Executive summary)

This statement resonates with the orthodox practices of securing tenure that seek clarity over rights where the value of land is the highest (Rose 1994) but also with the ‘pro-poor’ practices underlining low-cost and flexible solutions (Zevenbergen et al. 2013; Enemark et al. 2014). This leads us to make a distinction between three approaches stratified based on the costs: titles, certificates and *petits papiers*. Hence, a ‘gradual’ system was introduced from the outset where three institutions with different legal and customary standing recognise and guarantee rights. I return to this in section 5.3.2.

The validation of the 2005 LPF was followed up by the drafting of a framework law (loi cadre 2005-019) that institutes state land and private property as the two possible status of land in Madagascar (Republikan’i Madagasikara 2005b; see Table 4.2). Private properties can be either titled properties governed by the state land service or non-titled private properties (PPNT – *Propriété privée non titrée*) governed by local (municipal or inter-communal) land offices.²² The policy-makers interviewed argue that the introduction of the legal status of PPNT is the main policy innovation. The lands falling under it can be registered by local land offices that allocate certificates and record changes to them (Republikan’i Madagasikara 2005a). The certificates are issued based

²² Local land offices are known as *guichets fonciers* in French and *Birao Ifotony amin'ny Fananan-tany (BIF)* in Malagasy.

on the current occupation of lands through a process of local recognition (ibid.).²³ Furthermore, information on parcel delimitations, parcel identification numbers and right-holders are inserted in Geographic Information System-based (GIS) local land occupancy status maps (PLOF – *Plans Locaux d’Occupation Foncière*).

Table 4.2. New statuses of land

<ul style="list-style-type: none"> i. There are lands that are held by the state domain, decentralised authorities or other subjects of public law. These lands can be either public or private. <ul style="list-style-type: none"> a. If public, they are inalienable and imprescriptible even though they might be registered. The state can provide 30 years concession rights on these lands. b. If private, they can be sold, leased (until 90 years), exchanged etc. These lands include those that have not yet been appropriated or occupied. ii. There are lands that are held by private people. These lands are either recognized by a title or held as a non-titled private property. <ul style="list-style-type: none"> a. If titled property, the lands have gone through an individual or collective registration process. The state land service and its deconcentrated offices are responsible for the allocation and administration of the titles under the Torrens system. The titles are definitive and indefeasible. A new law providing the details on titled property is being discussed by the state land service (situation in 2017). b. If non-titled private property (PPNT), the lands are being held ‘individually or collectively in a real, evident and permanent manner, and according to the uses of the moment and of the place, and according to the use of the land’ (Article 33, Loi 2005-019). The decentralised authorities are responsible for the allocation and administration of certificates on these lands. The certificates provide proof of ownership unless there is evidence to overturn them. The specificities of the PPNT are further outlined in a law published in 2006 (Loi 2006-031).

Source: Repoblikan’i Madagasikara (2005; Framework law 2005-019)

Several observations emerge from this framework law. First, it differentiates land that is appropriated and used from land that is not. These are legal categories of land, not necessarily identified on the ground. Second, a slight difference in legal value is created between the titles and certificates where the former is definitive and indefeasible while the latter can be rebutted with evidence (such as a title provided on the same land earlier on). Third, the law introduces two authorities, in addition to the customary ones, even though complementarities and collaboration between them are required: i) state land service and its deconcentrated offices responsible for the state domain and titled private property; and ii) decentralised institutions, mainly local land offices, responsible for the

²³ Local recognition is a process that land administrators would call adjudication process (see Simpson 1976).

PPNT. Thus, there is considerable room for interpretation on the appropriation and use of land, and the value of the certificate.

4.2.3. Evolution of the policy

The Minister of Agriculture created an administrative coordination unit in 2006. It is a semi-parallel entity to the state land service and this under the same political decision-making powers. It oversees the implementation of the policy under a National Land Programme (PNF) that had already kicked off in June 2005. The PNF started with a preparation period of two years after which its activities were supposed to be extended to 1,000 municipalities (out of some 1,395 existing in Madagascar) over ten to fifteen years (Teyssier et al. 2007). Twelve donors supported the policy implementation, in which the MCA provided 90 percent of the total funding in the beginning (Teyssier et al. 2009). Between 2005 and 2011, some 46.6 million USD²⁴ was spent on the policy implementation, of which 45 percent was directed at the modernisation of state land service,²⁵ 38 percent at decentralised activities and 17 percent at supporting activities (Comby 2011). The first local land office was opened under the funding of the Agence française de développement (AfD)²⁶ in February 2006 and 93 percent of the offices benefitted from donor funding in the early years (MAEP 2008; Comby et al. 2011). Policy implementation also received international attention at the end of the 2000s when Malagasy institutions were invited to the Annual World Bank Conferences on Land and Poverty, the Malagasy case was discussed during the consultation and awareness raising meetings on the Voluntary Guidelines on the Responsible Governance of Tenure, and Madagascar was one of the pilot countries to conduct the LGAF exercise.

Implementing the policy involved opening local land offices and issuing certificates (see table 4.3. for annual figures nationally and in the region of Vakinankaratra²⁷ where the

²⁴ This would be some 67,242 million Ariary.

²⁵ Modernisation activities included the acquisition of aerial or satellite images, inventory of all land documents (19 offices), their digitalization (14 offices), construction or renovation of buildings (20 offices), provision of office material (22 offices) and the creation of deconcentrated offices in new districts (growing from 29 offices to 36 between 2007 and 2010; and 38 in 2014). Twenty of these offices are one-stop-shops for all the services of the deconcentrated land administration (Comby et al. 2011; Repoblikan'i Madagasikara 2015a).

²⁶ AfD is the French development agency

²⁷ Madagascar has 22 regions. In terms of population, Vakinankaratra is the second-biggest region after the capital region of Analamanga, but in terms of area it is one of the smallest.

focus municipality of Ankazomiriotra is located). By December 2017, some 535 local land offices had been opened (38% of all municipalities) and 142,067 certificates delivered, covering 193,679 hectares (0.47% of all agricultural land). The region of Vakinankaratra contains 83 local land offices (15% of all offices) and only three of its municipalities do not have one, including the regional capital of Antsirabe. Initially, almost half of the certificates were delivered in Vakinankaratra but this proportion has slightly diminished since 2011. The statistics also describe the gap between the number of certificates delivered and applications made, showing that a backlog was created quite quickly. Indeed, in 2007 and 2008, around 35 percent of the applications were successful, the backlog being 65 percent. In 2017, the national backlog was still 45 percent.

Table 4.3. Statistics on local land offices, certificates and titles nationally and in the region of Vakinankaratra

Year	Region	No. of land offices (cumulative)	No. of demands for certificates (cumulative)	No. of certificates (cumulative)	Of which under a women's name (cumulative)	Area covered (ha) (cumulative)	No. of titles (yearly rate)
2006	National	30	2 074	925	198	999	No stat
	Vakinankaratra	4	666	412	101	171	
2007	N	51	10 072	3 589	807	2 727	No stat
	V	11	3 934	2 177	489	738	
2008	N	222	60 602	21 007	4 160	13 589	No stat
	V	70	30 179	11 158	2 292	4 158	
2009	N	286	99 813	47 744	9 940	38 100	11 514
	V	71	54 017	27 720	5 326	12 799	
2010	N	362	126 552	67 296	13 954	63 144	8 668
	V	72	61 776	37 444	6 977	18 625	
2011	N	396	150 594	83 348	17 751	99 625	10 137
	V	72	65 929	42 697	8 919	21 924	
2012	N	403	179 230	96 565	21 154	119 129	9 999
	V	72	75 779	46 439	9 034	24 322	
2013	N	471	192 699	106 084	23 569	127 078	11 839
	V	83	78 368	50 117	9 818	26 355	
2014	N	503	212 425	114 949	25 722	134 417	2 887
	V	83	85 548	53 196	10 397	27 528	
2015	N	515	219 059	119 586	27 076	138 090	7 484
	V	83	87 608	54 122	10 596	28 017	
2016	N	533	236 049	131 361	29 986	149 574	1 149
	V	83	92 219	58 007	11 248	31 043	
2017	N	535	257 305	142 067	32 843	193 679	No stat
	V	83	93 741	61 557	11 833	52 660	

Source: Land Observatory (<http://www.observatoire-foncier.mg/cartegf.php>)

These figures are lower than expected at the beginning. Indeed, implementation encountered challenges. Firstly, the political turmoil of 2009 affected funding the policy. The largest donor (MCA) withdraw from the country in line with the decision of the USA government. Interviewees explained that in a couple of months, the MCA project established a plan of retrieval in which technical findings were handed over to the government and material goods allocated to municipalities and civil society actors. The European Union (EU) was also obliged to end its activities. Some donors kept projects alive, however. The World Bank continued emergency funding; France provided assistance to the Land Observatory and funded an out-posted technical expert in the Ministry responsible for land; the Swiss Agency for Development and Cooperation (SDC) implemented a project called Matoy; and the International Fund for Agricultural Development (IFAD) executed the first phase of its rural development project AD2M in the regions of Menabe and Melaky. These donor activities included some support for land tenure, including the extension of funding to existing and new local land offices (Andriamanalina et al. 2014b). After the withdrawal of MCA, many of the local land offices saw their subventions vanishing and were obliged to rely on self-funding. Interviewees said that this lead to the inoperability of some offices.²⁸ Only their opening licenses remained valid, while all activity ceased because employees were not paid. According to a survey of the PNF in 2012, some 33 percent of the offices were autonomous, 56 percent faced technical, economic and institutional challenges, and 11 percent were inactive (Andriamanalina et al. 2014b).

Against this background, I argue that the relatively low number of certificates issued, the large backlogs and the operational difficulties of the local land offices are not representative of success in the administration of land.

4.2.4. Consolidation of the policy

The policy process continued regardless of emerging challenges. An external evaluation of the process was conducted in 2011 by national and international experts. They recommended the government consolidate the policy and this idea was taken on board at the end of the political transition period in 2013. Meanwhile, tenure issues had been

²⁸ This is not reflected in the overall statistics of the Land Observatory as the offices remain open even though they are not operational.

integrated in the Constitution of the 4th Republic in 2010. Article 34 stipulates that the state guarantees individual properties and ensures access to land through appropriate legal and institutional means and transparent management of information (Republikan'i Madagasikara 2010).

President Rajaonarimampianina launched the consolidation process in June 2014, which included multi-stakeholder workshops in four provinces. In parallel, a technical committee for the preparation of the land policy was established, bringing together politicians, administrators, civil society, public decision makers and private operators. A synthesis of these reflections was presented and discussed in a national land tenure forum held in February 2015 that was funded by the French government through FAO. (Republikan'i Madagasikara 2015a) This forum was also an occasion to present the Voluntary Guidelines on the Responsible Governance of Tenure to a wider Malagasy audience.

The provincial workshops and the national forum formed the basis for the drafting of the new LPF, a first version of which was approved by the Council of Ministers in May 2015. This letter and the process through which it was elaborated were, however, questioned by the state land service, which was on strike during the first half of 2015, disputing its development process and some of its key points that would have meant reducing its responsibilities (Razafindramiadana 2015). These demands were considered in a final version of the LPF, validated by the Council of Ministers in August 2015. The policy-makers and donors behind the first version felt that the premises of the 2005 policy had been questioned. They wrote an open letter to the Minister expressing their concerns and asking for a multi-stakeholder workshop in which the modified orientations of the LPF could be discussed with decentralised actors and civil society (Délégation de l'Union Européenne et al. 2015). The workshop took place in November 2015, but the wording of the LPF remained unchanged. I return to this when discussing tenure security and the power plays around the policy process.

The 2015 LPF foresees 'concerted and transparent administration of land, an inclusive planning of land use and an equitable and secure access for all, men and women, allowing sustainable development that is brought forward by people, open for investments and anchored in local dynamisms' (Republikan'i Madagasikara 2015a). The

objective is to make 'land a basis for development thanks to the securing of a diversity of rights, a concerted land administration and a conciliation between the current and future needs in land' (ibid.). This is achieved through five thematic orientations:

1. Securing the rights in their diversity
2. Managing and planning land uses in a concerted manner
3. Facilitating the access to and the valorisation of urban and rural lands
4. Improving and creating synergies between the decentralised and deconcentrated forms of land administration
5. Engaging in transparency and accountability in land administration.

Republikan'i Madagasikara (2015a)

The 2015 LPF furthermore sets operational axes for priority activities to be undertaken under the PNF until 2020, with a targeted budget of 67 million euros. These activities of the PNF were formulated by a preparation committee based on input from provincial workshops organised in November and December 2015. The PNF was launched a year later. According to the programme document, by 2020 Madagascar should have a land administration in place that is close to people, operates according to a revised legal framework and responds to the needs of local development actors (M2PATE 2016).

The financial and operational objectives of the PNF are ambitious. First, they rely on donor support while only some 16 to 17 million euros had been secured by 2017.²⁹ Second, as stated in the document itself, the implementation of PNF requires the stability of the adopted institutional framework, the non-questioning of the LPF and regular operation in the adoption of laws (M2PATE 2016), while the current policy context is characterised by a tense political and institutional environment.

This overview of the background, objectives and evolution enables us to situate the Malagasy policy in an overall political and institutional context. It sheds light on: i) emerging concepts of tenure security around the need to secure tenure through legal and administrative means; ii) mitigated results in the implementation of the policy regardless of the decentralised and cheaper certification approaches and practices; and iii) evolving

²⁹ Seven donor projects were active or planned at the end of 2017. AfD and the EU were funding a project named ARSF around Antananarivo; the World Bank was finalising an emergency project called PURSAPS and entering into a new one called CASEF that focus on agricultural investments and securing tenure in growth corridor areas; the SDC was finalising the Matoy project; IFAD was planning the second phase of the AD2M project; FAO was starting pilot activities on the state land inventory in a rural municipality of Ankazobe; and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) was conceiving activities on land use planning in the region of Boeny.

power plays affecting the institutional dynamics of the policy. These elements potentially influence considerations and create new sources of tenure insecurity. I explore these conceptions, practices and interactions further in Chapters 5, 6 and 8. In addition, the policy is set in a range of local contexts where it is to be implemented. One such setting is the rural municipality of Ankazomiriotra that is the focus of this research. I present the characteristics of Ankazomiriotra in the next section with the objective of revealing (dis)connections between the national policy spheres and local development challenges.

4.3. Local development context: an example of the municipality of Ankazomiriotra

The land policy has been implemented predominantly in rural areas. Here, I focus on the local land office and the development context in the municipality of Ankazomiriotra, located in the region of Vakinankaratra. Historically, it has been an agricultural frontier zone. Today, almost 50 percent of the population lives in extreme poverty and 71 percent under the poverty line (Razafimahatratra et al. 2017). In this context land is a major economic, social and cultural asset. Comprehending the local geography, socio-economic characteristics and value of land is thus important for future exploration of the implementation of the policy in Ankazomiriotra, farmers' conceptions of tenure security and analysis of the motivation of farmers to apply for certificates. I introduce the local land office and the local setting in the next sections.

4.3.1. Local land office

The local land office in Ankazomiriotra was opened by MCA in 2008. Since the withdrawal of the donor, the office has operated independently. It received 1,037 demands and delivered some 728 certificates by December 2017 (81 certificates per year). This is a slightly higher figure than shown in Table 4.4, in which figures are based on the annual statistics of the Land Observatory, last up-dated in June 2017. The land observatory data moreover shows that some 1,013 hectares of land are certified (2.5% of total municipal land area). In addition, according to the local land office, some 15

percent of the municipal area would have been titled over the years, mainly around the centre.

Table 4.4. Statistics of the Land Observatory on certificates in Ankazomiriotra

Year	No. of demands (cumulative)	No. of certificates (cumulative)	Of which under a woman's name (cumulative)	Area covered (ha) (cumulative)
2008	414	0	0	0
2009	451	195	55	392
2010	502	283	68	582
2011	561	322	79	607
2012	638	379	93	658
2013	691	402	101	669
2014	No data			
2015	760	470	111	876
2016	883	583	144	961
2017 (June)	905	636	156	1 013

Source: Observatoire du foncier (<http://www.observatoire-foncier.mg/cartegf.php>)

Image 4.1. Local land office of Ankazomiriotra



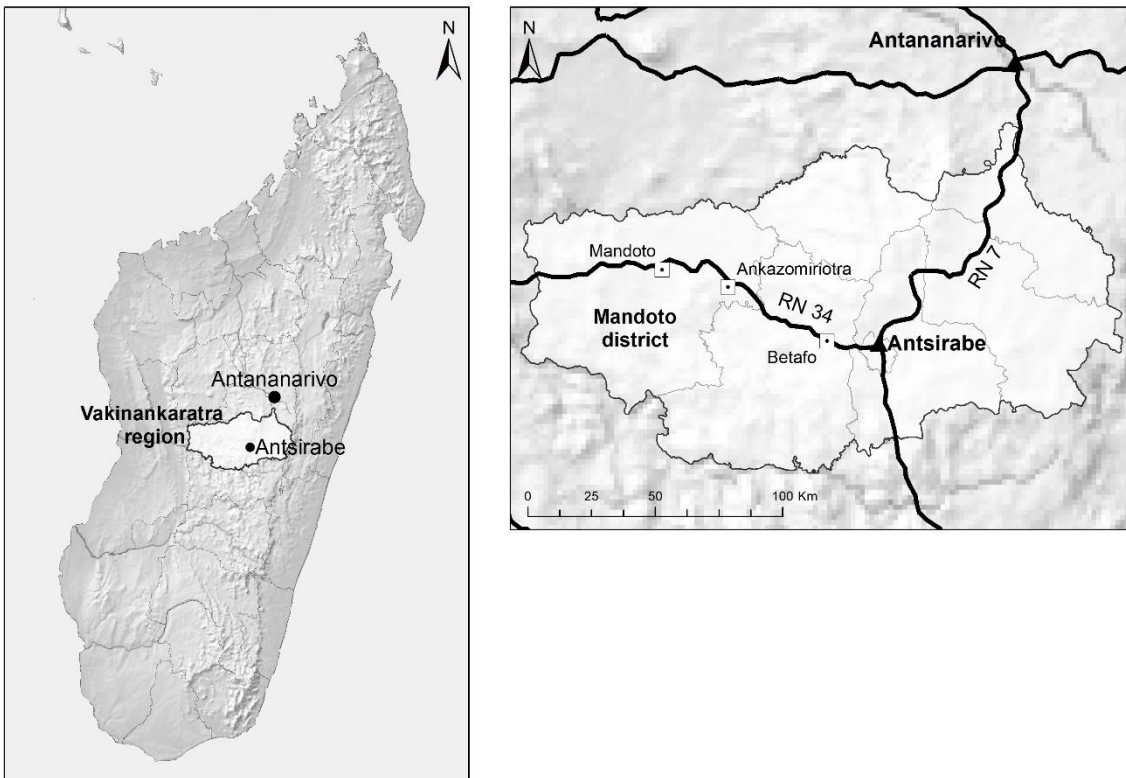
The local land office occupies a central site at the ground floor of the main municipal building of Ankazomiriotra (Image 4.1.). It is a so-called ‘paper office’, which means that the digitalisation of information is done by the CRIF of the district, which is also hosted by the municipality of Ankazomiriotra

because there is no reliable electricity in the district capital Mandoto. The CRIF is funded by all the municipalities of the district it serves. The municipality furthermore hosts three micro-credit organisations (CECAM, Otiv and Access Banque), the regional agricultural service office, a civil society-based agricultural service centre (CSA – Centre de service agricole), and veterinary services.

4.3.2. Geography: an agricultural frontier zone of the Moyen-Ouest

Ankazomiriotra is part of the administrative district of Mandoto in Vakinankaratra, 70 km west of the regional capital Antsirabe (Figure 4.2.). It is easily reachable by the national road 34 (RN34) that crosses the municipal centre. It has an area of 404 km² for a population of around 30,000 inhabitants (74 people/km²). It is furthermore composed of 16 *fokontanys*, each of which has 4 to 7 villages where the habitation is concentrated. The *fokontanys* of the centre of the municipality are more urban and bring together 1/3 of the overall population.

Figure 4.2. Localisation of the region of Vakinankaratra and municipality of Ankazomiriotra



Ankazomiriotra is considered part of the Moyen-Ouest, term used to describe the western parts of Madagascar, pre-dominantly pastoral zones in which farming accelerated in the 1950s (Raison 1984). Interviewees described themselves as first-, second- or third-generation migrants of the Merina ethnic group from around Betafo and Antsirabe some 50 and 70 kilometres towards the Central Highlands. This is confirmed by a survey conducted in four municipalities of Ankazomiriotra by an agricultural

research project called SPAD. It found that 70 percent of people in Ankazomiriotra arrived in the municipality before 1991, 13 percent between 1991 and 2000, and 17 percent after 2000 (Razafimahatratra et al. 2017). People migrated to seek employment and land, more recently because of insecurity (Razafimahatratra et al. 2017). Today, most of the land is in use. Available land remains close to the mountain or towards the south of the municipality, away from the RN34 (Razafimahatratra et al. 2017).

The landscape is open, with views of the mountains (average altitude is around 1000 m, peaking at 1800 m). It is dominated by *bas-fonds* (shallow land) and *tanety* (hillside). (Images 4.2. and 4.3.) The *bas-fonds* occupy some 4,400 ha according to the local land office, consisting of irrigated lowlands and predominantly used for rice. The parcels are organised in terraces, surrounded by irrigation canals. In the off-season, some farmers use them for vegetable production (tomatoes, onions, salad leaves etc.). The *tanety* are rain-fed hillside lands where farmers grow rice, cassava, peanuts, corn etc. If adjacent to the *bas-fonds* and technically feasible, farmers transform the *tanety* into terraced, irrigated lands as these provide better yields and are more suitable for paddy rice. Grasslands are found on the *tanety* and on the mountainsides, and they are used for pasture among other things. There is no forest. Fruits trees are grown in and around villages, and trees like eucalyptus occupy some parcels or are used to mark boundaries.

Image 4.2. Open spaces of Ankazomiriotra



Image 4.3. *Bas-fonds* and *tanety*



4.3.3. Socio-economic characteristics of farmers

4.3.3.1. Small-scale farmers engaged in pluri-activity

Most people in Ankazomiriotra are small-scale family farmers.³⁰ They are engaged in pluri-activity associating agriculture, animal husbandry, commercial activities and agricultural employment.³¹ The SPAD survey found that around 35 percent of the households sell their agricultural produce in the market (Razafimahatratra et al. 2017). Agriculture goes beyond subsistence (ibid). Indeed, my observations and interviews indicate that farmers sell surplus directly in Ankazomiriotra or to collectors of rice who come to their villages after the harvest.

There is, however, variability in the market prices depending on when the produce was sold (Table 4.5.). The longer the farmer was able to stock the produce, the better value for money it represented. However, most of the poorest households needed to sell the harvest directly to purchase other necessities. If their own stock did not last for the whole season, they had to buy rice from the market at a higher price (2100 Ariary/kilo in December 2017). There is thus a local proverb that farmers sell rice to the collectors in big bags (after the harvest in May/June) and buy it back in small bags (December to March).

Households also have cattle (*zebus*), used as a workforce, source of fertiliser and means of transport. Other animals being raised include chicken, ducks, turkeys and pigs. Farmers can breed animals, sell them in the market and invest the surplus in other animals with a better market value, and finally rent or buy land with the money made.

³⁰ I talk about farmers (rather than peasants) as a way to reflect the dynamics of the political economy of agrarian societies. Farmers are understood as a diverse group of social actors who make their living from agriculture and related activities, linked to commercial, administrative and political activities. Social differences and inequalities exist between them. Some of them relate to other spaces and are part of the wider political economy, others don't. Yet, in French and in the national context in Madagascar actors often talk about peasants non-pejoratively. In the Malagasy context, a farmer might have received a more formal agricultural education from state institutions, have a commercial approach to agriculture and might have made an active choice to be a farmer. A peasant, instead, would farm by default and be more connected to subsistence agriculture. However, both can have legitimate and legal access to land. A peasant in French no longer means a person without land.

³¹ In 2017, an average salary reported by interviewees was between 1500 and 3000 Ariary/day. These salaries vary according to the *fokontany*, season and availability of workers. The survey conducted by SAPD found that the average salary was 2350 Ariary/day (Razafimahatratra et al. 2017).

Table 4.5. Indicative prices of agricultural produce

	Price of rice as sold to collectors in 2016	Price of rice as sold to collectors in 2017	Price of cassava in 2016
After harvest (May/June)	550 Ariary/kilo	600 Ariary/kilo	100 Ariary/kilo for fresh
Low agricultural season, before new harvest³²	900 Ariary/kilo	1100-1300 Ariary/kilo	150-180 Ariary/kilo for dried
Vary maitso - Produce bought in advance of harvest to reimburse credit		400 Ariary/kilo	

4.3.3.2. Socio-economic differences

The history of Ankazomiriotra as an agricultural frontier zone plays out in the socio-economic differences between people. Malagasy society is often characterised as fragmented, with people are identified according to an inherited hierarchy based on a previous system of three castes (Razafindrakoto et al. 2015). Nevertheless, according to Raison (1984), economic factors have attenuated these caste-based fractions in the agricultural frontier societies of the Moyen-Ouest. He notes that while groups of higher caste live in small towns and centres, a key differentiation is made according to the anteriority of arrival in the zone and the number of *zebus* each household has (Raison 1984). In fact, local notables benefit from possessing land and *zebus*, and have strategically limited the number of new arrivals by making it difficult to settle in the zone (ibid). Consequently, wealth and anteriority influence social position and the ability to negotiate one's access to land and conditions for tenure security (see Peters 2004 and 2009).

Today, the differences in the moment of arrival are reflected in the type and amount of land households possess. According to the SPAD survey, more recent migrants hold slightly smaller areas of land (1.60 ha compared to 1.69 ha) (Razafimahatratra et al. 2017). This difference plays out on the *bas-fond* (0.35 ha compared to 0.52 ha), while on the *tanety* recent migrants have greater areas of land (1.20 ha compared to 1.07 ha) (Razafimahatratra et al. 2017). In fact, as noted by some interviewees, the *bas-fond* have been appropriated first and have more agricultural value, thus leaving *tanetys* for more

³² This period is called *période de soudure* in French. There is no clear English language equivalent.

recent migrants. When land became scarcer, farmers had to seek parcels further away. Today, some farmers report walking one to three hours to reach their parcels. Also, the parcels tend to be smaller and more expensive where the demand is higher i.e. close to the centre of Ankazomiriotra and to the villages.

This socio-economic differentiation is exacerbated by an increase in land prices (Table 4.6.). In general, as argued by the SPAD survey, it is difficult for poorer farmers to access land in the *bas-fond* (Razafimahatratra et al. 2017). Throughout my interviews, farmers referred to significant increases in the price of land, especially over the past ten years. They associated this with the population increases and relative scarcity of land. The preference of people to transact inside families or between friends furthermore reduces the availability of land in the market.

Table 4.6. Average price of 0.1 hectare of land in Ariary

Period	<i>Tanety</i>	<i>Bas-fond</i>
Before 1990	1,231	1,451
1990-1999	3,655	7,639
2000-2009	7,000	23,329
Since 2010	8,659	41,898

Source: Razafimahatratra et al. (2017)

Based on my observations and interviews, I have classified households into three rough categories: high-, medium- and low-income.³³ The high-income households were mainly living around the centre of Ankazomiriotra. They were thus outside my sample of interviewees in the three selected *fokontanys*, but I came across them conducting exploratory interviews and meeting with municipal or civil society players. In fact, the households interviewed in the three focus *fokontanys* mainly fall into the medium- or low-income categories. The SPAD survey also profiled households, but in four economic categories: prosperous, out of poverty, poor and extremely poor (Razafimahatratra et al. 2017). I bring the qualitative and quantitative data together in Table 4.7. This affirms that inequalities exist between households, and the poorest are most represented in Ankazomiriotra. (See Images 4.4. and 4.5.)

³³ These should be considered only as indicative categories that help comprehend the situation in Ankazomiriotra.

Table 4.7. Categorising households based on qualitative and quantitative socio-economic characteristics

Qualitative category	Observed socio-economic characteristics	Quantitative category	Surveyed characteristics
High-income households e.g. collectors of rice, doctors (outside my sample)	Commercial, administrative and political activities. Linked to outside networks. Commercial agriculture. Employing agricultural work force. Large two-storey houses in concrete. Separate areas for living, cooking and sleeping. Fenced gardens. Equipment such as radios, TVs and mobile phones. Access to electricity at the centre. Solar panels in villages. Motorbikes. Children go to high school. Living mainly in the centre of the municipality. Some households in rural <i>fokontanys</i>	Prosperous over 1.1 million Ariary/person/year	12% of population Revenues from non-agricultural activities, animal husbandry and agricultural produce Largest farms (3.71 hectares)
		Out of poverty 600 001-1.1. million Ariary/person/year (above national poverty line)	17 % of population Revenues from agricultural produce and animal husbandry Medium farms (2.53 hectares)
Medium-income households e.g. well-established households in rural <i>fokontanys</i>	Commercial and subsistence agriculture. Animal husbandry including <i>zebus</i> . Side activities such as shop-keeping. Involved in decision-making in <i>fokontanys</i> . Some contacts to municipality. Two-storey houses with terraces. Separate rooms for living, cooking and sleeping. Animals occupy the first floor of the house. Basic furniture and equipment. Solar panels. Bicycles Children go to secondary school	Poor 420 001-600 000 Ariary/person/year (below national poverty line)	22% of population Revenues from agricultural produce. Complementary revenues from agricultural employment and non-agricultural activities. Medium-sized farms (2.37 hectares)
		Extremely poor Less than 420,000 Ariary/ person/year	49% of population Revenues from agricultural produce and agricultural employment. Small farms (1.2 hectares)
Low - income households e.g. small landowners or agricultural employees	Subsistence agriculture with some surplus sold in the market. Some small animal husbandry. Work as agricultural employees. One or two floor rudimentary houses. Same areas for living and sleeping. Separate areas for cooking and animals. No furniture or equipment. Children go to primary school and then work in the fields.		

Sources: Observations, interviews, Razafimahatratra et al. (2017)

Image 4.4. Socio-economic differences



Image 4.5. Low-income households



4.3.3.3. Strategies of survival

In light of the above data, it is not surprising that most of the interviewees declared that they face economic difficulties. They linked these to the low market prices for agricultural produce, overall issues of insecurity present in the zone due to the theft of *zebus* by armed bandits called *Dahalos*, indebtedness and periodical financial hardship. In particular, the theft of *zebus* means losing one's savings as well as an important workforce and source of fertiliser. Indeed, together with land, *zebus* are considered as the main forms of savings and investment:

Land and *zebus*, they are like the bank of farmers.

Interview with a farmer (PEA024), 10.06.2016

To cover their losses and sudden needs in money, farmers reported selling movable goods, small animals, renting or selling parcels, lending money or asking for advances against future harvests. Some of them have invested in land instead of *zebus* to avoid theft. These observations are similar to those of Sandron (2007) who analysed strategies of farmers to mitigate risk in a municipality in the highlands of Vakinankaratra. In addition, Sandron (2007) found that farmers diversified their activities and had parcels scattered across different zones to be less vulnerable to climatic variations and plant diseases. The de-schooling of children, working as an agricultural employee or emigration were also common strategies (ibid.). It is worth noting here that a practice called *vary maitso* is recurrent in Ankazomiriotra. It means that a farmer takes a credit, most often from a collector of rice or a shopkeeper, agreeing to sell the new harvest to the creditor with a price set in advance. As shown in Table 4.5, this price is well under

the regular prices applied in the market. Consequently, the economic difficulties might lead the poorest farmers into a vicious circle of credit dependence on rice-collectors, merchants and local notables. Such a dependence further exacerbates the socio-economic differences between people.

Recourse to credit remains nevertheless sensible. The SPAD survey found that some 50 percent of households did not use credit as it represented too many risks, was not their habit and posed management issues (Razafimahatratra et al. 2017). Those who borrowed money did so from micro-finance organisations (42%), merchants (31% – practice of *vary maitso*), extended family (22%), friends (3%) and banks (1%) (Razafimahatratra et al. 2017). This aversion to risks also came through in the interviews. Farmers were suspicious of micro-finance institutions and were wary of making formal requests, scared of losing their land or obliged to work as agricultural employees. Only a few (of middle- and higher-income) had dealt with micro-finance institutions, asking for credit to build a house or buy *zebus*.

In a similar vein, most farmers are excluded from major outside networks. According to the SPAD survey, 80 percent of people did not report of being part of any professional, commercial or civil society network (Razafimahatratra et al. 2017) even though some of these organisations have offices in Ankazomiriotra. This isolation increases gaps between urban and rural areas of Madagascar where the latter are excluded from institutional and economic circles (Razafindrakoto et al. 2015). Belonging to outside networks can create differences between farmers in terms of the implementation of policies and development interventions.

4.3.4. Multiple values of land

The socio-economic characteristics of Ankazomiriotra demonstrate that land has natural and financial capital. Not surprisingly then, the farmers interviewed highlight that all their essential needs for a secure life start with land: food, crops and housing.

For us the value of land is that it is the basis of our life, without land farmers cannot survive because it is the source of food and money. It is the value of the land, the basis of life.

Interview with a farmer (PEA019), 07.06.2016

Above all, land has cultural and social values that influence the sources of and conditions for tenure (in)security. In general terms, the Malagasy refer to land as *tanindrazana* which means the land of ancestors, the living space of the lineage that unites people, but also the homeland of the Malagasy as a nation (Fremigacci 2014). Omrane (2008) explains that the identity of rural people is composed of three elements: being a descendent of an ancestor who created the village, holding land in that village and having a family tomb in the village. Accessing ancestral land moreover increases the social status of an individual (Omrane 2008) and anteriority is also a marker of socio-economic differentiation between families (see Raison 1984).

In Ankazomiriotra, a tangible sign of the presence of several generations of the same lineage is the willingness of people to transfer entire family tombs from their regions of origin to Ankazomiriotra. This requires the consent of the ancestors and finding a suitable place for the tomb in one of the family parcels. The lands in Ankazomiriotra are thus becoming the lands of ancestors where it is a souvenir given by parents and received through inheritance. They become places where previous generations were born and where one will return upon death.

Land indeed connects farmers to their past, but it is also the basis for their present and a link to the future. In the farmers' accounts land, was often described in terms of its quasi-sacred value. These sacred linkages can be as much linked to the ancestral belief systems as to Christian convictions where farmers describe it as God's creation, given by the ancestors and/or God to produce food. Land enables life to take place.

Land is sacred because it nourishes us. It feeds us and that is where we will end up after death

Interview with a farmer (PEA040), 05.07.2016

Land has a great value, it is thanks to it that we can produce, it is the origin of men too and it is there that we will end up. The land that God has left us is sacred.

Interview with a farmer (PEA041), 05.07.2016.

Securing access to and continuous holding of land is thus vital – any other behaviour might be considered immature and vain, neglecting the basis of life and one's own survival.

For people who are not yet mature, they sell their land for any reason because they are unaware of the value of the land. Or even when they are aware of it and when they want something, they sell their land. But most people, I would say 90 percent, try to protect land because a farmer without land is not a farmer. [...] A life without land is not stable.

Interview with a farmer (PEA039), 22.06.2016

4.3.5. Combinations of ways to access land

Because land is economically, culturally and socially valuable, accessing it is a challenge. Older generations might still hold parcels that they appropriated through the rights of occupancy. Older interviewees explained that when arriving to the village, they asked approval from the village elders or the chief of *fokontany* whose recognition was necessary to be socially accepted and directed towards available pieces of land. When the agricultural presence became more intense and settled, the use and appropriation of land started to be socially controlled. Newcomers had to negotiate access with people in place. According to Raison (1984), in such contexts good interpersonal skills were useful for social negotiations as well as knowledge of local settings and administrative support.

Today, the settlements are established, and most of the land is appropriated and used by individuals or households who have acquired their parcels through various means, such as donation, heritage, purchase or renting. Land is also accumulated little by little and used as leverage to respond to each life situation.

That is how we accessed to the land: when we were young, when we were still with our parents, we had some money and we did not spend it, but we bought land. We fed our children with the land we had bought before our wedding. We bought little by little, since we have many children we did not allow ourselves to have a big life. We thought about our children and to share land with them.

Interview with a farmer (PEA008), 03.06.2016

The first step, we were 7 and our parents' land was not enough for us. I was grown up and my brothers and sisters were still small. They gave me a part to cultivate when I got married. I farmed there and [...] raised animals. Then there was land for sale and I was able to buy. I sold everything to buy the land. Later my parents were in trouble because my father had fallen ill, and I gave them the plot they gave me when I got married.

Interview with a farmer (PEA004), 01.06.2016

Table 4.8. combines two statistics on access to land: one specific for the zone of Ankazomiriotra and another on nine municipalities of Madagascar. It demonstrates that access through rights occupancy has become rare, especially around Ankazomiriotra.

Inheritance and purchase are the most common ways of accessing land in a permanent manner.

Table 4.8. Modes of access to land

	Four municipalities in the zone of Ankazomiriotra (% of parcels) (Survey of SPAD 2017)	Nine municipalities of Madagascar, of which three in Vakinankaratra (% of parcels) (Survey of Burnod, Andrianirina et al. 2014)
Rights of occupancy	1%	6.7%
Inheritance	45%	51.8%
Purchase	51%	37.1%
Turning inheritance (heirs cultivate the parcels one after another, no official division is made)	2%	
Other (donation, swapping, exchange)	2%	4.4%

Sources: Burnod, Andrianirina et al. (2014); Razafimahatratra et al. (2017)

4.3.5.1. Inheritance

The traditional pattern of inheritance is patrilineal where daughters obtain less land than sons or none at all. The farmers in Ankazomiriotra explain this as a way to ensure that the ancestral lands are not alienated from the family when daughters move to live with their spouses. In other words, it is a way of controlling the appropriation of land. However, when daughters lose the connection with the ancestral lands, they are not expected to carry out responsibilities towards the family such as (financially) contributing to family festivities, which is a duty of the heirs and can represent significant costs. Sometimes daughters receive small tracts of land from their parents. In these cases, their responsibilities towards the family are reduced or nil. Nevertheless, a number of farmers also acknowledged giving the same amount to daughters and sons. When a woman disposes of land, she does so independently from her partner i.e. she can transmit it to her children, give it to family members or sell it (Omrane 2008).

Farmers also told me of donating land in usufruct to their children when they get married. These parcels might not, however, be held permanently by the children, but can be reallocated between family members either when other siblings get married or the parents die. In general, farmers found it crucial to be able to leave land to their children:

Especially for Malagasy, children must inherit from parents and it is shameful for parents not to be able to leave any inheritance for their children.

Farmer in a focus group discussion, 02.06.2016

In the tradition of the Merina ethnic group, it is frowned upon to give ancestral land to a person outside of the lineage (Sandron 2007). One farmer expressed this through a proverb:

Heritage should not change hands.

Interview with a farmer (PEA024), 10.06.2016

Yet, many farmers were concerned whether they have enough land for their children to inherit. This is a real worry considering the size of the households (5.7 people on average according to Razafimahatratra et al. 2017), which leads to a decrease in the amount of land passed to future generations and the general fragmentation of land-holdings. The market remains an option to access land and to complete existing holdings. However, here again, the high prices mean that land is available only for the wealthiest, escalating inequalities between households.

4.3.5.2. Markets

Regardless of the strong ancestral value of land, a purchase and rental market exists in Ankazomiriotra. Yet, farmers told of prioritising the selling or renting of parcels to family members, followed by selling land to friends and trustworthy people with whom they did not have any tension or jealousy. If nobody among the extended family and circle of friends was interested in the land, it could be offered to a wider community of buyers and advertised in the *fokontany* or municipality. In the words of the farmers, the land market is based on social relations, negotiations and confidence. This means that farmers might not sell parcels, for instance, to neighbours they are jealous of, to avoid the accumulation of land by them.

While all lands are valuable, farmers told of allocating most significance to lands that have already been passed on in the family and gained ancestral value. One would separate from them at the last recourse, meaning that land acquired by purchase would be sold first. As a common feature of lineage systems, farmers explained that when a parcel with an ancestral linkage is sold, a benediction from the ancestors or other family members should be sought. The farmers remark that such approval is often given when the reasons are about survival, livelihoods and better living conditions. In their words,

ancestors and family members are understanding but only for serious reasons. They considered other, profit-driven behaviour to be disrespectful towards the ancestors. The person separating from the ancestral land could also endure social and cultural loss by being left outside family traditions. This shows again that the possession of ancestral land ensures belonging to a group and a place (see Omrane 2008; Evers 2013).

Considering cultural and social value, land is mainly sold as a last recourse after having separated from all mobile properties. Farmers told that transactions take place before the new harvest or before festivities such as exhumation (*retournement des morts*) when the need for money is the greatest. There is a paradox here as farmers might need to sell their ancestral land to be able to participate in the exhumation festivities to celebrate these same ancestors. Other farmers might also rent part of their holdings and start to work in parallel as agricultural employees to receive a regular salary and a single payment for the land to cover costs, rather than being obliged to rely on the harvest alone as a source of revenue. At some point, they might even sell land to the new occupiers and work for them. Finally, in some cases wealthier farmers might rent land out if they are not able to cultivate it and do not wish to employ workers.

While most transactions are definitive, farmers confirmed that a practice of temporal or partial selling of land exists. It includes a clause that in the case of a resell of the parcels these would be offered to the initial owner first at the same price. When parcels are sold to family members, the sellers might wish to continue to use some parts. Sandron (2007) observes that when land is sold between family members, the seller might hope to take it back at later stage.

In the rental market, the owner's need defines the period for which parcels are made available, mostly from one to three years. The tenant is supposed to pay the whole rent in advance and they are not reimbursed for any works or investments made on the parcels. This diminishes the tenants' ability to engage in longer-term contracts and limits access to tenants with initial capital. The tenants might also avoid long-term contracts so as not to rent parcels when they are fallow in their rotational cycle.

This overview of Ankazomiriotra sheds light on a rural agrarian society where poverty is deep, outside integration weak and land (together with *zebus*) a marker of wealth,

social status and belonging. Land is accessed and governed through family and community relations, and few people have legal documents such as certificates and titles. This background indicates that tenure security is more of a question of authority, social and cultural relations inside households, families and communities rather than a legal and administrative matter requiring registration. Also, the key development challenges are related to agricultural production in general, the low market value of produce, population growth and insecurity. While land is economically, socially and culturally valuable, land tenure was not the main preoccupation of interviewed farmers. This overview is important as it enables us to contextualise the land policy in a rural setting. It equally helps explaining some understandings farmers have of tenure security (and tenure problems) and how they view the policy implementation. I analyse these aspects in Chapter 7.

4.4. Conclusion

In this chapter, I provided an overview of national and local contexts which the Malagasy land policy falls into. Several points are worth highlighting. First, the national policy and development setting are characterised by political instability and economic challenges that have also impacted the implementation of the land policy. Second, parallel development, environmental conservation endeavours and agricultural investments raise questions about the ability of the land policy to secure the tenure rights of small-scale farmers. Third, decentralisation has been a policy approach since the 1990s, but in terms of land administration it is questioned by the state land service, whose authority over land was reduced. This creates friction in policy implementation. Fourth, economic, social and cultural meanings of land as well as customary ways of governing land reign in a case study rural community questioning the legal and administrative basis of the policy. Finally, the policy has been elaborated and implemented with external actors – donors, experts, NGOs – that have influenced its course. These are points to be reflected in the next empirical chapters (5 to 8).

In this chapter, I have also underlined elements that frame the research. Therefore, I examine Malagasy land policy in relation to its core elements of recognition of local

appropriations and uses of land, and decentralisation of land administration. I attend to other dimensions (e.g. modernisation of land administration) only when relevant. I analyse the policy from its endorsement in 2005 until 2016 when the new PNF was enacted. I recognise, however, the antecedents to the policy. I bring a global dimension to the discussion when it is directly related to Madagascar e.g. through the intervention of donors and other international actors. Finally, the local investigation focuses on Ankazomiriotra as a site where tenure (in)securities are made real and policies implemented.

5. Conceptions of tenure security in the Malagasy land policy

The “studying through” of the Malagasy land policy process involves identifying different actors linked to it and analysing framings, objectives and approaches around tenure security (Keeley and Scoones 2003; Wedel and Feldman 2005). These investigations respond to the first research question that asks how actors conceive tenure security. The analysis is based on official policy and legal documents, event-ethnography, and interviews with international and national actors involved in the elaboration and implementation of the policy at different stages. I can grasp the ‘official’ positions through document analysis and event ethnography, while the interviews illustrate the more individualised visions of actors and existing power dynamics.

In this chapter, I demonstrate how some conceptions on tenure security have been institutionalised in the 2005 LPF. This contributed to the elaboration of a key policy narrative around the recognition and registration of locally legitimate tenure rights by decentralised authorities. Although conceptual similarities exist, this narrative was elaborated in opposition to previous more legalistic and administrative conceptions where tenure security was a matter of delineating parcels on the ground, legal involvement of the state and publishing information on private property rights. This positionality has generated power dynamics between proponents and opponents formed into loose assemblages of actors (see Roe 1991 and 1994). The proponents are those in favour of the key policy narrative: policy-makers, technical experts, civil society actors and donors who have conceived and maintained the policy. The opponents are those who have resisted the key policy narrative (mainly the state land service). The power plays between them (Chapter 8) as well as practical experiences of implementation (Chapter 6) and adoption of the policy by farmers (Chapter 7) have furthermore changed ways of seeing tenure security. These modifications are reflected in the 2015 LPF that provides novel direction for the policy.

I start this chapter by analysing the problem framings of the 2005 LPF where it responded to a ‘tenure crisis’, a ‘massive demand’ for securing tenure and external threats to local communities. I then investigate the key policy objectives and approaches

that called for legal recognition of locally legitimate tenure rights and their certification by decentralised authorities. I continue by examining how the policy questioned state control over land, introduced a new system of land administration and overlooked local politics of land. I conclude by discussing tenure security in the consolidated 2015 LPF and changes it has introduced. Throughout these sections, I pay attention to actors linked to the policy process.

5.1. Problem-framing by civil society organisations and technical experts

The 2005 LPF is framed around a perceived ‘tenure crisis’ of land administration, ‘a massive demand for securing tenure’ on the ground and protection from external threats (Republikan’i Madagasikara 2005a). These problem framings stem from the experiences of CSOs and technical experts involved in field activities. For instance, the representatives of a French NGO Fert and a Malagasy farmers’ organisation Fifata³⁴ told of having engaged in field activities at the end of 1990s and beginning of 2000s. Their activities included informing farmers about titling procedures, accompanying them through the application processes and following up on the delivery of titles. They had also provided material support for the state land service, which complained about a lack of resources (paper, computers and technical equipment), and assisted the service during field operations. A number of agricultural development, natural resource management and land tenure projects have also been on-going in Madagascar since the 1990s (see Appendix 2). Among these projects, multiple practices for securing tenure had been tested, ranging from cadastre and inventory of land to allocation of management rights, grouped demands for registering rights and simplified titling programmes. One objective was to find efficient ways to secure tenure and reach out to rural populations. However, the combined results remained disappointing and the land administration inaccessible to farmers. Thus, Fert and Fifata initiated debate in national fora.

³⁴ Today, Fifata has some 200,000 members represented by 4770 local organisations and 13 regional farmers’ organisations in ten regions of Madagascar. The name Fifata comes from the Malagasy words ‘Fikambanana Fampivoarana ny Tantsaha’.

5.1.1. Addressing a ‘tenure crisis’

The ‘tenure crisis’ refers to a situation where the state land service and courts were not able to satisfy demands made of them. The state land service had faults in delivering titles, conserving titles and cadastral plans, and registering changes. The processes were complicated, repetitive and costly both for user and administration. (Teyssier et al. 2007 and Teyssier et al. 2009) Indeed, to place a demand for a title, farmers had to travel to regional cities, which represented major costs on top of the actual application. To process a demand, a surveyor then had to visit the relevant village, which represented charges in terms of travel and time for the administration.

In this setting, the CSO representatives and technical experts interviewed did not hesitate to denounce the difficulties of farmers accessing to titles. They criticised the physical distance between farmers and the state land service, inconsistencies in the titling procedures and the high costs of the titles, often linked to bribes. They highlighted stories of farmers who had been waiting years to receive their titles.

For example, there is a farmer, he might already be dead, he is called the Dadabe, the grandfather. He said that since 1961 he has been going once a month to the state land service and the service tells him to come back, come back, come back, your file, we cannot find it. He said that since 1961 he has been going there with his canoe.

Interview with a national technical expert (FTECHN001), 20.10.2016

Therefore, the titling system was accessible mainly to the elite: urban people and some notables in rural areas with connections and money. The CSOs and technical experts felt that farmers should have the same opportunities as anyone else to acquire legal proof of their land and access to titles in a more straightforward manner. As told by one civil society representative, these feelings prompted the initial push and justification for the policy:

And that was the first reflection on how to make so that the procedures are less slow, so that the costs are lower, accessible to farmers. And the farmers said: we want it to be closer to us, decentralised, so that we are not always obliged, all the time, to go to the state land service to get the land, and that there are actions that can facilitate more grouped actions to ease procedures. And it is from there that was defined the first sketch of the policy.

Interview with a national civil society actor (CSON001), 28.06.2016

In this situation, the capacity of the state land service to provide a satisfactory public service, guarantee property rights and proceed with registration were questioned

(Republikan'i Madagasikara 2005a; Teyssier et al. 2007; Teyssier et al. 2009). The official figures back up this statement. In fact, only 330,000 titles were delivered in a century and the process of allocating a title included 24 administrative steps, cost some 600,000 Ariary³⁵ and lasted more than fifteen years (Republikan'i Madagasikara 2005a). Some half a million demands for titles were pending (Republikan'i Madagasikara 2005a).

The 'tenure crisis' has also been associated with a high number of court cases. In an interview, the President of the Court of Antsirabe estimated in 2016 that 60 percent of all cases were related to tenure issues. Policy actors link these cases to the recurrence of tenure conflicts in local societies, varying from tensions over border delimitations and socially illegitimate use of land, to illegal occupation and large-scale conflicts over rights. In addition, the President talked about problems in dealing with inheritance and with property divisions. A study analysing conflicts presented in court between 2005 and 2010 demystified the highest figures and found that tenure issues represent some 20 to 30 percent of all cases, and their prevalence had increased over the years (Andrianirina-Ratsialonana et al. 2012). Interviews with farmers equally suggest that conflicts are usually solved locally and courts remain accessible only for wealthy and well-connected people.

Finally, official policy documents attribute several economic, social and political consequences to the 'tenure crisis'. The 2005 LPF talks about generalised tenure insecurity, which represented constraints on investments made by farmers, degraded the social climate and led to the loss of credibility of the state (Republikan'i Madagasikara 2005a). More specific to the administration of land, the faults in conserving and updating records by the state land service meant a mismatch between the situation on paper (titles and topographical maps) and on the ground (Teyssier et al. 2009). People using some pieces of land could then be considered 'squatters' by the state as they did not have officially recognised rights and benefit from legal security (ibid). As mentioned by interviewees, these conflicts occurred especially on land that had been registered under the name of former French settlers.

³⁵ In 2016, the exchange rate of one euro varied between 3400-3600 Ariary.

5.1.2. ‘Massive demand’ for securing tenure

In parallel to the ‘tenure crisis’, the CSOs and technical experts observed a transition from customary tenure to an enhanced individualisation of the appropriation and use of land in line with the evolutionary theory of land rights (see Platteau 1996). This was about land becoming a marketed private good; in response, people were asking for the recognition of their rights. The 2005 LPF talks about people turning towards the state, indicated by the half a million demands for titles pending in the state land service. It also mentions people seeking written recognition of their rights in the form of *petits papiers* (Republikan’i Madagasikara 2005a). Indeed, the *petits papiers* serve as an evidence of the use, purchase, heritage, rental and division of land as recognised locally by the chiefs of *fokontany* or the municipality. This practice was translated in the official accounts as a citizen response to tenure insecurity and a ‘strong indicator of the existing demand for formalization’ (World Bank 2006).

In addressing these questions, the 2005 LPF refers to a ‘massive demand’ for securing tenure in general. While policy-makers have recognised that this demand was most pressing in areas with high economic value and where common property systems had broken down (such as urban and peri-urban areas) (World Bank 2006), the 2005 LPF does not disaggregate this demand according to a certain group of actors. It does not mention, for instance, the position and needs of women, young people, pastoralists or other vulnerable groups in terms of securing tenure. Consequently, the politics of land, social dynamics and inequalities affecting tenure security are not considered (see Peters 2004 and 2009).

5.1.3. External threats to local communities

An integral part of the overall problem-framing was the lack of legal recognition of *petits papiers*. As they have only local value, the *petits papiers* offer no protection from threats external to local communities (Republikan’i Madagasikara 2005a; Teyssier et al. 2009). These threats came across in interviews with CSOs and technical experts, who described the situation in 2005 and reflected on more recent changes. In their narratives, the threats are from outside actors appropriating land, such as better-off individuals living in urban areas or state employees and institutions. According to the interviewees, these outsiders

could claim land by showing a title they had received from the state land service, even though the land might have been appropriated and used locally. These situations arise if the outside actors are well-connected, able to use the state land service for their benefit and have funds to cover all costs related to titles. One civil society actor explained this type of threat and possible responses to it:

So, for them [farmers] there was no problem, everyone knows whose land it is. But the problems have arrived the moment when there are people from the city, even from the city of Tana, who come to the provinces, who come with certificates, a land title, to say that this is our land, you have to leave because it is ours or because we are the owners. So, it was from there that there had been requests from farmers to be accompanied on [meetings related to] tenure security. At that time, it was really the term securing tenure so that farmers could work peacefully on their land and so that they could invest in their farms.

Interview with a national civil society actor (CSON001), 28.06.2016

In these stories, the local farmers are the potential victims. Their rights are respected only locally, and they do not have the means to contest titles, even if they refer to land they have been using in a locally legitimate manner. They might lack knowledge of laws that should protect them (since 2005), awareness of procedures to allocate titles or certificates, or the courage to question legal documents. An integral part of the problem is also the scant attention given by farmers to potential threats and to the need to protect their rights, as explained here:

On the other hand, there is the occupant who always has the way of thinking that he does not need to register because between us it is good, between neighbours we agree that it is my land no matter if it is delineated or not. But they are not yet aware that in five years, the municipality will no longer be like that. It will be a municipality that will be like the city now. They don't know that yet. But I think for some time now they have been thinking that maybe it is time.... But they are not convinced yet. That is not yet the case. And that makes them really vulnerable.

Interview with a national civil society actor (CSON008), 02.12.2016

People remain in an unconscious ignorance until the moment when someone comes to their house to tell them to go as tomorrow we come to occupy your land because it is ours, until that moment.

Interview with a national technical expert (FTECHN004), 22.11.2016

These problem framings have furthermore justified the structuring of the policy around legal recognition of locally legitimate tenure rights, the reform of land administration and the registration of rights. These three elements contribute forming the dominant policy narrative.

5.2. Policy objectives and approaches conceived by technical experts

The Minister of Agriculture Harison was receptive to the pre-policy observations and problem framings brought forward by CSOs and technical experts. He spoke of having first sought remedies inside the state land service by closing the offices for a month to clear the backlogs, but this was not enough, and more comprehensive reform was required. He created a technical committee in the Ministry of Agriculture in 2004. According to interviewees he gave *carte blanche* to this technical committee to conceive a land administration system that would reach the widest range of people with minimal costs.

This technical committee was composed of international and national experts, including the directors of the state land service and line Ministries. It held internal discussions and organised workshops and consultations through which it was open to locally-elected people, chiefs of regions, representatives of the Senate, National Assembly and farmers' organisations (Teyssier et al. 2007). Nevertheless, as described by an international expert, the technical committee faced challenges in reaching a common conceptual understanding. For him, two schools of legal thinking opposed one another: one was in favour of private property with titles, while the other valued customary tenure rights, proposing certificates. The first group represented the prevailing titling system, while the second meant a conceptual change wherein locally legitimate rights to land were recognised legally by issuing certificates. The point here is that the basis for divergent conceptions and practices were materialised.

These divergencies are reflected in the principal policy objective of the 2005 LPF, which is formulated both around the safeguard and regularisation of written rights and the registration of unwritten rights (Repoblikan'i Madagasikara 2005a). The former directed technical approaches to the modernisation of the state land service and the latter initiated the registration of locally legitimate tenure rights by municipalities, based on the current appropriation and use of land. The latter was principally supported and stewarded by a handful of international and national experts outside the state land service. They wanted to go beyond the initial observations and ad hoc remedies proposed by the CSOs, previous development projects and Minister. They questioned the existing titling system

that relied on the state land service. This is where approaches of decentralisation and certification materialised.

They [CSOs] had no solution. There was no technical solution, but they felt that the government was responsible to propose cheap titles, cheap cadastre. And they had financed little here and little there of participatory operations on state lands, but they had not thought of a change of paradigm, that is to say, to ensure that the registration of rights on land would not be the sole responsibility of the central state but also of decentralised bodies.

Interview with an international technical expert (GOVG001), 29.08.2016

5.2.1. Legal recognition of locally legitimate tenure rights

The policy innovation is part of a stream of thinking that foresees the legal recognition of locally legitimate tenure rights. It builds on the principles of the Gelose law that recognised local management rights, securing tenure (SFR, SFI and SFO) and the law on collective registration of land (loi 2003-029) (see section 4.1.3.). Furthermore, the notions of *maîtrise foncier* used by Le Roy and *droit d'agir* formulated by Rohegude inspired the policy (Teyssier et al. 2007).

Le Roy (2011) defines *maîtrise foncier* as the exercise of power and control over the use of land that in turn generates (management) responsibilities for the person who holds this power. He distinguishes different categories of control (minimal, priority, specialised, exclusive and absolute) that interact with the diverse bundles of rights (access, withdrawal, management, exclusion and alienation) of Schlager and Ostrom (1992). This model has been used in Madagascar in what Le Roy (2007 and 2011) calls the 'patrimonial approach' to the management of natural resources, where the multiple rights over natural resources are negotiated and mediated between the users and the statutory administration, and where natural resources as patrimonies have conservation, material, intellectual, cultural, and financial value, among others. These principles have been applied under the Gelose law.

Along similar lines, Rohegude (2005) explains that the concept of *droit d'agir* opposes rights on land (such as those allocated by a title where land becomes exclusive private property) to rights to do something on land, where the right makes sense of the utilitarian, symbolic, economic and social value of land. In Malagasy land policy, this is about the recognition of rights based on the appropriation and use of land. Indeed, the

certificates take note of socially legitimate and pre-existing use rights, while the titles create rights (Comby 2011). Rochegude (2005) notes that *droit d'agir* targets social processes that are locally applied and legitimate, as well as accessible, indisputable and comprehensive for citizens in line with good governance. In the Malagasy policy, this is reflected by relying on local recognition commissions for validating the current appropriations and uses of land, and by ensuring that administrative processes are conducted close to people in an open manner.

The objective of the land policy has thus been to recognise social practices that exist on the ground rather than trying to adapt these practices to the requirements of the statutory law (Teyssier et al. 2007). These policy principles are expressed in the 2005 LPF:

The challenge of the land reform should thus be the reconciliation of the legitimacy of tenure practices of millions of local actors with the legality of regulatory texts of expensive and complicated application. It is about bringing closer the laws conceived at the central level, but little used at the local levels with generalized practices at the local level and make these recognised by public authorities.

Repoblikan'i Madagasikara (2005a)

The specificity of the Malagasy land policy consequently lies in the legal recognition of the locally legitimate appropriations and uses of land. It replaced the presumption of state domain with a presumption of land use. In interviews, the technical experts qualified this as the innovative and the revolutionary part of the policy. As one interviewee expressed it, the policy considers that a farmer who is using a piece of land has more rights to it than the state. Indeed, such pieces of land in the category of PPNT are protected by state-backed legal structures. Tenure security is then linked to a guarantee of being recognised and protected as the legal holder of land based on social legitimacy. This means that the policy engaged with the debate on legal plurality, reducing confusion emerging from situations where someone could have had state enforced rights (titles) on lands occupied by others under customary tenure systems (see Toulmin 2008; Lavigne Delville 2010).

5.2.2. Decentralisation and certification

Legal innovations were followed with international ideals on the registration of customary tenure rights by decentralised authorities (see Benjaminssen et al. 2008; Colin et al. 2009; Knight 2010; Rochegude 2011b) and through certification as a locally-

adapted approach (see Zevenbergen et al. 2013). The policy allocated land administration responsibilities to municipalities rather than holding everything within the state land service. This meant the opening of local land offices operating under the supervision of mayors and delivering certificates to farmers on demand.

The decentralisation of land administration is a key policy achievement mentioned in interviews with international and national technical experts. They see working with municipalities as viable options for administering, managing and securing land in line with international ideals.

Yes, so it was to find simpler solutions, cheaper, faster than the title, which is quite complicated with the state land service that is concentrated and not in all districts. It was complicated. Therefore, a decentralised system had to be found, hence the idea of giving municipalities the capacity to issue property certificates. That was the revolution.

Interview with an international technical expert (FTECHG004), 30.11.2016

The principles of equitability, efficiency and cost-effectiveness justified the decentralisation of land administration (Teyssier et al. 2007; Jacoby and Minten 2007). The idea has been that the access to land is more equitable when handled locally, as there is social control through which people hold constituents accountable (Teyssier et al. 2007; Ribot et al. 2006). By being physically closer and having better access to information, local governments should also be able to understand and consider more profoundly the aspirations and needs of people (Droy et al. 2006; Ribot et al. 2006; Bidou et al. 2008; Toulmin 2008). In turn, the administration of land is considered more efficient thanks to the proximity, inclusive procedures, simpler technological solutions and lower costs that are generally linked to decentralisation (Teyssier et al. 2007; Toulmin 2008). Finally, the land administration should respond to principles of cost-effectiveness to be worthwhile (Jacoby and Minten 2007).

Responsibility for the registration of rights were decentralised through issuing certificates as legal proofs of ownership, guarantees of tenure security and means to increase investments, as described here by an international actor:

It meant that one was going to do the certification, one was going to make it accessible to many more people, one was going to do it nearby the municipalities etc. And that would lead to increased tenure security. And so obviously to an investment in land etc. I think that in the beginning one took this as an achievement, as achievement given in advance.

Interview with an international technical expert (ORGINT001), 19.09.2016

Some technical experts highlighted the importance of having a state-registered paper proof of tenure rights. For them, oral knowledge, *petits papiers* or solely legal recognition were not enough. Rights had to be written down, identified on the ground and registered in national systems. Similarly, recording the names of women on the certificates together with those of their spouses was considered to enhance the position of women compared to a situation where only a legal prescription would exist.

I insist on having a paper. A paper. Now if you see in relation to the certificate, you can have collective certificates too. You can be part of it. That is a question of organisation within the community. But for me, what I insist is that the rights must be written. [...] Does the woman know that she has hidden rights behind [rights mentioned in the law]. No, I say. You lawyers know that, but not the people, so you always have to write the woman's name next to it [write in certificates, next to spouse's name].

Interview with a national technical expert (FTECHN001), 20.10.2016

A system of certification was consequently created. For Teyssier et al. (2009) it represented another novelty as it allowed the recognition and registration of private property without a title. It took inspiration from the *petits papiers* (Burnod, Andrianirina-Ratsialonana et al. 2014) by relying on the work of local recognition commissions and thus creating a link with local pre-existing practices. It also relates to international ideals of pro-poor registration of rights, based on simple low-cost administrative practices that can become more sophisticated with time (Zevenbergen et al. 2013). As expressed here by a local technical expert, the certification rendered the registration of rights more robust compared to *petits papiers* and more accessible, cheaper and quicker compared to titles.

On the other hand, the granting of a title is very slow so that during 100 years of existence the state land service could deliver only hundreds of titles. So, the state had to have a different vision, to decentralise and reduce the cost so that people could have a paper, that's the overall goal of the program. To regularise the *petits papiers* at the level of the farmers, once regularised one can consecrate them a right. We want to give them a right, in the event of opposition or conflict or problem, at least they have that. That is the overall objective.

Interview with a local technical expert (ECOR002), 18.05.2016

Based on this analysis, I identify the legal innovations of recognising locally legitimate tenure rights, decentralisation and certification as the key elements of policy change and constitutive of the dominant policy narrative. Minister Harison, technical experts from outside of the state land service, members of the coordination unit, CSOs and donors have assembled around this narrative and stewarded it. Nevertheless, some differences

exist in how tenure security is conceived, and it has also faced resistance from the state land service.

5.3. Policy consequences

These policy changes ended the presumption of state domain and reduced the responsibilities of the state land service. However, state land service employees continued to see themselves as the administrators of land, nor did the changes remove the legal supremacy of titles. Thus, the policy changes led to a gradual change system of administering land and securing tenure in which legal and administrative views of securing tenure dominate.

5.3.1. Breaking down the state control over land

Policy change happened in a situation where the state land service had been the administrator of state domain and the guarantee of private rights people possessed relating to titled land and buildings. Land had been legally secure only when it had been titled. A guarantee of rights had been achieved by publishing (in land books) all rights and modifications that apply to them (Repoblikan'i Madagasikara 1960 and 2005b). The previous laws talk about *droit réels* – rights that apply to lands and buildings (as opposed to other rights that apply to people) and that are considered absolute rights (Repoblikan'i Madagasikara 1960).

With the new policy, the legal and administrative responsibilities of the state land service were reduced to concern smaller areas of land. The state land service could access, exercise control over and manage lands that were titled in its name, or not appropriated or used locally. This remained the case in terms of the allocation of titles and the preparation of cadastral plans as well their updating and conservation. This happened predominantly in urban areas. The World Bank (2006) justified the choice of maintaining the state land service by the impossibility of abolishing an already existing system and granted rights.

Regardless of the policy changes, in interviews and policy workshops, the lawyers and surveyors of the state land service still saw their role as the ultimate protectors of tenure rights. They held legal and administrative conceptions of tenure security, claiming to protect the rights of people and taking pride at being the caretakers of information. Their understanding of tenure security could be seen through three pillars of land administration as expressed in interview by a lawyer: i) identification of the land in a cadastre (a task for surveyors); ii) establishment of a legal act that defines who possess what land and in which manner (a task for lawyers); and iii) publication of information on tenure rights to remove any dispute (a task for the land administration in general). In addition, they highlighted the need to make accurate delineations on the ground and place boundary markers, referring to the demands and perceptions of Malagasy people in general:

People do not feel secure when it is not [...] the central state that protects their land through a special regime. [...] For the Malagasy when the land is delineated, it belongs to him at 100 percent. His right is founded when one has placed boundary markers of the parcels.

Interview with an employee of the state land service (ADMR001), 17.05.2016

In line of these conceptions, the lawyers and surveyors of the state land service qualified their role as a sovereign, quasi-sacred function of the state (*fonction régaliennne de l'Etat*). For them, land administration should have remained within the central state, in the hands of appropriately educated employees, rather than decentralised to municipalities or private actors, as partly done under the land policy. Debate continues as to whether land administration is a sovereign function of the state. If so, the organic law on decentralisation (loi 2014-018) would justify deconcentration rather than decentralisation (Republikan'i Madagasikara 2014). The discourse on deconcentration has furthermore been taken up by the lawyers and surveyors of the state land service, who request to be present in all districts of the country. It has also found its way in the 2015 LPF that calls for both decentralisation and deconcentration, reminding readers of the public nature of actions to secure tenure (Republikan'i Madagasikara 2015a).

This public narrative on the primacy of state land service is in direct opposition with the problem framings that highlighted its faults in performing core tasks and justified the legal and policy changes that turned against it. This opposition moreover explains power dynamics that emerged during the policy implementation and changes in orientation reflected in the 2015 LPF.

5.3.2. Towards a gradual system of securing tenure

The policy changes did not remove the titling system, but rather introduced certification as a cheaper and quicker way of recognising customary tenure rights and accessing statutory land administration. A legal distinction was also introduced between titles (which conserved their definitive and unopposable nature) and certificates (rebuttable with evidence, such as a title) (Repoblikan'i Madagasikara 2005b). This legal distinction is taken up in the narratives of technical experts and scholars, including proponents of certificates. They think in terms of a gradual system where the level of security increases depending of the political, institutional and social position of the authority recognising the rights (see Benjaminsen et al. 2008; Sikor and Lund 2009) and the robustness of the system. For instance, Droy et al. (2006) talk about titles as a maximal form of securing tenure, while a certificate is considered an intermediate measure, and the World Bank (2006) differentiates the value between the titles and certificates according to the authority that guarantees them. The titles are thus supposed to provide the highest legal security and guarantee of ownership (Simpson 1976). When added to the *petits papiers*, a three-tier system emerges (Bidou et al. 2008; Teyssier et al. 2009). This hierarchy was eloquently captured by one interviewee:

Everyone cannot drive in Rolls Royce, but everyone should be able to drive.
Interview with an international technical expert (CONSG002), 18.01.2017

When discussing these different systems, I could hear disappointment in the voices of some farmers and civil society actors. They were not against the titling system as such, but looked for simpler and more accessible options that could have meant working with and/or democratising the titles rather than creating a new system of certificates. This disappointment is enhanced because the secondary status of certificates is strongly entrenched in the minds of people and it then requires a lot of work to highlight the strengths of certificates and make them attractive. Wehrmann and Antonio (2011) hence argue that psychology should be considered when designing the forms and names of instruments for securing tenure to ensure their adoption. In subsequent chapters, I analyse further how the image created around the titles, certificates and *petits papiers* play a role in the way in how they are welcomed on the ground. I demonstrate that a gradual system can become unmanageable, enhance institutional plurality and hence increase tenure insecurity. In the Malagasy land policy, this gradual system has also

ended up playing in favour of the state land service, as it found in the narrative of the supremacy of titles a way to oppose the land policy and gain visibility for its demands in the 2015 LPF.

5.3.3. Neglect of communities as managers of tenure relations and socio-economic dynamics

The policy decision to decentralise land administration at the level of municipalities and allocate certificates as a way of addressing tenure security can moreover be debated. Blanc-Pamard (2002) invites us to consider whether municipalities are meaningful spaces of action for local people in the management of land and natural resources. Blanc-Pamard and Fauroux (2004) argue that, for local actors, *fokontanys* would be more viable spaces as they correspond to the social and territorial organisation of rural societies compared to municipalities that regroup villages.³⁶ In addition to being social spaces, the *fokontanys* are also the lowest level of state authority (Bidou et al. 2008). Rochegude (2002) furthermore advocates the definition of communities that are based on common ideas and functions, and for whom responsibilities could be decentralised. In Madagascar, such communities have been related to collective conventions such as *dina* and local committees established around the management of natural resources under the Gelose law (Bidou et al. 2008). Hilhorst (2010) equally finds that local communities would be best suited to deal with land management and tenure relations, and their actions could be overseen by local governments, such as the municipalities in Madagascar.

These insights indicate some disconnection between conceptual thinking and technical approaches. The conceptual thinking highlighted multiple values and uses of land as well as recognised socially legitimate practices through which tenure relations could be managed (see Le Roy 2007 and 2011; Rochegude 2005). Taking note of these appropriations and uses (Comby 2011), the technical approaches have focused on setting up an efficient statutory administration and fine-tuning registration of land rights. This observation is in line with Neimark's (2013) ideas on how 'policy prescriptions concerning *inclusionary* land rights are generally geared towards building institutions'

³⁶ In Ankazomiriotra there are for instance 16 *fokontanys*, each constituted of 3-6 groups of housing. The municipality has an area of 404km².

monetary and material resources without delivering the decision-making power over natural resources to rural stakeholders' (p.6).

Furthermore, the politics that influence how land has been accessed and distributed among community members are incompletely addressed within the policy. Scholars have indeed demonstrated that variables like socio-economic inequalities, local power dynamics, and questions of ancestry and belonging play a role, for instance, against women, younger people and migrants in Madagascar (Raison 1984; Blanc-Pamard and Fauroux 2004; Evers 2013). In relation to the certification, Evers (2013) argues that local power holders and 'masters of the land' (*tompon-tany* – those who have cleared land first for cultivation) might access certificates more easily and influence the local recognition processes in favour of their fellows. She adds that 'others in the village might also be reluctant to oppose such claims if they wish to keep on living in the village' (Evers 2013, p.131). Consequently, the policy 'might contribute towards elite appropriation of the system and trigger deeper divisions with communities' (ibid., p.133). The interviewees admitted and reflected on some of these shortcomings. For instance, civil society actors provided examples of farmers becoming indebted to well-off individuals and forced to leave their land to pay their debts. This can be to the advantage of the well-off individuals who can, little by little, buy land from the most vulnerable. The civil society actors also recognised the fragile position of people with secondary rights to land by commonly referring to pastoralists who might have contentious relations with farmers. These multiple uses and interests in land are more profoundly addressed in the 2015 LPF.

Consequently, under the influence of the technical approaches, the land policy ended up seeing tenure security from institutional, legal and administrative perspectives rather than considering its links with political, social, cultural and power dynamics, in the management of which local communities would play a central role. Several technical experts involved in the policy process confirmed this omission, which they link to a lack of debate on the real meaning of tenure security in the policy elaboration phase. They mentioned that while tenure security was observed as a problem, the debate quickly moved to consider procedures for securing tenure rather than discussing the sources of and conditions for tenure security. As one actor pointed out, the focus on registration entailed considering tenure security from the angle of action and procedures (securing –

sécurisation foncière) rather than analysing the sources of the problem (tenure insecurity). These considerations furthermore influence how tenure security is conceived as a result (*sécurité foncière*). As Comby (2011) explains, tenure security is often taken as an objective for policies without defining its sources. This imprecision then complicates the evaluation of approaches in place, and which can be vehicles of tenure insecurity themselves (Comby 2011). We can identify the issuing of certificates as the action (securing) and the certificate as the result (tenure security) in the Malagasy context. Yet, I argue that a piece of paper, like a certificate, can never be a guarantee of security that is fundamentally defined through authority, institutional, political, social and cultural relations between actors as established here and in the literature review. Indeed, even a legally validated paper can be questioned, including by those same statutory authorities that provided it. Tenure security, even in the form of a certificate, is relative and related to the perception of people:

Finally, you can have a title, a certificate and there can be someone who tries to steal your land without you being able to do anything. So, it's a little mixed. It's in the head to say I have a paper, nothing can happen to me. But anything can happen.
Interview with a civil society actor (CSON007), 25.11.2016

5.4. Consolidation of the policy in a climate of dispute

The international and national experts, donors and the coordination unit requested the consolidation of the land policy in 2014/2015. They wanted to strengthen the basis of the 2005 LPF, recognising its innovations³⁷ in a context where power dynamics with the state land service, political changes and implementation challenges had rendered the policy fragile. They also saw the consolidation as a chance to update the policy in line with international frameworks, best practice and development ideas. Regardless of these intentions, the 2015 LPF questioned the fundamentals of the initial land policy. This is explained by little details that the state land service introduced in its final version. I discuss the contents of the 2015 LPF and how it considers tenure security next.

³⁷ The 2015 LPF enumerates these innovations as the recognition of legitimate tenure rights, the certification of tenure rights based on local processes, the revision of laws, the creation of local land offices, the enhancement of one-stop-shops (*guichet unique*) of the state land service, the creation of new information management systems such as the PLOF and the training of national actors (Republikan'i Madagasikara 2015a).

5.4.1. Diversification of problem-framing

The 2015 LPF builds on the implementation experiences of the land policy. It is based on an observation that, regardless of the land policy, farmers have had limited recourse to registration, be it through a title or a certificate. This low demand is explained by the satisfaction of farmers with local recognition practices and the continued use of *petits papiers* as written proof of ownership. It also recognises that tenure security or the registration of rights might not be the main concern for farmers (Repoblikan'i Madagasikara 2015a). Furthermore, proponents have explained the low figures of delivered certificates by operational difficulties of land offices and the fees applied on certificates often remaining too high for farmers. These factors thus mitigate the initial narrative of 'a massive demand' without completely abandoning the aim of securing tenure. The 2015 LPF is rather framed around equitable and secure access to land for all and securing rights in their diversity. (Repoblikan'i Madagasikara 2015a)

The 2015 LPF still recognises the symptoms of the 'tenure crisis', which apply this time to both titles and certificates. It talks about the poor safeguarding of titles and certificates, the lack of updating to tenure-related information and the weak registration of changes, leading again to a mismatch between the situation on paper (titles, certificates, topographic maps) and on the ground. Furthermore, tenure disputes still occur in court. (Repoblikan'i Madagasikara 2015a)

New challenges are furthermore brought forward. The 2015 LPF admits the limits of the legal system in recognising tenure rights when people use lands regulated by obsolete decrees, titled but abandoned by their legal owners or managed by communal systems. Similarly, there is a need to consider urban issues, address legal questions regarding forests and investment zones or discuss challenges in accessing land. In general, coordination with other public policies and sectors is poor, slowing down public and private projects. Reference is also made to governance and transparency where access to information is complicated or sanctions against corrupt practices are non-existent. The difficult articulation of activities between the state land service and the local land offices emerged during the implementation of the policy. This is interlinked with challenges in managing and exchanging digital information, for instance, through the PLOF. Faults in

updating the PLOF risk creating insecurity where titles and certificates can overlap (Republikan'i Madagasikara 2015a).

A difference exists also between the 2005 and 2015 LPFs in how they address questions of gender and refer to different group of actors. I noted earlier how the 2005 LPF was silent on these issues even though the question of registering women's names on certificates came through in the narratives of policy-makers. The 2015 LPF then talks about women, young people, landless people, pastoralists, communal lands and customary systems. The policy vision foresees providing equitable and secure access to land to all, men and women. Women's names should appear on certificates when they are owners or co-owners of properties. Institutions in charge of land tenure should also consider the diversity of actors in their decision-making procedures as well as in processes of management, securing and attribution of land. Young people, landless people and pastoralists are furthermore foregrounded in observations on the difficulty to access land. There is a proposal to create local development zones that reserve parcels of land to be distributed in a transparent and concerted manner for the needs of local people and, for instance, for the most vulnerable. Finally, community land should be identified in PLOF and management through prevailing community and customary rules enabled. (Republikan'i Madagasikara 2015a)

Overall, we can observe a variety of challenges related to tenure security, drawing from lessons learnt during the ten years of implementation of the policy, but also connected to wider contexts of land tenure questions. The evolution of international debate on governance and multi-sectoral approaches, and challenges imposed, for instance, by agricultural investment on the most vulnerable segments of society, have been more strongly integrated in the problem-framing.

5.4.2. Widening of policy objectives

The 2015 LPF indeed considers land in broader terms of development and at different scales from local to international. The policy vision links the local to global by speaking about sustainable socio-economic development brought forward by people, anchored in local dynamics but at the same time open for investment (Republikan'i Madagasikara 2015a). The global level is equally present by referencing international and regional

policy frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure, the Framework and Guidelines for Land Policies in Africa and the CFS Principles for Responsible Investment in Agriculture and Food Systems. The 2015 LPF directly adopts some of the principles of implementation of the Voluntary Guidelines (section 3B), namely human dignity, non-discrimination, equity and justice, gender equality, consultation and participation, the rule of law and accountability. It does not speak about a holistic and sustainable approach, nor about transparency or continuous improvement, which were the other principles of implementation of the Voluntary Guidelines. It thus directly refers to the Guidelines at the discourse level by linking with the principles that are considered to guide any action on the governance of tenure. Also, the thematic orientations of the 2015 LPF fall under the responsible governance of tenure. This shows the responsiveness of the policy (on paper) to on-going global discussions.

The policy objectives of the 2015 LPF consider land tenure as a basis for development. This entails securing rights, working on land administration and attending to future land use (Repoblikan'i Madagasikara 2015a). Compared to the 2005 LPF, the objective is not only to register rights and improve the administration of tenure, but also to address land tenure in terms of access, use, planning and governance, both in rural and urban areas. The scope of the policy is hence much broader. This widening into different policy spheres is also visible in the institutional hosting of tenure issues. During the lifespan of the policy process, tenure issues were first under the supervision of the Ministry of Agriculture and then transferred to the ministries in charge of land use planning.³⁸ So, from considering land tenure in terms of agricultural policies and interests of farmers, one has moved into considering tenure in transversal terms of development, applying it also to land use planning and investment activities, considering the interests of a myriad of actors (not only farmers).

Tenure security is then one of the many themes contributing to the notion of land tenure being the basis for development. It is no longer the structuring focus of the policy. One of the five thematic orientations directly alludes to tenure security, hoping 'to recognise

³⁸ The name of this line Ministry has changed over the years. During the elaboration of the 2015 LPF it was called the State Ministry in charge of presidential projects, land use planning and equipment (*Ministère d'Etat en charge des projets présidentiels, de l'aménagement du territoire et de l'équipement*).

the diversity of tenure rights and to provide them legal protection’ (Repoblikan’i Madagasikara 2015a). With ‘diversity’, reference is made to different situations where lands need to be secured, including when they are managed by communities, when they are used in a temporary manner, and when registration has not been completed or has become maladjusted to current situation. The orientation also focuses on tenure transactions and on recording changes on certificates and titles attending to developing accessible certification and titling procedures (Repoblikan’i Madagasikara 2015a). This overview also suggests that the consideration of tenure security has broadened from the sole safeguard and regularisation of written rights and the registration of unwritten rights (Repoblikan’i Madagasikara 2005a) to consider also the transfer of rights and the management of secondary or more complex sets of rights. Consequently, the 2015 LPF underlines the institutional, social, cultural and power relations influencing the sources of and conditions for tenure (in)security in addition to addressing legal and administrative matters.

5.4.3. Different version of the 2015 Land Policy Letter: contrasting views

So far, I have discussed the general challenges, objectives and orientations addressed within the 2015 LPF without, however, revealing the real stakes that are found in its details. In fact, the process of arriving at the final 2015 LPF included the publication and approval of two versions in May and August 2015 (see table 5.1. and Appendix 3). The May version wanted to enhance decentralisation and certification, while the August version lacked these proposals, reflecting the claims made by the state land service during its strike in the first half of 2015. They had been against three key points in the May 2015 LPF: attribution of the same legal value to certificates as to titles, creation of local development zones managed by municipalities, and allocation of certificates on zones already in cadastre (Razafindramiadana 2015). Furthermore, they asked for the greater appreciation of the roles of the technicians of the state land service (ibid.).

Table 5.1. Changes between May and August 2015 LPFs

<p>The August 2015:</p> <ul style="list-style-type: none"> - removed a reference to the registration of land under the name of the legitimate user when the land in question is regulated by obsolete legal texts or by cadastre; - removed the possibility to make changes to certificates (instead these should be transferred into titles at the moment of changes); - rejects a proposal to provide the same legal value to certificates as titles;
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- limits the possibility of conducting certification in urban areas;
- removed some of the newly-proposed responsibilities of decentralised actors to administer lands and be included in policy processes; and
- provided more technical, advisory and supervisory roles for representatives of the state land service.

So, what do these amendments mean in terms of tenure security? They entail that legitimate tenure rights continue to be recognised only in areas qualified as PPNT while the proposals of the May 2015 LPF wanted to extend the perimeter to concern, for instance, areas where a cadastre exists or where legal texts are outdated. Moreover, the changes not only deny equal legal value for certificates and titles, but obliges certificates to be converted into titles when subsequent changes take place. Furthermore, they question the decentralised processes as a means to achieve tenure security, and municipalities as authorities managing land and guaranteeing rights. Instead, attention is turned back to titles as legal solutions and to the state land service as the administrator and the guarantor of rights. This indicates that the state land service is trying to take control back over land administration and continues to consider land as its own (Chouquer 2011; Pedersen 2016 on similar case in Tanzania). This also reinforces the notion that the municipalities and the central state do not have the same authority, and that titles and the certificates do not hold the same legal value, even though the difference is minor.

Allusion here can also be made to the observations of Ribot et al. (2006) on how states seek to recentralise decentralised policies. The authors argue that central governments 'make policy and implementation choices that serve to preserve their own interests and powers' (Ribot et al. 2006, p.1865). For Ribot et al. (2006), one mechanism to exercise such power is to apply spatial limitations on the responsibilities of local authorities: 'by controlling the amount of space or territory over which local authorities can exercise even extensive powers, and effectively, it becomes possible to control the extent of decentralization' (p.1879). This corresponds with the Malagasy scenario where the state land service attempts to restrict the allocation of certificates only to the PPNT and to rural lands.

These changes have furthermore been reflected in interviewees' stories on the policy process. These accounts reveal the existing power dynamics between those who drafted the May and August 2015 versions of the LPF respectively.

They [state land service] changed everything that was to be done with decentralisation. When we [proponents of the 2005 policy] said that municipalities must have land on which they can develop their infrastructures, they said no, if they want land, they ask us, we make land available to them on behalf of the state. When we said that the value of the certificate must be consolidated, they said no, the certificate must be converted into a title. There were three [or] four points on which we disagreed.

Interview with a national technical expert (ADMN004), 13.12.2016

The proponents maintain that the state land service did not want to consider any proposals that would strengthen the decentralisation and certification approaches of the initial policy, consolidate the legal value of certificates or expand the application of certification (e.g. urban and state lands). They are rather portrayed as wanting to keep control over land and administrative procedures. The proponents thus see the amendments as regressive. These views are also expressed in a policy document from the November 2015 multi-stakeholder conference:

The return of the obligation for landowners to transform their certificates into land titles is a decision that reflects a step backwards towards the single system of registration, i.e. a step backwards in the decentralisation of land management, a questioning of the recognition of rights of occupation and enjoyment as a form of property or a questioning of property rights already established and confirmed on land.

M2PATE (2015, p.15)

Some civil society actors linked to rural areas also argue that the August 2015 LPF could create discontent among farmers who have received a certificate. These farmers could be surprised by the devaluation of the certificates in which they invested money and effort. Indeed, the security gained through the certificate could eventually be questioned because of policy changes. Such discontent was not yet visible on the ground when conducting interviews in Ankazomiriotra in 2016. Nevertheless, the civil society actors might use farmers to gain stronger standing for their claims than what they would have if only speaking for their own organisation.

Overall, these changes questioned the foundations of the 2005 policy. The reasons for such changes, which are at the core of this research, are fundamentally about divergent views between proponents of the land policy and the state land service. I argue that everything comes down to the question of who can regulate access to, use of and management of land.

5.5. Conclusion

This chapter demonstrates that a range of actors with different backgrounds and interests have conceived, operationalised and maintained the key framings, ideas and approaches of the land policy. The initial demand for reform stemmed from the field experiences of CSOs and technical experts. They framed existing challenges around a ‘tenure crisis’ of the statutory land administration, a ‘massive demand’ for securing tenure on the ground and external threats questioning the local means for securing tenure. Minister Harison engaged with these insights and requested a group of international and national experts to conceive the policy objectives and approaches. He also set the institutional basis for the policy implementation that was financially supported by donors.

Based on the three problem framings, the technical experts orientated the land policy towards legal recognition of locally legitimate tenure rights. In other words, the policy gave statutory standing to local tenure relations and thus initiated a line of thought aiming to resolve an existing conflict between legality and legitimacy (Toulmin 2008; Lavigne Delville 2010). The policy was thus preceding the Voluntary Guidelines on the Responsible Governance of Tenure in which legitimacy is a key concept. The policy approaches then intertwined the notion of legitimacy with the registration of tenure rights by decentralised authorities. These approaches brought forward legal and administrative notions of tenure security in addition to more institutional ones. This meant that the policy became a reform centred on the registration of rights where document-based statutory proof provides security, rather than an endeavour to deal with the more complex sources of and conditions for tenure security, such as local social and cultural power relations. However, a broader consideration of tenure security could have been possible if more extensive debate on its meanings had been held. Such a consideration could have implied: i) acting under the general policy guidance and legal prerequisites, such as that on the recognition of legitimate tenure rights; and ii) giving responsibility to local communities for the management of tenure relations rather than to municipalities for administering land. This could have avoided the current situation where several systems (titles, certificates, *petits papiers*) co-exist.

These framings, objectives and approaches have led me to identify the recognition and registration of the locally legitimate tenure rights by decentralised authorities as the dominant policy narrative. It brings together various framings and perspectives under common concepts and motivations for change, which furthermore enable the establishment of shared development practices and solutions (Roe 1991; Fortmann 1995; Hajer 1995; Mosse 2005; Li 2007). Thus the narrative has assembled social actors and institutions that otherwise might have remained distant (see Roe 1994; Kumar 2014). I have termed this assemblage the proponents: actors that are behind the conceptualisation, operationalisation and maintenance of the dominant policy narrative. I have illustrated that this policy narrative has been placed in opposition to the previous model of land administration, which even more strongly emphasised tenure security as a matter of identifying parcels on the ground, providing legal acts and publishing information on rights. It questioned the status quo of the surveyors and lawyers of the state land service whose authority and responsibilities were reduced, a group I have identified as the opponents.

The interactions inside the assemblages and the confrontation between them have led into continually reframing, contesting and negotiating the conceptions over tenure security (see Long 1992b; Corson 2016). In particular, field experiences and international influences explain the widening of the perspectives on tenure security within the May 2015 LPF drafted by the proponents. In turn, continuous opposition to the dominant policy narrative explain the changes introduced in the August 2015 LPF by the state land service, which questioned the initial basis of the land policy.

This chapter discussed conceptions of tenure security in the 2005 and 2015 versions of the Malagasy land policy before they are operationalised and adopted on the ground. In the next chapter, I focus on the practices and tools put in place to implement the policy.

6. Practices to implement the Malagasy land policy

The dominant policy narrative convened actors in an assemblage of proponents favourable for the ideas of recognising and registering legitimate tenure rights by decentralised authorities. It provided a common framework for these actors for the implementation of the policy on the ground. I pursue the ‘studying through’ of the land policy by analysing the concrete actions, technical solutions and tools through which the dominant policy narrative has been operationalised and by examining their evolution over time (Long 1992b; Keeley and Scoones 2003; Wedel and Feldman 2005). This analysis responds to the second research question that considers the practices of securing tenure adopted by different actors. Throughout the analysis, I attend to the mechanisms through which the group in favour of the dominant policy narrative is held together (see practices of assemblage as defined by Li 2007)³⁹ and through which power is played out between actors (Gaventa 2006; Allen 2009). These influence considerations of tenure security, the evolution of practices, and the adoption and the translation of the policy.

Through this analysis, I show how the dominant policy narrative became a technical question of administration of land. Its success is measured by the opening of land offices, issuing certificates and updating information management systems. These are concrete physical demonstrations of the dominant policy narrative at the local level. They are conceived as elements proving access to statutory administration of land and guaranteeing security. However, policy implementation has faced challenges. I highlight how these have created new sources of tenure insecurity and generated local interpretations of the policy. The data for this analysis originated from semi-structured interviews conducted with international, national and local actors involved in implementing the policy from 2005-2017. The analysis also builds on personal observations and grey literature. The latter enables this thesis to underscore informal and formal practices, while the former underscores the experiences of actors.

The focus is on the institutional implementation of the policy. I begin by analysing the policy implementation as conceived nationally and continue by exploring its

³⁹ Li (2007) identifies practices of assemblage as the following mechanisms: forging alignments, rendering technical, authorizing knowledge, managing failures and contradictions, anti-politics and reassembling.

operationalisation in the local context of Ankazomiriotra. This institutional examination is then followed, in Chapter 7, by analysis of the practices of securing tenure employed by farmers on the ground and their motivation to engage with the policy process.

6.1. Policy implementation as conceived at the national level

International and national proponents conceived the approaches of decentralisation and certification through the opening of local land offices in municipalities, coordination of certification processes and updating of PLOFs. These practices draw on lessons learnt from over two decades of implementation of agricultural and environmental management programmes (Appendix 2). They were first piloted before being more broadly rolled out by donors. With the evolution of the policy, a myriad of other practices has emerged, diverting attention away from the core of the dominant policy narrative.

6.1.1. Reaching a threshold and strengthening local land offices

The first local land offices were created as pilots in donor intervention municipalities. The AfD funded an office via its watershed management project in the municipality of Amparafaravola, in the Alaotra-Mangoro region. NGO Hardi oversaw a pilot in Miadanandriana (Analamanga) and MCA opened its first office in Faratsiho (Vakinankaratra). These pilots enabled the proponents to define conditions for the opening of offices, guidance for their operations and set responsibilities for different groups of actors (Appendices 4 and 5). They also served as examples for other municipalities, encouraging them to engage with policy implementation. Opening and equipping an office became a key practice: straightforward and concrete for donors, who could spend funds on buildings, office materials, salaries, training etc.

The number of local land offices expanded rapidly, covering mainly rural areas. For instance, the MCA started pilots with 22 offices, planned to open a total of fifty but quickly revised the numbers upwards to a total of 235. Behind this expansion was a willingness to ensure that a critical number of offices are opened in a short period of

time to consolidate activities of the dominant policy narrative. In addition, progressing quickly was a way of reducing or bypassing the resistance of the state land service.

It was part of the strategies to go in force, precisely to reach a certain threshold so that one would never go backwards and that it (policy) would not be completely questioned. There really was some of this line of thinking. Among the international or Malagasy promoters of the policy, there was a feeling that the protest among the state land service was so strong that there was a risk of going backwards and deforming the policy. So, the idea was to do a lot and quick to reach an irreversible threshold.

Interview with an international technical expert (GOVG001), 29.08.2016

Most of these local land offices were furthermore opened in rural municipalities with the easiest access, highest population density and the most established contacts with development projects (Burnod, Andrianirina-Ratsialonana et al. 2014). There is weak coverage of offices in urban areas. Burnod, Andrianirina-Ratsialonana et al. (2014) explain this through the lack of urban management policy and the request of the state land service to keep a hold on the more lucrative urban lands. Nevertheless, these differences potentially create spatial disparities in the access to statutory land administration at the national level (Burnod, Andrianirina-Ratsialonana et al. 2014). They also reflect project bias, where one development activity attracts others to the same space (Chambers 1980).

Donors and technical experts highlight the positive experiences encountered with the operations of the local land offices while not denying the existence of challenges that grew with time.

I see plenty of very interesting cases where the municipality has totally appropriated the local land office, the employee responds to the authority of the mayor, the mayor is well aware of all the forms, pays attention to the key points before validating the applications on which it is necessary to make a verification, the documents are well archived and kept, there are good examples. There are more bad experiences though. There are more things that have been discontinued. It is like I was telling you, opportunistic mayor, poorly trained staff or disruption of the dynamic of the project a few months after the launch of the offices.

Interview with an international technical expert (GOVG001), 29.08.2016

These challenges are linked to operational matters, opposition of the state land service to the practices of the dominant policy narrative and external constraints. In 2008, the Ministry of Agriculture observed that municipalities required time to implement their new functions and become competent before rendering the offices operational. In 2011, an external evaluation pointed out institutional challenges. The policy was resisted by the employees of the state land service by, for instance, not collaborating with local land offices or declining attempts to externalise some functions to private operators, despite

the funds directed at modernisation (Comby et al. 2011). Most notably, the dependence on donor funding and work conducted by technical operators under donor projects made the offices fragile when external support ended after the political coup in 2009 (Comby 2011). As a result, some eleven percent of the offices were inactive in 2012 (Andriamanalina et al. 2014b). The regional offices of the coordination unit that exercised an oversight role also closed.

Financial and technical support has been slowly reviving after the democratic elections of 2013.⁴⁰ This time around, donors and technical experts talk about widening the responsibilities of local land offices and making them comprehensive tools for local development. They prioritise existing offices over new ones, maintaining that local land offices should broaden their responsibilities after the mass of certificates have been issued. Such activities would include the processing and managing of changes made to the certificates – an activity of basic land administration, the importance of which has already been highlighted in several evaluation reports (Observatoire du Foncier 2007; Comby et al. 2011), the handling of municipal administrative tasks, the oversight of land use planning and the provision of information on all processes regarding land tenure. In the view of the donors and technical experts, these activities should guarantee the long-term existence of local land offices and justify their utility as a public service, especially in a context of opposition from the state land service. To be able to execute such activities, the proponents, including CSOs and municipal actors, propose that the employees of the local land offices become civil servants.⁴¹ This is seen to guarantee a more solid institutional standing, while also providing security of employment, to avoid high turnover of employees that can lead to significant losses of institutional knowledge and technical know-how for local land offices.

Donors and technical experts also address the sustainability of the local land offices in terms of funding. They propose additional options to the existing sources of donor and municipal subventions, and fees for certificates. They have suggested the state cover the

⁴⁰ The political transition period lasted from 2009 to 2013 during which most donors were absent from Madagascar. Donors accepted the 2013 elections as democratic, after which they have started to return to Madagascar.

⁴¹ The employees are currently municipal officers. Their mission is related to the motivation of the mayor to maintain the local land office and employ them. Mayors are political appointees.

salaries of the employees;⁴² the offices become public-private structures; and property taxes be used to fund daily operations. Early on, Bidou et al. (2008) proposed establishing a ‘communal cadastre’ that combines the PLOF and information on property taxation, which would increase the responsibilities of municipalities in administering land. These proposals have been taken on board in some pilots as I explain in section 6.1.4. Based on international experience of decentralisation, cross-subsidisation between smaller and bigger offices could be considered (see Hilhorst 2010), but this has not yet been clearly addressed in debates.

These proposals raise some questions. The broader functions of the local land offices would not remove their current operational challenges. Also, strengthening the position of local land offices and their employees might be contested by the state land service who, under the orientations of the 2015 LPF, aim to become the key node in land administration. Finally, some of these activities (like property tax) are major undertakings. They not only shift attention away from core of the dominant policy narrative where local land offices serve for certification, but also require the collaboration of the central state (salaries of employees as civil servants) or other actors (public-private partnerships), non-existent under the current circumstances.

Nonetheless, these proposals demonstrate the interest that the international and national proponents pay to local land offices. They perceive municipalities as key counterparts with whom they forge alliances and conceive local land offices as core instruments through which the technical implementation of the dominant policy narrative is achieved (Li 2007). These collaborations with municipalities and local land offices are then concrete demonstrations of the dominant policy narrative on the ground. Therefore, the proponents are ready to manage failures and make compromises (see Li 2007) to maintain their presence at the local level.

⁴² This will be the case if the employees become civil servants.

6.1.2. Mitigated success of certification

The principal responsibility of the local land offices is to coordinate the certification process. The 2005 LPF enabled various conceptions of certification (Table 6.1.) that draw from previous experiences of technical experts and donors on securing tenure (see Appendix 2).

Table 6.1. Modalities under which practices of securing tenure can be piloted

Modality	Practice
Endowment	A municipality receives a ‘Mother’ title. The title is divided into individual certificates after the work of a local recognition commission. The mayor approves the certificates.
Cadastral operations	Parcels are delineated on the ground and entered into a cadastre. Certificates of occupation are allocated. There is a possibility to continue the process until obtaining titles.
Citizen cadastre	Areas for securing tenure are delineated. Certificates are allocated after the work of a local recognition commission. The mayor approves the certificates. There is a possibility to transfer the certificates into titles.

Source: Repoblikan’i Madagasikara (2005a)

With time, these modalities have merged to constitute a more uniform approach of sporadic certification. It is regulated by a number of steps set in law (Repoblikan’i Madagasikara 2006): i) instruction of the demand of a certificate by an individual or collective; ii) publicising (15 days before the work of the local recognition commission); iii) recognition of the right-holders and parcels on the ground by a local recognition commission (identification and measurement of the parcels, note of the rights of occupation); iv) reception of objections until 15 days after the work of the local recognition commission; v) delivery and signature of a certificate by the mayor; vi) updating the PLOF; and vii) registration of the certificate in the paper parcel registry (*registre parcellaire*). A certificate is only given to the right-holder and no copies are kept by the local land office (Images 6.1. and 6.2.). However, the information is safeguarded in a digital form in the PLOF and written in the parcel registry (*registre parcellaire*), providing a legal guarantee.

Image 6.1. A copy of a certificate

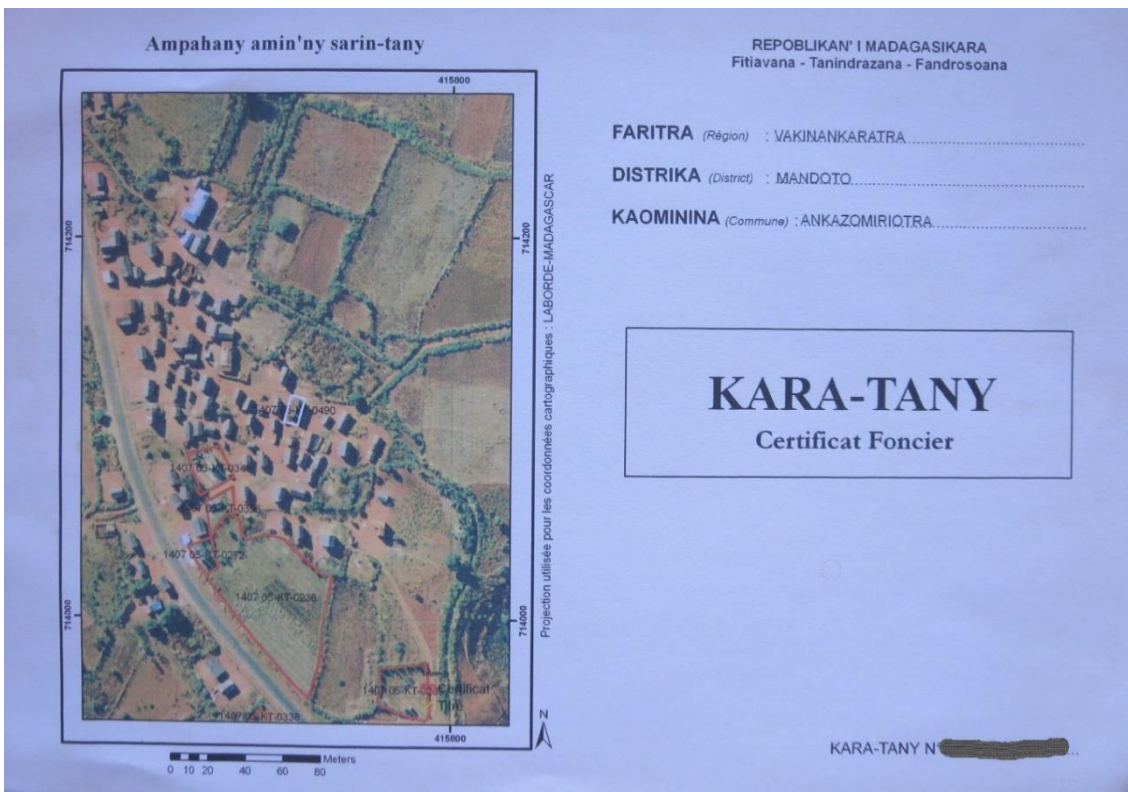
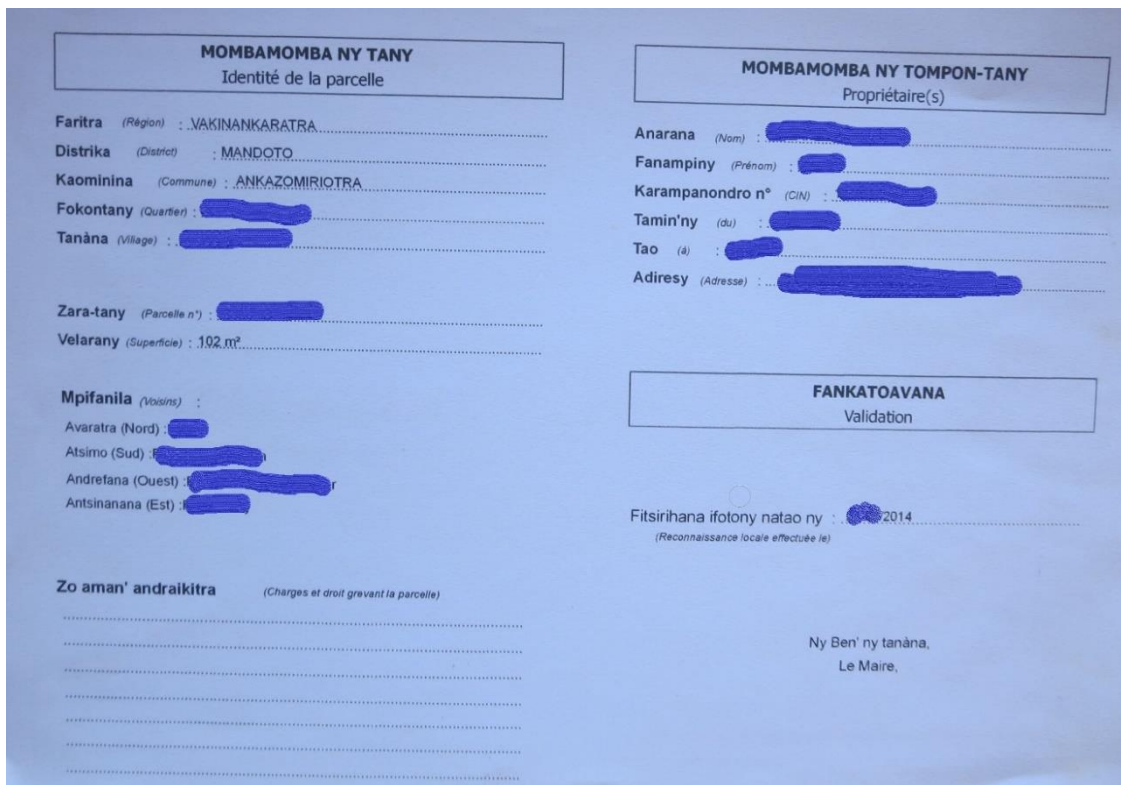


Image 6.2. A copy of a certificate



Those making an application bear the costs of the certificate. The price is defined by each municipal council according to their priorities. One interviewee found that some municipalities wanted to benefit financially by selling the certificates at a high price. Also, Andriamanalina et al. (2014b) noted that after the withdrawal of donors, some municipalities tripled the price of the certificate. These strategies have not, however, paid off in terms of the number of demands. In fact, as noted by an international technical expert, the price should ensure that the certificates remain accessible for most farmers (see also MoA 2008; Comby 2011).

We have to question the cost of services and this is a bit difficult because it is certain that the services paid at the local land office must be used for its operations and at the same time they must be affordable for a rural population with extremely low income. And as you say, it must not only benefit wealthy people in rural areas, but also the most disadvantaged populations. This is a real headache because it is to find the right price for the certificate for example, in these conditions, it becomes very difficult.

Interview with an international expert (ORGINT001), 19.09.2016

It hence remains a challenge for the local land offices to be self-supporting financially while also providing quality service and charging fees that are affordable to most people.

The sporadic approach to certification became the default option compared to systematic processes under which the whole population of an area would receive a certificate, subsidised by the state or donors. One international technical expert described how this was debated:

Yes, there were fundamental debates in our teams between a systematic and a sporadic approach. Some said that the demand must be individual, and that people will come to the local land offices the day they have money and the day they feel the need, and too bad if it does not go fast but it will be built over time. (...) And then at the opposite, there were the people who thought that it would be necessary to make a type of local cadastres with the available resources, with the people in the municipalities to register and to push a little people to make register their lands and giving them the opportunity, the day D, when one passes in their *fokontany*, to come to register their lands, saying your neighbours already did it, hurry up because there will not be another occasion and if you do not do it now it will then be individual registration and that will cost much more.

Interview with an international technical expert (GOVG001), 29.08.2016

Today, some actors justify sporadic certification as a way of avoiding situations of gratuity where things are given out without any effort. According to this logic such gratuity would remove incentives to take care of the sustainability of the certification system (e.g. registering changes to certificates). Also, the psychological effects of gratuity are questioned.

... there was always the principle of sustainability that should be adopted in these measures. One should never give things away free of charge, for example, the certificates or titles, because one wants that there is a continuity afterwards. So, to have this continuity for this securing of tenure, the beneficiaries would still have to participate.

Interview with a national civil society actor (CSON006), 16.11.2016

The subvention is, normally it is something the donor demands because it speeds things up. When one has money everyone wants to do it but really, psychologically what impact has it on the users?

Interview with a national civil society actor (CSON008), 02.12.2016

Together with the local land offices, the success of the policy implementation has been measured against indicators related to certificates: the number of certificates delivered (gender disaggregated), the total area (in hectares) covered and the number of demands received.⁴³

MCA, like us [...], was under political pressure, the Minister was asking for results, and the result was the number of certificates. So, you had to push the machine to allocate certificates. So, it was a bit embarrassing, I remember fighting against that and then at the same time there was no choice against the Minister, superb we delivered 2000 certificates in a country that has 10 million parcels of land, it would have been ridiculous. So, he aligned to the demands of the President in terms of the figures and that one shows a really geometric dynamism.

Interview with an international technical expert (GOVG001), 29.08.2016

Under pressure to show results, the MCA funded grouped operations called *Kara-Tany Malaky*. This entailed making public calls for applications in target *fokontanys*, processing a batch of applications together (most of the time by technical operators who digitised the information)⁴⁴ and providing small subsidies to applicants. The objective was to deliver certificates quicker and cheaper without adopting a purely systematic approach.

Comby et al. (2011) argue that these result-based strategies were necessary to justify the existence of the dominant policy narrative. Some interviewees moreover found that policy implementation had to be more 'aggressive' to legitimise certificates against titles and counter the opposition of the state land service.

At a certain point in the policy implementation it was necessary once again to make results to show that it worked, to show that one was covering significant areas, one had to create demand rather than wait. And I think that at some point when the

⁴³ The statistics are available on the website of the Land Observatory (<http://www.observatoire-foncier.mg/cartegf.php>)

⁴⁴ This was not a systematic registration of an area. Only applications were grouped, and they were partly funded by donors. In some interviews, these are referred as systematic action.

policy was gaining momentum, let's not forget that donors have their own timetables, so money had to be spent at some point in time. So, at some point I think the process had to be made more efficient.

Interview with an international technical expert (ORGINT001), 19.09.2016

The *Kara-Tany Malaky* operations have not, however, been uniformly praised by proponents. Some interviewees criticised them as typical result- and project-based approaches that do not consider the policy in a more structural manner.

So, saying that we want results every year, they (MCA) had agents calling the mayors, putting pressure on them and telling them that every month they had to have results. And since there were not enough results, there were operations, *Kara-Tany Malaky*, grouped operations with reduced costs to encourage demand. It was really, you have to have results at the end. And it is perhaps a little to the detriment of the policy in its duration and of having a much more structural policy.

Interview with an international technical expert (GOVG002), 09.09.2016

With the sporadic certification and efforts of *Kara-Tany Malaky*, a threshold of 100,000 demands was reached in 2009/2010 and 100,000 certificates were delivered in 2013. Proponents praise these early results, taking as a point of comparison the total number of titles delivered in Madagascar previously, which by 2007 was some 300,000 (Teyssier et al. 2007).⁴⁵ However, progress has been slower than initially expected. By the end of 2017 some 142,067 certificates had been delivered and there was a backlog of 115,238 certificates (see section 4.2.3.).

These rather moderate results lead me to question whether an error of judgement was made in considering sporadic certification as the dominant technical solution, as opposed to systematic processes. In light of existing literature, experiences from other countries and overall development changes, it becomes evident that the sporadic approach to certification does not address issues of equity inside local communities. Dickerman et al. (1989) compared systematic and sporadic registration based on experiences from Africa. For them, systematic registration is more efficient and cheaper, although they suggest that costs should be covered by the government rather than individuals (Dickerman et al. 1989). Sporadic registration furthermore bears the risks of 'land grabbing' where people who are receiving titles (or certificates in the Malagasy case) might claim parcels that legitimately belong to people whose lands are not being registered or who have not been consulted (Dickerman et al. 1989). Thus, it is possible

⁴⁵ In 2007, Teyssier et al. reported that some 300,000 titles had been delivered in Madagascar with an average annual rate of 1,200 titles.

that sporadic registration benefits only the well-off, while a national policy should in principle benefit the whole society (FAO 2017a). Reflecting back to Madagascar, I can assert that the grouped operations of *Kara-Tany Malaky* (closest to systematic approaches) were only considered from the angle of efficiency and coverage without attending to its possible benefits in terms of equality if the exercise had been extended. Equality did neither appear in the reflections on the challenges of a sporadic approach.

In purely numerical terms, the Malagasy figures seem insignificant when compared to the experiences of registration from other African countries. In Ethiopia, for instance, around 20 million parcels of rural land were registered in four regions in five years (Deininger et al. 2008). Some 6 million households received certificates at the cost of one dollar through a programme that allocated non-alienable use right certificates, through decentralised adjudication processes and the use of low-cost spatial information (ibid). In Rwanda, the Natural Resource Authority rolled out a registration programme through which 11.4 million parcels were demarcated at the cost of 6 dollars per parcel in three years (Nkurunziza 2015 in Ali et al. 2016). These are examples consistently held up as best practices in the international arena, for instance in the World Bank Annual Land Conference.⁴⁶ They are also used by proponents as a way of persuading the Malagasy government to aim higher. As an example, a comparison with the Rwandan case was made by a donor representative during the launch of the PNF in Antananarivo in 2016.

Finally, the figures seem low when compared to other on-going development endeavours, such as the intention in 2008/2009 to allocate 1.3 million hectares to Daewoo and 200,000 hectares to Varun International, as well as the current plans of the Ministry of Agriculture to reserve two million hectares for new investors (Teyssier et al. 2010; Andrianirina-Ratsialonana et al. 2011; Burnod et al. 2013; public communication of the MoA). Even though agricultural investment has been largely unsuccessful (Andriamanalina et al. 2014a), these figures represent another range compared to the 193,679 hectares covered by certificates at the end of 2017. Against this background, sporadic certification seems minor when the real challenges concern much larger areas

⁴⁶ I present these examples as an indication of numbers that can be reached through systematic registration practices. I do not present these examples as best practice in terms of their social, cultural and governance impacts, which should be assessed separately.

of land. In such a context, rather than focusing on certification, proposals are made to legally ensure the protection of all local rights on the PPNT, including pastures and forests, enabling local land offices to mediate between the state, farmers and investors (Burnod et al. 2013; Andriamanalina et al. 2014a). However, the former seems complicated considering the aim of the state land service to control land and the latter seems unrealistic considering the difficulties faced by local land offices.

6.1.3. Local land occupancy status maps as key technological solutions

The third key element in the implementation of the dominant policy narrative is PLOFs, which are conceived as tools and technological solutions for information management (see Li 2007 and 2014). Information on the occupancy of lands – including information on titles, cadastre and certificates – is recorded and safeguarded here. PLOFs also enable sharing data between local land offices and the state land service. They exist in parallel to paper parcel registries that refer to all certificates delivered by a municipality, serving as legal backing for certificates.

As with any information management system, PLOFs and parcel registries require updating and collaboration between institutions. This has been a challenge in Madagascar. In 2007, the Land Observatory recommended creating protocols of exchange between local land offices and the deconcentrated offices of the state land service (Observatoire du Foncier 2007). At least in the case of Ankazomiriotra, such protocols have not been adopted and data exchange is *ad hoc*. In 2008, the Ministry of Agriculture noted that the PLOFs were incomplete in terms of information on titles and municipal boundaries (MoA 2008). The 2011 evaluation report highlighted challenges with municipalities accessing the tool, updating background information, conserving paper versions of the PLOF and saving and exchanging updated information (Comby et al. 2011). In public meetings and interviews, proponents recognised challenges, which are also mentioned in the 2015 LPF. Representatives of the state land service, however, by-passed the institutional challenges, taking no responsibility for them and blaming technical difficulties and errors on external operators or municipalities.

Regardless of institutional and operational defects, both proponents and opponents see much wider uses for PLOFs. Their management is hence a practice that is not questioned

by the state land service, but rather connects the discourses of the two assemblages. The representatives of the state land service were, for instance, underscoring how a technically functional PLOF is a key tool for land administration and the accuracy of information is a question of tenure security. They were speaking in favour of making the PLOFs a common reference system on which the state land service should assume more responsibilities instead of external operators. Hope thus remains among both assemblages of making the PLOFs reference tools for managing information and extending its scope to activities of property taxation and land use planning. This notion of PLOFs serving wider functions of land governance is visible when exploring multiple new practices proposed. In these future plans, the PLOFs become veritable ‘inscription devices’ through which land can be administered, managed and assembled for various purposes such as the consolidation of state power over land (see Scott 1998; Li 2014). The references to PLOF finally renders the policy implementation even more technical, side-tracking the politics related to land (see Li 2007).

6.1.4. Multiplication of practices for diverse purposes

The local land offices, certificates and PLOFs are strongly rooted in the dominant policy narrative. The PLOFs also enter the worldviews of the state land service. In parallel, multiple other practices have gradually appeared, as intentions, plans or on-going pilots, including proposals to i) systematically inventory parcels for taxation purposes; ii) make parcel censuses and maps to protect the rights of communities; iii) inventory and catalogue state land to bring clarity over state ownership; iv) delineate PPNT to protect legitimate tenure rights as well as separate the operational areas of local land offices and the state land service; v) develop land use plans; and vi) set agricultural investment zones (Appendix 6). These practices divert attention away from the core of the dominant policy narrative by bringing in new elements, adapting older concepts or giving new meanings to key terms (see Li 2007). They are often proposed by different actors including technical experts, donors, civil society actors and the state land service. The intentions of these actors diverge, thus making the proposed practices separate. Yet, there are strong conceptual and technical similarities, as explored here.

Most of the proposed practices intend to bring clarity over land holdings and mapping lands. For instance, some civil society actors consider that locally-prepared maps have

a value in information about a situation on the ground, providing a tool for negotiation with outsiders and securing tenure rights.

If you go to a municipality and ask the mayor, “where is the land that does not yet have an owner?” etc., he is not going to tell you much [laughs]. But the objective for us is that they have a tool to say that ah, in such fokontany it is occupied, there is no more land available, there are already people there. And to make plans, when they use the map, they can say that ah, in such a place, I have to negotiate with such and such person.

Interview with a national civil society actor (CSON007), 25.11.2016

These maps proposed by the civil society actor are based on local legitimacy and social validation. Participatory approaches are then ways of providing the maps with local standing (Fogelman and Basset 2017), but also ways of mitigating any attempts at false claims by more powerful local actors that might see an opportunity to consolidate their position (Neville and Dauvergne 2012). Although they might not provide legal protection, under international best practice, they should be accepted as evidence of a person’s tenure rights if a subsequent registration takes place (FAO 2017a). Civil society actors also found that such maps could also serve external actors – investors and the state – to identify areas in which they could intervene and people with whom they should negotiate. The CSOs are bringing forward mapping as a solution, a method that previously relied on states (Walker and Peters 2001; Peluso 2005) and that has strong descriptive and prescriptive powers (Scott 1998; Li 2014). While the intention is to protect legitimate tenure rights, the final use of these maps cannot be controlled.

In addition to maps focusing on individual uses of land, some technical experts are proposing to delineate in space the PPNT, currently identified only in legal terms. According to these experts, such delineation would also spatially clarify and separate the operational areas of each authority responsible for the different statuses of land: municipalities having responsibility over the PPNT, and state land service over state land and unused land. Such delineations would contribute to protecting the rights falling under it.

Some of the practices propose a systematic approach to the identification of parcels, uses and users of land in a given area. This is, for example, the case of the inventory of parcels for taxation purposes currently being piloted by a project called Matoy. The inventory involves identifying the geometry, size and parcel holders, entering these details on GIS-based maps and combining the maps with alphanumerical data, for instance, on the

payment of taxes. Groundwork is hence laid for the creation of PLOFs and the information can be used for certification of rights. As baseline data exist, certification should become quicker and cheaper. These costs are further reduced by grouping demands from one area together and organising common local recognition commission processes, following the example of *Kara-Tany Malaky*. However, these mapping exercises run the risk of leading to rigid outcomes (Walker and Peters 2001; Peluso 2005). Civil society actors expressed concerns that delineating PPNT, for instance, would restrict agricultural practices in a confined area, not allowing expansion onto unused lands that legally belong to the state. Therefore, there should be a mechanism wherein lands can be transferred from one purpose and legal category to another. One technical proposal was then to delineate a flexible buffer zone around the PPNT.

Many of these activities also involve the introduction of Information and Communication Technology (ICT) and thus require continuous management (Peluso 2005). This bears risks in the local contexts of Madagascar. For instance, the systematic inventory of parcels and land use planning are proposed to be channelled through the local land offices. Yet, these offices lack human and financial resources, the capacity to manage and update the systems and basic means for running them (starting with electricity). These practices thus sound unrealistic in the current working conditions of most of the rural offices, such as Ankazomiriotra.

Moreover, the purposes and possible effects of these practices on local people raise questions. The inventory of the state land is particularly vulnerable, as many people are using land that can be legally classified as belonging to the state. Publicly, some state representatives refer to people occupying these lands as squatters. Others are more moderate, differentiating between legitimate and illegal occupation.

There are legitimate occupations and there are abusive occupations. [...] This is the real problem of the inventory: reconciling information from the office and information from the field. There is the requirement, we do not speak directly of [...] formalising occupations but of exercising a resolution. If we really see that the occupations are legitimate, we can regularise these occupations. But if there are, say, abusive occupations, then we must assert the rights of the state and help relocate these people.

Interview with a national technical expert (ADMN001), 01.12.2016

As the quotation above suggests, it is not clear how the state land service understands legitimate occupation of land. Under the current law, all appropriation and use of non-titled land should be recognised, while all unused land falls under state control (Repoblikan'i Madagasikara 2006). If the land is titled under someone else's name, then the law requires continuous presence on and use of land for twenty years before the user can claim it (Repoblikan'i Madagasikara 1960) This is called *prescription acquisitive*. The issue here is that in practice the state land service has ignored the dimension of appropriation of land linked to PPNT, and only recognised permanent use of land (Burnod and Andriamanalina 2017). For Burnod and Andriamanalina (2017), this non-recognition has been a way to title not only unused but also possibly appropriated land in the name of the state, and later offer these to agricultural investors. Some international technical experts and civil society actors expressed similar concerns in interviews. They were worried that the inventory of state land could enforce state power over non-titled land to the detriment of the rights of local people. This could be the case for land in which appropriation and use are not permanently visible on the ground (for instance, land that is used seasonally). It is evident from these discussions that the state wants to protect its rights and avoid the expansion of occupations considered irregular, either on state titled land or currently unused land. These discussions reveal one of the key policy disputes: the definition of appropriated and used land. Therefore, defining these categories and delineating them in space ultimately determines who can control them: municipalities or the state land service. The definition becomes a political issue and a question of authority over land.

I have explored here the multiplication of technical practices that appeared under the policy. A question remains on where this widening of perspectives stems from. First, I find that it is linked to the broader orientations of the 2015 LPF, whether in its May or August versions. Attention is turning away from securing tenure through certification to other ways of administering and managing land for the purposes of 'development'. Nevertheless, some of these new proposals continue to allocate responsibilities to local land offices and most of them highlight PLOFs as key tools for land administration. The dominant policy narrative is thus diverting to multiple directions bringing in new elements and adapting older ones, as suggested by Li (2007) as being a key mechanism of reassembling. Second, I concur that they reflect the eagerness of the state land service to regain control of land administration. The inventory of state land, although presented

as a technical endeavour, is yet another demonstration of this pursuit of power (see Li 2007). To gain support, it partly adopts the language of the dominant policy narrative (e.g. on PLOFs) or seeks back up from international frameworks (e.g. the Voluntary Guidelines), which highlight the importance of public land management. Third, I argue that this is connected to the tense institutional environment. The opposition of the state land service has restrained the scope of action of proponents, who need to find new ways to pursue the dominant policy narrative. They are conceiving various ways of protecting rights and administering land, first by piloting them on the ground and then trying to bring them to the policy and legal sphere if opportunities arise. Fourth, I note that this is a consequence of the project-led policy implementation wherein technical actors and donors pursue their own ideas and practices, rather than there being an overarching strategy, as the coordination unit would see it. Consequently, under these multiple activities the policy becomes a laboratory of practices where things are tested by several actors, but not sustainably or widely rolled out. It is no longer about the operationalisation of the core of the dominant policy narrative.

6.2. Policy implementation in Ankazomiriotra

Ankazomiriotra is one of 535 rural municipalities in which the policy has been implemented. Practices are centred on the core of the dominant policy narrative (operations of the local land office, coordination of certification and updating the PLOF) and the new practices only appear as a sideline in the accounts of the municipal actors. Discrepancies exist between the practices as conceived at the national level and as operationalised on the ground. I examine policy implementation in Ankazomiriotra, attending to local challenges in and translations of the policy implementation.

6.2.1. Open local land office regardless of technical challenges and weak institutional anchorage

6.2.1.1. Office open since 2008

The local land office was opened in 2008 with MCA funding and benefitted from technical assistance provided by French technical operator FIT Conseil. It had two employees during the first year and one remains today. Having had the same employee from the outset has benefitted the operations of the office by ensuring the safeguarding of institutional knowledge and the continuation of practices. The employee is well-known and seen as the focal point on land issues in the municipality, reflected by the unwillingness of other municipal or civil society actors to pronounce on matters of land administration.

When discussing the creation of the office with municipal actors, they gave an impression of an idea imposed from the outside. This means that the proponents and the donor MCA had exercised power by persuading the mayor and the municipal council to open an office (Allen 2009). Ankazomiriotra was hence linked to the wider assemblage of the dominant policy narrative and organisational resources were reserved for it (Allen 2009). If the office was seen as ‘imposed’ from above in the beginning, over time municipal actors found that people have gradually come to appreciate its utility. Its presence has not been questioned locally, even though political leadership in the municipality has changed. This chimes with Burnod, Andrianirina-Ratsialonana et al. (2014), according to whom the surviving offices are in municipalities that saw a real advantage in their operation and in the certification process. The example of Ankazomiriotra also confirms that this survival is related to the ability of municipalities to cover the salaries of their employees through its own budget or fees charged for certificates. They have also found complementary administrative activities for their employees. Observations indicate that sometimes employees have created side activities for themselves (e.g. printing businesses), especially if their salaries are not paid on time.

6.2.1.2. Relative proximity to people

One of the logics behind the dominant policy narrative was to decentralise land administration at the level of municipalities, bringing them closer to people. According to Teyssier et al. (2007), this would ensure more equitability and efficiency. Based on observations and interviews, I identify physical, psychological and behavioural proximity between people and the local land office. The office is located on the main square, on the ground floor of the main municipal building, meaning that people can visit it while dealing with other administrative issues, especially on Thursday market days during which people gather in the main square. Considering that the employee of the office is well known to local people, there should be few barriers to asking questions and seeking solutions. People also have an opportunity to monitor and exercise control over the operations (Teyssier et al. 2007; Ribot et al. 2006). It is thus common to see the chiefs of *fokontany* and farmers passing by the office asking for information, checking on the progress of their demands, making first contact or just seeking discussion.

The difference between the local land office and deconcentrated offices of the state land service, the court and the notarial offices is notable. These are in Antsirabe or Betafo, half a day away from Ankazomiriotra. The first two have long waiting times before accessing services, while the third is a very polished and coded environment. I observed these psychological and behavioural distances myself. Visiting a notarial office or the court in Antsirabe is like entering an unfamiliar environment. Staff dress smartly, use legal language and behave very formally. The offices are shiny and neat compared to the regular municipal offices. For me, these are ways of exercising power as spaces are restricted to a certain type of people (Gaventa 2006). Indeed, these are spaces to be accustomed to and their codes to be learned before being able to lead meaningful discussion, make demands and request services. This distance was eloquently expressed by a national civil society actor:

It is far away, it is expensive to travel, especially if you have to make several trips, and the people in the city also scare off farmers. Here they have ties with clean shoes.

Interview with a national civil society actor (CSON001), 28.06.2016

By bringing services down to the municipal level, some of these barriers could be removed. However, the municipal building can still remain physically intimidating to

farmers coming from further away *fokontanys* of Ankazomiriotra and the administrative services remain inaccessible to illiterate people. Local society is not exempt from behavioural codes. A visit to a municipal office might require clean clothes and wearing shoes – something that is not a given for all farmers. When observing municipal life, I can see farmers washing themselves in the river before going to the centre, wearing their only set of clean clothes and finally timidly going up the stairs to the main offices with a couple of papers in their hand. There is then the formidable need for an ability to understand administrative procedures, read and write.

These barriers are reflected in the attitude of farmers towards administrative processes. It was clear in several interviews that illiterate people are afraid of signing papers and being involved in official procedures, afraid of their signatures and consent being misused.

That is why people are afraid because maybe it is a letter that accuses them, for example, they leave from their place in the countryside and a person who has studied prepares a letter and asks them to sign. They sign the letter, but they did not know that the letter was an act of sale. That's why people are afraid of offices.

Interview with a farmer (PEA003), 04.04.2016

Some farmers hence feel powerless. To counter such situations, one chief of *fokontany* observed that illiterate parents prefer sending their children (those with school education) to handle administrative matters, as they might have more facilities to read, write and follow the administrative codes, and thus ensure that their rights are respected.

Consequently, the accessibility of the local land office and certificates remains relative. I demonstrate further in Chapter 7 that it is mainly the wealthier, those with education and with a certain ease when dealing with municipal affairs who visit the office and apply for certificates. They are the most empowered (Rowlands 1995) and could have potentially visited the deconcentrated offices of the state land service as well.

6.2.1.3. Information dissemination relying on key brokers

The dissemination of information is reactive where the employees of the local land office respond to specific demands, and passive where notices are available to farmers. Information is displayed on posters, leaflets, notices and administrative circulars inside and outside of the office, thus readable by anyone literate passing by (Images 6.3. and

6.4.). Some of these posters and leaflets date back to the MCA funding, thus including information on the project and adopting its branding. In addition to written materials, the local land office organised public meetings in *fokontanys* when it still benefitted from MCA funding. These meetings were opportunities for the mayor, municipal actors and chiefs of *fokontanys* to enhance the local presence of the office, promote certificates and talk in favour of the *Kara-Tany Malaky* process. Such meetings do not exist anymore. The employee of the office does not have time to visit *fokontanys* personally. Information is rather passed on from the municipality and local land office to the chiefs of *fokontanys*, and from the chiefs to farmers.

Image 6.3. MCA project poster



Image 6.4. Information displayed outside of office



The observations and interviews indicate that information flows from the municipality to the *fokontanys*. The local land office maintains close links with the chiefs, who gather in the centre of the municipality each Thursday to receive updates on municipal matters. These meetings are also used to share information on tenure issues. In addition, it is common to see the chiefs in the local land office exchanging view with the employees. The chiefs have furthermore disseminated information to the inhabitants of the *fokontanys* at their own meetings. Some of them confirmed being available individually to advise farmers. For instance, one chief explained encouraging people to certify their land rather than registering the bills of sale and other *petits papiers* at the level of the *arrondissement*. The former is not only cheaper but also provides legal proof of

ownership. Another chief described collecting applications and transferring them to the local land office on behalf of the inhabitants. This practice was confirmed by the farmers of the *fokontany*. By playing these roles, some chiefs claimed stronger roles for themselves than what is foreseen in the law. They positioned themselves as the middle men between farmers and the municipality and consequently fit the description of brokers (Olivier de Sardan 1995; Bierschenk et al. 2000; Mosse 2005).

The mayor, the employee of the local land office and the chiefs are thus key agents defining the success of the policy and how it is perceived locally among the final beneficiaries. There are, nevertheless, risks in relying on these local actors who can gain power from brokering and who also retain political positions. For instance, the certification process can be used for political purposes. The Ministry of Agriculture (2008) observed that in some places candidates for municipal elections had made promises for cheaper certificates to gain popularity prior to elections. Political changes can also impede implementation if new-decision makers question the value of the certificates or do not have an interest in awareness-raising. Furthermore, if the policy is associated with some key brokers, power imbalances can be created in which people close to them benefit from the policy while others are excluded. Finally, while these people play a role in increasing awareness, it is not possible to tell from the qualitative data to what extent their personal efforts contribute to the rise in the number of applications.

6.2.1.4. Institutional isolation

While the local land office is functional and linked to the *fokontanys*, the interviews indicate that it operates with reduced institutional contacts at regional and national levels. Working relationships exist with the employees of the CRIF and other local land offices of the district of Mandoto, but there is no direct higher supervision. Furthermore, the municipality of Ankazomiriotra and the OPCI are not able to advise on tenure issues, but only serve as funding bodies. This means that daily activities are conducted in isolation, based on guidance and training received at the beginning of the policy implementation. This creates some frustration among the employees. A feeling of powerlessness can be observed where the employee does not benefit from ‘power

within' i.e. a self-confidence that would enable more proactive policy implementation (Gaventa 2006).

The degree of institutional supervision and technical assistance changed during the policy implementation. The local land office and CRIF used to communicate with a regional coordination unit of the land policy located in Antsirabe. This unit supervised local land offices and technical operators of MCA. Its former employees felt that they were at the disposal of the demands of the central coordination unit and the MCA, not always knowing to whom they should report. In addition to institutional links, the local land office and CRIF benefitted from training programmes, for instance, on the certification procedures, land legislation, taxation and communication, delivered by the technical operator of MCA. Employees in the local land office keep the training guides and documents in one of the office cabinets with all the bookkeeping material and administrative circulars and refers to them in cases of doubt. After the withdrawal of MCA in 2009, the regional unit was closed, and the technical operators stopped their activities. This left the local land office to operate alone. Yet, the current institutional isolation should not exist. In fact, the 2005 LPF foresaw policy supervision, coordination and technical assistance roles to *bureaux spécialisés* that are part of the deconcentrated offices of the state land service. According to the municipal actors, these offices are almost non-existent, and no relations have been established with them. Instead, the decentralised and deconcentrated administrations function separately.

Due to the lack of institutional contacts, the information flow between decision-making levels (local, regional, national) is slow. Policy resolutions and operational decisions arriving from Antananarivo take months to reach Ankazomiriotra. This furthermore affects the operations of the office. A concrete example is the case with a repeal to a resolution that had prevented the allocation of certificates on *tanety*. It took four months for the repeal to arrive at the local land office, in which time the office followed previous instructions, not allowing farmers to certify lands on *tanety*. Another case has been encountered with guidance on book-keeping. It was not until 2017 that the local land office realised that the paper parcel registry (*registre parcellaire*) is a legal guarantee of ownership. Locally, certificates had been issued and information entered in the PLOF without taking a written note of them in the parcel registry. Some municipalities of the district of Mandoto have not even had enough funds to buy the book. Consequently,

administrative sources of tenure insecurity can be created due to lack of information and funds.

When institutional connections are weak, people rely on personal contacts. The employees of the local land office and CRIF affirmed being in contact with some private operators and regional officers for information. These are people in Antsirabe who used to work for the technical operator of MCA or for the regional coordination unit. They pass by the local land offices if they are going to the field for other matters, but mainly check the procedures and book-keeping ensuring that rules are respected and details up-to-date. They consequently continue to act as intermediaries, even though this is no longer their institutional role (Olivier de Sardan 1995).

6.2.1.5. Uncertain future

Section 6.1.1. outlined how donors and technical experts see the local land offices as nodes for local development and sustainability. Such plans are, however, invisible and unrealistic in Ankazomiriotra. The municipal actors did not express any vision for the local land office, nor proactivity in policy implementation. This could have included estimating the potential number of future applications for certificates, showing willingness to revise the prices of certificates in line with the expectations of farmers, planning awareness-raising activities and foreseeing modifications to certificates.⁴⁷ Rather, the office is standing there, with its physical equipment deteriorating.⁴⁸ Its employee works on a day-to-day basis handling ad hoc demands for certification. The neighbouring office of the CRIF, in turn, is usually closed, mobilising its resources when it is time to digitise certificates. The computers are covered in dust and the printers have stopped working. There are delays in the payment of salaries by the OPCI due to internal disagreements persisting since the previous municipal elections (see also Bidou et al. 2008 on the challenges of OPCI).

In this situation, both the local land office and CRIF hope for new funding that could render their practices more dynamic. While nothing concrete had been signed by the end

⁴⁷ However, since opening the office, only 14 changes have been registered to the certificates, representing a minor workload and source of revenue.

⁴⁸ At my last visit in November 2017, the office desk (funded by MCA in 2008) had also just broken.

of 2017, the influence of the World Bank CASEF project, for instance, could be felt through the advancement of some pending matters, such as the updating of databases and clearance of backlogs. Moreover, some training programmes were running again in the region, benefitting employees not formed under the MCA project. Finally, the employees have started to refer to local land use plans and taxation approaches in their narratives without having, however, a clear idea what they entail.

This discussion of the operations of the local land office in Ankazomiriotra underlines discrepancies between the plans elaborated in Antananarivo and the realities on the ground. Policy-makers may set requirements that the local land offices are not capable of meeting. In Ankazomiriotra, working with digital material and expanding its responsibilities beyond ad hoc certification remains a distant vision. The example of Ankazomiriotra also shows the futility of setting up offices, operations and communication mechanisms based on the assistance of technical operators and donor funding. In this light, the criticism of some proponents in regard to the project-led character of the policy implementation is valid. Finally, the case of Ankazomiriotra demonstrates the pitfalls of decentralised approaches where responsibilities are transferred to local government, but this is not followed by the transfer of resources (Le Bris and Paulais 2007) or mechanisms of supervision. More sustainable institutional structures are needed to prevent local land offices working on their own and responding ad hoc to outside ideas and practices.

6.2.2. Issuing certificates

6.2.2.1. Sporadic certification with local adaptations

Between opening in 2008 and December 2017, the local land office delivered 728 certificates.⁴⁹ The price of a certificate is defined by the area of the parcel, starting at 24,000 Ariary for one hectare and an additional 3,000 Ariary for administrative costs. The price increases at a rate of 10,000 Ariary for each additional hectare, and ten hectares is the maximum one can certify in Ankazomiriotra. Farmers were asked to pay 24,000

⁴⁹ The statistics provided by the local land office and the CRIF on the number of certificates delivered in Ankazomiriotra do not match. I refer here to figures communicated by the employee of the local land office. The certificates are allocated by parcel and not by person. One person can have several certificates. Therefore, the number of beneficiaries is lower than the number of certificates allocated.

Ariary at the beginning of the procedure and the rest at the end. The office noted seasonal variations in applications. Farmers complete applications after the harvest season when they have money to cover the fees. For instance, during the first twenty days in April 2016, there were twelve demands, with only a couple in December 2015.

The applications mainly concern parcels less than one hectare. They target irrigated rice fields in the *bas fond* that are most valuable and where tensions exist between neighbours. They also focus on housing and agricultural parcels in urban and peri-urban areas of the municipality, where land use change is the quickest. Indeed, most of the applications were received from the *fokontanys* around the municipal centre. There are three *fokontanys* where there have been no demands, all located on the periphery of the municipality.

Some local translations of the official procedures can be perceived. In fact, the local land office requests farmers to include *petits papiers* in their applications, even though this is not required by law. Similar cases have also been observed by Burnod, Andrianirina et al. (2014) nationally and by Boué (2013) in Faratsiho. The practice entails that farmers procure a *petit papier* from the chiefs of *fokontany* before applying for a certificate, which then represents extra costs.⁵⁰ The practice also reinforces concepts of a property ladder where a *petit papier* is a prerequisite for a certificate.

The existence of these local adaptations can be explained by a couple of factors. First, I find that for the local land office, the *petits papiers* serve as initial proofs and historic records of land-holding. Boué (2013) has also argued that *petits papiers* represent a pre-local recognition, diminishing the likelihood of conflict during the certification process. Such avoidance of conflict was also perceptible in the operational strategies of the local land office in Ankazomiriotra, where responsibility for conflict resolution was delegated to the chiefs of *fokontany* and village elders. Second, I conclude that the practice stems from a willingness to keep cordial relationships between the local land office and the chiefs of *fokontany*. It ensures the existence of the *petits papiers* as a practice and guarantees continued responsibilities and revenue streams for the chiefs (see also Burnod, Andrianirina et al. 2014).

⁵⁰ The chiefs of *fokontany* reported that the cost of the *petit papier* is around 5,000 Ariary.

These examples show how bureaucratic (local land office) and socially embedded (*petits papiers* managed by chiefs) institutions merge their strategies to maintain social consensus and solidarity (Cleaver 2003). An institutional bricolage exists in which land administration practices ‘are borrowed or constructed from existing institutions, styles of thinking and sanctioned social relationships’ (Cleaver 2003, p.16).

This bricolage brings together a number of actors and demonstrates how complex it can be to introduce changes that modify authority relations. In the example of Ankazomiriotra, the local land office plays the role of development agents that are supposed to advance the dominant policy narrative, but they also defend their own interests and mediate between local interest groups (Olivier de Sardan 1995). This means accepting the authority of the chiefs of *fokontany* and the value of the *petits papiers*, integrating them into the certification process. By doing so, the dominant policy narrative is implemented without major friction. The chiefs of *fokontany* then act as self-declared brokers in addition to their more institutional roles as members of the local recognition commission. In Ankazomiriotra, they underscore this by handling *petits papiers*, coordinating demands for certificates and voluntarily disseminating official messages. This role has consolidated their position at the level of the *fokontany* (they are the first interface for farmers with the statutory land administration) but also at the level of the municipality (they have become an integral part of the certification process) (see Olivier de Sardan 1995; Bierschenk et al. 2000; Mosse 2005). The chiefs of *fokontany* have consequently kept their responsibilities by finding ways to adapt official practices for their benefit. This example from Ankazomiriotra finally demonstrates that the *fokontany* remains the most meaningful level of action for local land administration and management, and the choice of officially allocating all responsibilities to municipalities can be questioned (see Blanc-Pamard and Fauroux 2004; and discussion in 5.3.3.)

6.2.2.2. Grouped certification process

Everyday certification is based on a sporadic approach, but at the beginning *Kara-Tany Malaky* operations were undertaken in four *fokontanys*. After the two central *fokontanys* of the municipality, these are places where most of the demands have been made for certificates. The local land office received some 400 demands during the *Kara-Tany Malaky* process. The applications were handled and digitised by the technical operator

of the MCA project. Of these, the local land office has issued 230 certificates, meaning that 170 are still pending.

The *Kara-Tany Malaky* process promoted certificates for farmers at a discount (15,000 Ariary for a parcel of one hectare) for a limited period. Some chiefs of *fokontany* found that the process was rushed, making it difficult for farmers to gather the documents needed for an application.

Because it was an order from... here it came from... the delegate of the commune. The communal delegate receives orders from the land services that everyone must make the certificate, and everyone rushed to do so.

Interview with a chief (FOK007), 31.05.2016

Also, even with the discount, farmers felt that the fees were too high, demonstrating that the perception of farmers regarding the prices differ from the concepts of the proponents of the dominant policy narrative, who promoted certificates as a cheap way to access statutory land administration. In reality, the certificates still remain out of reach for most farmers.

It is perceptible from the interviews that the *Kara-Tany Malaky* created frustration among the municipal actors, chiefs of *fokontany* and farmers. After the withdrawal of MCA, the municipality was left with pending applications. However, it has not agreed to pay the difference between the price of the normal certificate and the *Kara-Tany Malaky*, and the farmers do not wish to pay higher fees either (they should cover an additional 12,000 Ariary as they have already paid 15,000 Ariary). As underlined in Chapter 7, this situation is likely to create a negative reputation for certificates and damage the motivation of farmers to make further applications. Yet, the local land office and the municipality did not seem aware of the loss of credibility, nor did they show determination to resolve the pending cases. Hence backlogs remain, and farmers are impatient to receive their certificates.

The *Kara-Tany Malaky* process is yet another example of the limits of project and result-based practices. The actions were rushed and there was no thought given to institutional sustainability. With the withdrawal of donors, all activities ended and the municipality and the chiefs of *fokontany* as the local actors were left alone to deal with the consequences.

6.2.2.3. Local recognition with limited ability to deal with power plays

The work of the local recognition commission is the most concrete step of the certification process. Under the law, its purpose is to allow competing claims to be reviewed and mediated by a committee constituted of a representative of the municipality, the chiefs of the *fokontany* and the elders of the village in which parcels are located (Repoblikan'i Madagasikara 2006). The process brings together the owner of the parcel and all neighbours of the adjacent parcels. The employee of the local land office plays an administrative role and does not, for instance, take part in conflict resolution.

Local recognition is supposed to be the moment when the social, cultural and power relations influencing the sources of and conditions for tenure security are dealt with. It builds on practices undertaken when signing *petits papiers*. The proponents thus view it as a local social process in which reciprocity is created between neighbours: if I am present for my neighbour, my neighbour is also more inclined to testify for me. It is not without risks, however. Local recognition can lead to situations where neighbours only testify in favour of each other. Some neighbours could also build a strong front, excluding people who are afraid to step forward and testify against them. The social process has also taken on some administrative characteristics. In fact, local recognition results in the elaboration of minutes of meetings, which are important for retracing the legitimacy of rights holders (Observatoire du Foncier 2007). The Land Observatory (2007) qualifies these minutes as the masterpiece of the whole certification process, used to resolve contentious cases. Yet, if power imbalances exist during the process the views of the dominant actors alone end up being recorded.

I observed three local recognition processes (Appendix 7). These were straightforward events. They gave a feeling of theatre, rather than being a moment for mediating differences. In the first two cases, local recognition seemed to be conducted out of obligation. The parties walked the borders, took measurements and completed paperwork. No other importance was given to the process. The third case was supposed to be more contentious; indeed, the local land office mentioned that some unresolved issues existed between the neighbours, but the parties tried to negotiate the case prior to the meeting. On the ground the process followed the same procedures as above,

suggesting that the disagreements had been resolved elsewhere, but it is not clear how this was done. It also reinforces the position of the local land office as unwilling to engage in disputes. Local recognition thus confirms pre-agreed cases without being a true moment for dealing with the cultural, social and power relations influencing tenure security.

The examples from Ankazomiriotra suggest that the local recognition process and the steps taken behind the scenes are not exempt from power dynamics. For instance, in interviews one farmer laconically expressed how the certification process had been executed quickly and orchestrated by the local land office. Another farmer said that there had been many people demanding a certificate, sometimes under pressure:

They took the shape of the plots. They put them in a big notebook. They... each wrote his name and certificates were issued

Interview with a farmer (PEA010), 03.06.2016

Also, the parties supposed to be involved in the process are not always present. In the observed cases, only one neighbour was present at each time. The local land office also mentioned that some neighbours might live far away or were difficult to reach, and extra costs might be required to ensure their participation. These could fall onto the applicant. Indeed, in one of the observed cases money changed hands to cover transport and meal costs of all the participants.

The rapidity with which the local recognition process is conducted depends also on the location of the parcel. The local land office finds it uncomfortable to go to the furthest away *fokontanys*, which might require an hour on a motorbike and a couple of hours of walking. Therefore, the office tries to group the local recognition processes of these *fokontanys*. Considering the small number of applications, someone making a demand might have to wait a while before recognition takes place. Similar logic was seen in the work of some agricultural services that avoided the most remote *fokontanys* due to lack of access and problems of insecurity. This indicates that the ‘development’ endeavours focus around *fokontanys* conveniently reachable from the main road RN 34. This leads to what Chambers (1980) call roadside bias, in which development action follows main communication axes and does not reach out to more remote areas, thus failing to reach the poorest segments of the society.

6.2.3. Challenges in using the local land occupancy status maps

The local land office in Ankazomiriotra is a so-called paper office. It works on the paper images of the orthophotos, draws parcel delineations on them, and provides sketches to the CRIF to be digitised and included in the PLOF. The baseline maps of these PLOFs have been prepared by the deconcentrated office of the state land service in Antsirabe/Betafo or previous external technical operators. They are supposed to conduct an inventory of the existing topographical maps, cadastral plans, and titles, digitise and vectorise the information, and insert georeferenced details. These provide information layers that are superimposed onto orthophotos to constitute a full PLOF. When the CRIF digitises information, it allocates an identification number to each parcel and links it with information on the tenure right holder.

The local land office and the CRIF have faced some challenges in using the tool. First, the orthophotos were purchased under the MCA project and reflect the situation in 2006. These photos have not been renewed, implying that inconsistencies might occur between the situation on the photo and on the ground. This potentially concerns the peri-urban areas where land use change is rapid. Second, the office has also lost some paper versions of the orthophotos, or some images have heavy cloud-cover, rendering the visualisation of spatial information complex. Third, the weakest link in the use of the PLOF is the lack of coordination with the deconcentrated office of the state land service. The first update between the databases was made only in June/July 2017. In the meantime, the CRIF had one version of the PLOF and the state land service another. The databases were not coordinated with latest details on the allocated titles and certificates. In terms of land administration, this is a recipe for disaster as the databases are incompatible with each other. The local PLOF also becomes vulnerable to the loss of information if it is not safeguarded elsewhere.

The PLOF is therefore fragile due to the operational difficulties and weak institutional linkages. The fragility of the PLOF calls into question its ability to act as the key technological solution through which land is administered – a role given to it by both proponents and opponents at the national level. This fragility also questions the legal and administrative security of the certificates, which can quickly become void if they do not reflect the situation on the ground. There is a risk that titles, cadastre areas and

certificates overlap. Without a back-up copy, the destruction of the PLOF (on desktop computer and CDs) could also mean the loss of all digital information. Only a copy of the certificate would remain with the land holder, and paper notes in the parcel register (if up-to-date and intact). This means that the administration is vulnerable, and its fragility could be easily misused, for instance, for corruption. These sources of tenure insecurity demonstrate the importance of following convened procedures when tenure security has become a legal and administrative matter, as in the case of the Malagasy land policy.

6.3. Conclusion

In this chapter, I have demonstrated how the dominant policy narrative was operationalised and rendered technical by the creation of a new municipal statutory land administration that combines decentralised ideals, previous national experiences and existing local social processes (see Li 2007). In practice, policy implementation became a question of opening local land offices in municipalities, issuing certificates on demand to farmers and managing information management systems (PLOFs). For the proponents, the number of offices opened, certificates allocated, and hectares covered were quantitative indicators of success. These were physical demonstrations of the presence of the dominant policy narrative on the ground in the face of opposition from the state land service. To further maintain their position, the proponents foresee the local land offices as nodes for local development around which a set of new activities of land administration and management can be created.

I find that the technical practices set in place enforce the legal and administrative conceptions of tenure security within the dominant policy narrative. A certificate issued by a municipal authority through local recognition processes and backed up by an information management system and book-keeping procedures is considered secure. The example of Ankazomiriotra underlines, however, that these processes need to be governed and managed to guarantee legal and administrative security on a sustainable basis. Otherwise, they risk creating new sources of tenure insecurity stemming, for instance, from the lack of safeguarding and updating information, power abuses and lost

public trust in the system. This would then mean that the policy reduces rather than procures security, especially if does not effectively address the authority, political, social and cultural sources of and conditions for tenure security.

During policy implementation, a set of new practices emerged, responding to wider objectives of land tenure as a basis for development. They shift attention away from the core practices of the dominant policy narrative by paying less attention to certification as a solution for recognition and registering legitimate tenure rights. These are novel or recycled ideas and solutions proposed both by proponents and opponents to counter implementation challenges and consolidate their positions. They contribute to what Li (2007) calls managing failures and reassembling where compromises are planned, and existing discourses are used for new ends and meanings of key terms are transposed from one context to another. Under the influence of these emerging activities, I argue that the policy is becoming a laboratory of practices without a coherent plan for securing tenure.

The analysis of the institutional policy implementation shows that it has faults typical of decentralisation. First, the municipalities were drawn into the process by donors without a democratic demand for a new land administration (Larson and Ribot 2004). Second, the creation of municipal land administrations has not been followed by a proper transfer of resources from the central level to the municipalities (Le Bris and Paulais 2007). Instead, local land offices need to bear the consequences of the project-led implementation of the policy and the resistance of the state land service. The former has meant direct cuts in support and supervision after 2009 and the latter has been translated into a lack of collaboration and data-sharing from the outset. Third, the local land offices have not reduced administration, but added a new layer to it (Le Bris and Paulais 2007). Indeed, local translations of the policy implementation have entailed keeping up with the authority of the chiefs of *fokontanys* and guaranteeing an administrative value for the *petits papiers*, and the resistance of the state land service to power transfers has maintained the institutional position of the titling system (Larson and Ribot 2004). The party who loses out in this scenario is the farmer, who needs to pay to move from one rung of the property ladder to the next. The next chapter explores policy implementation from the perspective of farmers.

7. Land policy facing a local context: the example of Ankazomiriotra

In this chapter, I pursue the ‘studying through’ of the policy process by examining how the dominant policy narrative fits with local conceptions of tenure security and practices of securing tenure, as well as investigating interactions between farmers and the policy (Keeley and Scoones 2003; Wedel and Feldman 2005). In doing so, I respond to all three research questions from the perspective of farmers. I engage with a literature on the politics of land (e.g. Shipton and Goheen 1992; Berry 1997; Peters 2004 and 2009; Sikor and Lund 2009), the forms, spaces and levels of power (e.g. Rowlands 1995; Gaventa 2006) and development interventions (e.g. Olivier de Sardan 1995) to explain local dynamics at the interface of the dominant policy narrative. I also refer to two quantitative studies throughout the chapter: Boué (2013), which examines the establishment of a local land office and the allocation of certificates in the municipality of Faratsiho in Vakinankaratra; and a survey coordinated by Burnod, Andrianirina et al. (2014) on the perception of tenure security in nine municipalities of Madagascar that were part of the policy implementation. I couple their quantitative survey results with qualitative findings drawn from personal observations and interviews conducted with farmers and local administrators in Ankazomiriotra.

I demonstrate a lack of connection between national and local levels. Farmers have weakly subscribed to the dominant policy narrative, questioning the added value of the certificates, which they place between titles and local practices of *petits papiers*. This is due to the relatively high cost of the certificates, but also lack of awareness of the certification process, doubts about its purpose and the presence of more pressing development priorities. I find that it is the well-off farmers who have financial capital and the ability to plan who are more likely to make demands and thus benefit from statutory recognition. I also show that the certification process has not been able to address some of the inherent power dynamisms, nor deal with the authority, social and cultural relations generating sources of tenure insecurity, especially for the most vulnerable segments of the society.

I begin by examining the dominant scenarios of tenure insecurity in Ankazomiriotra and local means of securing tenure. Together, these enable a grasp of the concepts and practices of tenure security among farmers in Ankazomiriotra and analyse their correspondence with the dominant policy narrative. I finish by analysing the awareness of farmers of the certification process, their motivation to apply for a certificate and the value of certificates.

7.1. Scenarios of tenure (in)security

The sources of and conditions for tenure (in)security in Ankazomiriotra are linked to intra-family tensions, conflict between neighbours, insecurities in market transactions and some external threats. The socio-economic, cultural and power positions of farmers (either inside the family, between neighbours or among the community) influence tenure security. This indicates that a wider set of issues are at play than the conflicts and external threats presented as problems in the dominant policy narrative. I consider various scenarios of tenure (in)security to understand local concepts and analysing their fit with the dominant policy narrative.

7.1.1. Intra-family tensions

I explained in Chapter 4 that inheritance is one of the main means of accessing land, however, the process is not necessarily secure. Indeed, farmers underscored in interviews that families had a tendency to postpone the processing of inheritance between siblings after the death of parents. This was to avoid any tension in a situation where the parents had not clearly defined the rules of tenure and decided who will hold what. Older children might have received land as gifts from their parents while the younger ones were still living and working in the family home. The older siblings might thus claim the donated parcels even though not officially inherited, and dispute any redistribution. Such a situation might furthermore undermine the position of younger offspring in accessing the best land. As told by one farmer, inheritance can create inequality between siblings:

In the family, there are seniors and younger ones. The seniors have many more advantages than younger ones, and that influences their standard of living after the parents' death. Those who have more land want to get richer and those who have no means can do nothing. If there is a property to be shared equally, the seniors impose their decision.

Interview with a farmer (PEA049), 25.10.2016

These tensions might stay latent until a sibling demands, for instance, the certification or sale of a parcel. These processes require formalising the inheritance, which might have been based on oral agreements and established practices on the ground. One heir might then proceed without informing the others. This creates conflict or generates tenure insecurity for the buyer if the other heirs also claim the parcels.

Women are placed in an insecure situation during inheritance and divorce, under both statutory law and in practices on the ground. The inheritance law foresees that in the absence of a testament, spouses do not inherit from one another as a priority. Rather, the surviving party is considered in eighth position for inheritance after the cousins of the deceased, but before the state (Repoblikan'i Madagasikara 1968). This applies to both men and women (ibid.). The law also claims that women can receive their part of inheritance in money (rather than in land or other forms) (ibid.). The law on marriage (Repoblikan'i Madagasikara 2007) states that the husband is the chief of the family. This places women in a secondary position even though the law also notes that in the case of divorce common goods are shared between the spouses, while individual goods are not (e.g. land donated by parents to their daughter). However, practices observed in the Highlands indicate that common goods are usually divided into three parts, with the husband receiving 2/3 of the property and the wife 1/3 (Omrane 2008). The death of the husband or the dissolution of the marriage can thus be sources of tenure insecurity for a woman if she is not recognised as the right-holder of land appropriated by the couple, has lost access to her parents' land and/or cannot return to her family of origin. She might become landless and see her rights overridden by her children or her husband's siblings and cousins.

The story of Lalao is indicative of the hardship women can suffer in terms of the recognition of land rights during and after a marriage. The practices pursued in her case followed custom rather than statutory law, demonstrating how women's tenure rights

are conditioned by social relations within families (Jackson 2003; Whitehead and Tsikata 2003; Rao 2017).

Lalao is a woman in her mid-thirties originally from a middle-income, well-connected family. She got married in her early twenties and moved to her husband's village some five kilometres away. The families have a double knot as Lalao's sister is married to her husband's brother.

Together with her husband, Lalao built a house and grew some crops. The land was registered in the *fokontany* under the name of her husband. One day the husband had sold some parts of the land without asking her consent. The couple divorced after some ten years of marriage. Lalao moved back to live with her parents who were kind enough to host her. She is also cultivating land that her parents donated to her. These pieces of land are some 1.5 hours walk away from home.

After the divorce, she was only able to take some furniture. Everything else – the house and parcels – remained with her husband. However, with the help of her family, she could claim monetary compensation. They did not ask for a part of the house or the land, to keep good relations with her husband's family, as her sister was still linked to it.

Extracts of Lalao's story were collected when conducting interviews with her family in December 2017.

What I want to demonstrate here is that families are not harmonious units or exempt from power plays. Social differences exist, and pressure can be put on family members and their tenure rights questioned (Berry 1997). A lot thus depends of the quality of relationships. If tensions and misunderstandings emerge, some members might see their parcels taken away or their rights contested, placing them in a situation of insecurity. Siblings who have moved away from the zone (absentee owners), children who have not been officially recognised as descendants of their parents, younger siblings and divorced or widowed women are particularly vulnerable.

7.1.2. Disputes between neighbours

In addition to intra-family tensions, conflicts between neighbours are common, affecting tenure security. Farmers explained that these disputes are often about encroaching onto the land of a neighbour, little by little at the edges of a parcel. They are about disputes over borders and changing the boundaries of the parcels that end up diminishing the overall area.

People who are likely to grab the land are not the outsiders but the neighbours. [...] If it is well delineated, even if people install contours they always exceed the limits. That is what people are afraid of [...] neighbours who go beyond the limits. And if at the beginning one has a parcel like this, the area gradually decreases.

Interview with a farmer (FOK006), 13.05.2016

These conflicts concern both the *bas-fond* and *tanety*. Especially on the more fertile *bas-fond*, each square metre counts and opportunities to increase the surface of parcels are taken, for instance, by moving the canals that serve as boundaries. Farmers confirmed that parcels most at risk are those confined between others, which risk being gradually encroached upon from both sides. The parcels on *tanety* are more open and their borders less visible, thus easier targets for larger-scale encroachments. Such conflicts can be related to opportunistic behaviour and the use of power over others in a hidden manner (Gaventa 2006). In the example below, a wealthy person is observed registering parcels of poorer farmers in his name:

Some people have no money and others have money and they silently register the land in their name, because the plots are adjacent, and they show evidence that the plots belong to them.

Intervention in Focus Group discussion, 02.06.2016

These behaviours can also occur if intra-family tensions have rendered a person vulnerable. Farmers mentioned that a neighbour can see an opportunity for an encroachment when an inheritance is pending and thus there is a lack of clarity over the legitimate holder. Other vulnerable moments occur when land is sold or certified. A farmer gave an example in which an owner had not informed neighbours of his intentions to sell and had included in the selling agreement parts of the neighbours' parcels. The case had been revealed only when the new owner started to use those pieces of land. Another example concerned a case where a seller had exaggerated the borders of the parcels. The error came to light when the neighbours wanted to certify the land and had to clear up the misunderstandings during the local recognition process.

The feeling of insecurity *vis-à-vis* neighbours can furthermore increase if parcels are located at a distance from the homestead and/or have been recently acquired. This suggests that the social knowledge that enables a farmer to confirm and protect rights is weaker and farmers might not have established trusting relationships with their neighbours, serving as a guarantee of rights (Shipton and Goheen 1992; Berry 1997; Goodwin 2013). Indeed, in such situations Burnod, Andrianirina et al. (2014) noted that land holders are scared that only few people can confirm their rights and that their neighbours have more facility in changing the borders and claiming land. A certain mistrust towards neighbours thus persisted.

Overall, farmers remarked that conflict over the parcel delimitations occurred when pressure on land increased. When less land was available for clearing in the agricultural frontier zone of Ankazomiriotra, farmers' attention was focused on existing parcels, tracks of land between parcels and any open space that could possibly be used. This and the above observations suggest that conflicts between neighbours are related to disputes over small areas of land. Farmers did not fear that all their land would be appropriated by their neighbours unless their neighbours were the most powerful members of the local community.

7.1.3. Lack of trust in market transactions

In Chapter 4, I explained that land is mainly transacted among family members, friends and trusted acquaintances (see also Bellemare 2012). This is to ensure a certain trust in the transaction process and to guarantee that land of sentimental value remains in good hands. The question of security hence emerges as a key point. As Palmer (1996) argues, security in land markets concern both parties in a transaction (seller and buyer; landlord and tenant). Both seek to ensure the trustworthiness of the other party and guarantee their ability to adhere to the contract (Palmer 1996), as can be seen in a couple of ways in Ankazomiriotra.

First, farmers indicated that the current owner needs to ensure sufficient economic compensation for the land. This entails assessing the reputation and wealth of the potential buyer/renter, for instance, by considering the number of *zebus*, other animals and valuables that can be turned into money. The process is explained by a farmer:

It depends on what society thinks of you. For example, if a person is considering selling a parcel of land, he calculates how many *zebus* I have, 2 or 4, and informs me that he will sell his plot if I have the means to buy it. If I am interested, I sell my *zebus* and buy it. Or if there are other livestock such as pigs or agricultural products. That is how people can buy land.

Interview with a farmer (FOK002), 29.04.2016

The rental market is slightly more complicated. In general, the importance of finding an honest and economically viable tenant (ideally, a family member, friend or someone recommended by them) still stands (Bellemare 2012). What counts the most is the knowledge over rights as explained by farmers in Ankazomiriotra. A dispute could occur if the owner was an absentee and not well known locally. There is a risk that the tenant

gradually gains local legitimacy and claims ownership of the land. Farmers clarified that to minimise this type of risk and maintain control of one's land, leases are kept short (two to three years, maximum five years).

On the other hand, those farmers relying on tenancy agreements for their subsistence are in a vulnerable socio-economic position. As the rental contracts are short, tenants are forced to change parcels after a couple of seasons. This restricts the choice of crops and might dissuade the tenants from improving the land. Feelings of injustice might be created when the owner takes back the land and does not provide compensation for extra work. One farmer, however, challenged this overarching logic. As a tenant, he made improvements to the land to enhance his yields and to prove his commitment to the owner, building up his social reputation as a responsible tenant and strengthening his social legitimacy (see also Broegaard 2005).

You should not rent the plot and just cultivate it, but maintenance is not to be ignored. Because if you rent a plot and you have not maintained it there will be no other people who want to rent his plots for you. But if you take care of it, people will not hesitate to rent you his land because they have seen that you maintain the plots, so it is win-win.

Interview with a farmer (PEA039), 22.06.2016

Second, the buyer/tenant needs to ensure that the seller/landlord is the legitimate and/or legal holder of the parcel to avoid any subsequent conflict. The interviewed farmers frequently described confusing selling processes. An owner might sell the same parcel twice; an heir might sell land without the consent of siblings; parents might sell land without informing their children. These scenarios place the new owner/tenant in an insecure position, as other parties might contest newly-acquired rights (see also Burnod, Andrianirina et al. 2014).

7.1.4. External threats

I established in section 5.1.3. how external threats have been used in problem framing at the national level, with farmers portrayed as potential victims. In terms of Ankazomiriotra, there were no outside operators that would have created major conflict.⁵¹ Nevertheless, some well-informed farmers were aware of potential threats of

⁵¹ Only the Groupe Star, the main beverage company in Madagascar based in Antsirabe, sought

outsiders or the state expropriating land for investment purposes. They were not able to put forward concrete examples, but had heard stories from neighbours, acquaintances, radio or television.

In more concrete terms, state officials, civil servants, urban people and wealthier outside farmers were perceived as actors who could contest locally legitimate tenure rights. Farmers were afraid that these actors could access land using institutional contacts and knowledge, passing through the state land service and requesting a title regardless of the parcels being used by local farmers. The power imbalances existing between the parties represented a threat.

But sometimes people from the city do stupid things, they arrive and settle like that. People in the countryside are really afraid, they are afraid of the offices and nobody will dare contradict people from the city. They will let them do whatever they want.

Interview with a farmer (PEA057), 01.11.2016

7.1.5. Local social relations and power plays

The above scenarios confirm that properties are established, and tenure security is sought in social relations and networks (Shipton and Goheen 1992; Broegaard 2005; Goodwin 2013). People continuously interact, negotiate and defend their positions, building common understandings of tenure among families, neighbours and communities (Rose 1994; Fortmann 1995; Berry 1997). However, these are not harmonious, nor homogenous groups. As Olivier de Sardan (1995) notes, multiple divisions exist in rural African societies that are linked to the status of people, competition over means of production, power plays and rivalries both formal and informal. Some farmers are then better placed than others to access land, secure tenure locally and respond to outside threats. Specifically, socio-economic status, length of presence in the zone, gender, age and tenancy situation impact tenure security (Berry 1997; Peters 2004 and 2009).

These social interactions indeed hide major power imbalances. The powerful can affect the powerless, exercising their influence in visible and invisible ways and exploiting others' vulnerabilities. The powerful can also draw from networks and outside contacts to enhance their position (Rowlands 1995; Gaventa 2006). For example, Blanc-Pamard

collaborations to grow barley during the off season in 2016. In Marogoika, two farmers had responded to the offer, while others preferred not to enter into contractual arrangements. There is a planned ZIA in a neighbouring municipality of Vasiana.

and Fauroux (2004) talk of a ‘participatory illusion’ in community management of natural resources in Western Madagascar. On the surface, everyone is given the right to speak, but behind the scenes the elders and the most powerful (for instance, representatives of the original lineages of the village, rich land- and cattle-owners) retain power over final decisions. Similarly, they find that in the participatory gatherings core issues are not tackled, in order to avoid visible confrontation (ibid.). Evers (2013) concurs that it is the local power holders and *tompon-tany* (‘masters of the land’ – those who have cleared land first for cultivation and gained local legitimacy) who hold decision-making power over land and are seen as the ‘sovereign prerogative’ by others (p.129). An interviewed farmer eloquently expressed that he feels secure thanks to his influential position in the local community. While he was originally a migrant, he acquired local recognition by being involved in village affairs and a local association. He qualified himself as a *grande personne* (someone who is respected). He also underlined having contacts in town from whom he can seek advice and assistance. Poor, illiterate farmers might find themselves in a much weaker position, finding it challenging to access land because of the prices and guarantees demanded, struggling to deal with official procedures and being vulnerable to dishonest practices.

I argue that these social and power dynamics are not fully considered by the 2005 and 2015 LPFs, nor by the certification process on the ground. I demonstrate this through examples of women and the local recognition process. First, the national discourses of proponents encourage women to certify their land and add their names to certificates regarding land belonging to a couple to enhance their tenure security. However, Widman (2014) has observed that while women have applied for certificates on their own land, in the case of the common land certificates have rather strengthened the position of the primary right-holders (men as the statutory and customary heads of the household). One reason for this was expressed by a farmer in Ankazomiriotra: a common certificate would question the unity of the couple. Indeed, Widman (2014) has observed similar behaviour where joint certificates were seen as undermining the authority of the husband. Jackson (2003) argued that joint titles might be taken as signs of distrust in a marriage. This indicates that the certification of common properties does not necessarily benefit women. Nevertheless, it does protect the couple as unit against the outside in the case of external disputes, provided the marriage is not dissolved (Widman 2014). Second, the dominant policy narrative sees the local recognition commissions as places

to handle local differences. However, the experience of Ankazomiriotra demonstrates that these are often for show, with disputes dealt with elsewhere, if at all. Evers (2013) also notes how local recognition processes might be captured by local power-holders, who might prefer testifying in favour of their fellows. She adds that ‘others in the village might also be reluctant to oppose such claims if they wish to keep on living in the village’ (ibid., p.131). Consequently, the process ‘might contribute towards elite appropriation of the system and trigger deeper divisions with communities’ (ibid., p.133). Power imbalances behind the local means of managing tenure relations and resolving conflicts can thus benefit the most powerful segments of the society and do not address inherent inequalities in social position. These can further tip the certification process towards the more powerful (Evers 2013). The question then is whose tenure security policies aim to protect, against what, and how.

7.2. Customary practices of securing tenure

One of the problem framings of the dominant policy narrative was the existence of ‘massive demand’ for securing tenure, based on people seeking written recognition of their land holdings by signing *petits papiers*. Burnod, Andrianirina et al. (2014) found that some 83.8 percent of households relied only on *petits papiers* or tax receipts as proofs of ownership; 8.2 percent had made a demand for a certificate; 8 percent did not have any formal proofs thus relying on local social recognition; and 0.9 percent had made a demand for a title.⁵² In other words, some 91.8 percent of people trusted locally sourced tenure security (*petits papiers* and local recognition) and 9.1 percent had sought statutory recognition (Burnod, Andrianirina et al. 2014). I examine these customary practices of securing tenure here before analysing the motivation of farmers to adhere to the policy in the following section.

⁵² These are the figures given by the survey of Burnod, Andrianirina et al. (2014). However, when adding them up a total percentage of 100.9 is given. This is probably because people who had asked for a title had also asked for a certificate.

7.2.1. Appropriation and use of land visible in space

Ankazomiriotra used to be an agricultural frontier zone (Raison 1984). Today most of the land has been appropriated by individuals or households (Razafimahatratra et al. 2017) and the parcel structure has become clearly visible on the ground. The fact of labouring the soil is then considered as a sign of appropriation that others should respect:

If you grow it, it is because it is yours. You cannot farm on land that is not yours unless you rent it out, we cannot work or cultivate other's land.

Interview with a farmer (PEA020), 07.06.2016

In addition, some farmers use markers to signal their presence and delineate parcels (Image 7.1.). Fences and hedges are used to protect parcels from roads, tracks and pathways. On *tanety*, the markers can be trees growing at the extremities of the parcels and hay sticks placed on fallow land. They can be lines drawn on the ground with a plough, or hay, vetiver, sorghum and sisal growing on the borders, or rocks placed in the corners. Markers can also be placed at the centre of the parcel: something visible from far, like a hay stick at the middle of field of groundnuts. The plantation of trees is furthermore a way of reinforcing one's presence. On *bas-fond*, the parcels are usually delineated by irrigation canals and terraces. People also grow sugar cane, banana trees and other fruit trees, and at the extremities of the parcels these can serve as boundary markers.

For example, two neighbouring parcels, one is ours and the other belongs to the neighbour, there is a canal that separates them. The neighbour does not dare to enter mine and I would not dare to cross the limit, each one occupies his plot even if people are not brothers and sisters. The neighbour does not dare trample my parcel and I will not dare trample his. The channel is the limit.

Interview with a farmer (PEA019), 07.06.2016

Image 7.1. Parcel structure visible in space



The border delimitations bring physical clarity and might facilitate everyday farming practices. However, for many farmers they are just an add-in. The real difference is social recognition and knowledge of who holds what and where, as well as associated cultural and social norms that ensure knowledge is valued. The

rights of the first cultivators and their heirs are particularly respected (Evers 2013) and they can control the access of others to land (Raison 1984). In such contexts, the tomb of the ancestors becomes the concrete sign of family authenticity (Evers 2013) and belonging to a place guarantees security and continuity (Boué 2013). Families are thus starting to transfer tombs from their regions of origin to Ankazomiriotra as markers of long-term presence.

7.2.2. Social knowledge as guarantee of tenure rights

Social knowledge is gradually built on the tenure rights of the first arrivals and the more recent migrants as well as on subsequent transactions. This knowledge is maintained and passed on inside families, between elders and from one chief of *fokontany* to another. Farmers mentioned that the knowledge of the holders of parcels is as common as information on the owners of houses. The role played by the elders is explained by one farmer:

The chief of fokontany is an elder in the village, he lived with others who are already dead. He is a referee in the village because he saw the history of the parcels in the village. Mr X cultivated on this land, it is his. We have not yet talked about the official papers, but the words of the elders are not to be discussed, it is they who say that it really belongs to X or it does not belong to X but to Mr Y.

Interview with a farmer (PEA034), 20.06.2016

Farmers call upon the elders and chiefs of *fokontany* if someone is contesting their presence, but also when parcels change hands. The elders and chiefs might invite family members and neighbours to join in to provide additional testimony. Together they agree on the owners, characteristics and limits of each parcel. The process can lead to signing *petits papiers* by the chiefs of *fokontany*. Observations and interviews indicate that a distribution of responsibilities existed between the elders and the chiefs. In fact, the chiefs, especially younger ones, explained allowing elders to find solutions, while they prefer to act as facilitators in the mediation process.

In numerical terms, local conflict resolution mechanisms seem to work. The chief of one of the target *fokontanys* confirmed that some 95 percent of conflicts are solved locally and amicably. If the conflict is not resolved, it is passed up to the municipal council and the mayor, and the *gendarmerie* might be involved in the case of suspected criminal acts. As discussed earlier (section 6.2.2.3.), the local land office tends to stay out of these

cases. As a final recourse, conflicts are transferred to the court in Antsirabe. Farmers felt that the court is only for people with connections and money who are able to go through administrative processes and pay fees.

Nonetheless, local society also evolves, changing the cultural and social basis on which tenure relations have been established. Some elderly people were preoccupied by the lack of trust among families, neighbours and community members. For them, the solidarity and confidence on which social relations had relied on was fading away. For them, the fact of writing written contracts such as *petits papiers* was a concrete demonstration of this lack of trust.

7.2.3. Writing down holdings and transactions: the practice of *petits papiers*

Petits papiers are recurrent in Ankazomiriotra. Farmers explained that the physical presence on the ground (especially as regards the most distant parcels) and oral knowledge were not enough to guarantee security. Farmers preferred signed agreements because they considered paper proofs as more tangible. One chief expressed this by a proverb: “Words fly but the written stays”. According to farmers, written contracts are means to manage the scenarios of tenure insecurity that are linked to betrayal, dishonest practices and the risk that one of the parties denies the existence of a transaction.

The first reason for making acts of purchase is the change in people's mentality and the current situation where there is no longer absolute confidence, some even deny a sale. That is a reason and we have to make an act with witnesses and it goes to the *fokontany*. Another reason is that sometimes it is land belonging to another person that someone sells, if it is simply oral or secret, and not necessary in the eyes of the society, the buyer may lose his money, he will farm and the real owner will show up. When it is written and passed on to the leaders, people can confirm that it really belongs to him.

Intervention in a Focus Group discussion, 02.06.2016

Three different type of *petits papiers* exist in Ankazomiriotra: act of purchase or lease, act of inheritance and an attestation of the use of land. The practice draws on existing social knowledge. Together, neighbours, elders, the chief of *fokontany* and other people enumerate on paper the parcels concerned in a transaction; describe their characteristics such as the estimated length, width and use; provide indications on borders; name the neighbours; record the identities of right-holders; and state the period of rental if

relevant. These pieces of information seem important for the interviewed farmers – they are tangible, descriptive and relevant.

First, the family and grandparents know the land delimited by the children. And then we make a list at the sale, when you buy land, the dimensions are mentioned: 100m long and the width is as follows. And there are witnesses on the side of the seller and the buyer. We make the bill of sale, but it is not printed, and we go through the committee, the *quartier mobile* [responsible for security issues], the president and so on.

Interview with a farmer (PEA024), 10.06.2016

The *petits papiers* are furthermore signed off by the chiefs of *fokontany* or by the chief of the *arrondissement*. This guarantee was valued by farmers and is shown via a red stamp on the *petits papiers*. The documents are most often produced in three copies: one for the chief of *fokontany* and/or *arrondissement* (depending on the authority of the signatory), one for the current owner and one for the buyer. The process costs 3 percent of the value of the parcel when the papers are signed by the *fokontany* and 14 percent when signed by the *arrondissement*. They can be kept in a registry in the *fokontany* or *arrondissement*. However, to keep their validity, these registries need updating on the initiative of the holder of the parcel.

Some chiefs of *fokontany* considered that the local registries would be sufficient to keep track of transactions and land-holdings, and thus secure tenure locally in addition to social knowledge. They found it problematic, however, that these registries have not been valued by the state. For them, this lack of recognition can cause tenure insecurity if more powerful and connected people claim parcels regardless of the existence of *petits papiers*, as expressed by one chief: “a simple paper does not stand against the power of money”. Consequently, they would like to see local registries given proper legal value so that these could serve as reference points.

I have demonstrated above that the customary practices of securing tenure focus on confirming existing situations on the ground, establishing common shared knowledge on tenure, mediating differences, removing opportunities for dishonesty and seeking more tangible paper proofs of land-holdings. These practices bring together different authorities with a diversity of power. Starting from the families, men hold power as the heads of the household. In village communities, first arrivals are respected, and elders are regarded as sources of social knowledge and authority. The elders give some space

to chiefs of *fokontany* with the practice of *petits papiers*, facilitation of social relations and distribution of information. The chiefs are solicited to provide additional guarantees as local representatives of the state (Omrane 2008). These authorities retain power, and can use it to confirm their tenure, or to empower others through the mediation of differences and facilitation of access to land. Therefore, the practices of securing tenure alone do not remove the inherent power dynamisms and social variety that create sources of and conditions for tenure (in)security, but rather the way in which power is used by these authorities. The certificate then brings along a new set of authorities without, however, removing the socio-economic and power imbalances between farmers.

7.3. Farmers' participation in the certification process

The dominant policy narrative thus enters a local context where land has important economic, social and cultural value; differences in socio-economic position impact access to land; tenure security is predominantly a question of authority, social, cultural and power relations among families, between neighbours and inside communities; and securing tenure relies on customary practices. These factors influence how farmers have responded to and participated in the certification process that introduced local land offices as new authorities in managing land. The next sections discuss the differences that exist in farmers' awareness of the certificates and their motivation to apply for one.

7.3.1. Differences in awareness of local land office and certification process

There are differing levels of awareness about the existence of the local land office and the details of the certification process. The survey of nine municipalities in Madagascar found that 72 percent of households were aware that their municipality had a local land office, but knowledge of prices, legal value and designated holders of the certificates varied, particularly in terms of having visited the office (22%), having applied for a certificate (8.2%) or possessing one (6.2%) (Burnod, Andrianirina et al. 2014). Based on my observations, I have identified three configurations in the awareness of farmers that apply to all three *fokontanys* (and six villages) included in the research.

The most knowledgeable were farmers in households identified as high and middle-income (see section 4.3.3.2.). Some of them had also applied for or already had a certificate.⁵³ They are senior members of local society and often engaged in *fokontany* or municipal politics. In interviews, they were able to describe the details of the certification process and enumerate the perceived advantages or disadvantages of having a certificate. Some of them told their stories to me in a schoolbook official manner, as if responding to an exam question and wanted to affirm their knowledge. They were described by local administrators as ‘civilised’ farmers, educated and aware of the municipal actions. The farmers themselves considered people aware of such administrative processes were those living in urbanised areas (for instance the centre of Ankazomiriotra) with easy access to information sources (TV, radio, municipal offices, other services).

In the countryside, people are not aware of things but in the city centre because they watch TV, they know that it is necessary to certify the land. Besides in the countryside, we can say that we are in the countryside, it is those who have studied who know that land must be certified, but those who have not studied have nothing to do with that. They know nothing, even entering offices frightens them.

Interview with a farmer (PEA003), 04.04.2016

There were also farmers with some knowledge of the process, but who had not applied for a certificate. They were able to express opinions on the certificates but did not show a current interest in applying for one. These could be both farmers belonging to middle and low-income households. There were finally farmers without knowledge about the local land office or the certificates (roughly a third of the interviewees). As with the survey results of Burnod, Andrianirina et al. (2014), these were often the low-income farmers, the youngest ones or those with less education. These people attend to everyday survival rather than administrative matters; they do not have land that could be claimed as theirs own; they might be illiterate; and rarely visit the municipal centre to receive information on administrative matters.

The survey results furthermore found that almost half of the households had heard about the local land office through its employees (44.4%). Other means of information had been family members and neighbours (22.2%), mayors (20.3%), radio and newspapers (12%), state land service (0.6%) and other means (0.5%) (Burnod, Andrianirina et al.

⁵³ Some 13.7 percent of all interviewed farmers had a certificate.

2014). People do not solely rely on official means of communication but conversations between family members and villagers play an important role in disseminating information and building an overall image of the local land offices and the certification process. In some cases, the messages were distorted in Ankazomiriotra as they were transmitted from one person to another. For instance, in the extract below, one farmer describes rumours about the certificates. It was not fully clear to her why the certification process had to be undertaken unless it was to reaffirm one's holding in a situation where the older generation cannot guarantee it anymore.

I heard a rumour from the municipality that the certificate exists. I asked why the land has to be certified, and people told me that they do not know either, but this way the land really belongs to you and the certificate is important for future generations. When there will be conflicts because the parents are no longer there and when the land is certified, there will be no one to say you do not know where you are [...] because the land is certified. That is what we heard from the municipality. And we, and I do not hide it, but we have not made it because the land is not yet in our name, it is as if we rent it, it is still in the name of his elder brother.

Interview with a farmer (PEA018), 07.06.2016

These disparities in awareness and the image of the certification process, moreover, influence farmers' ability and motivation to participate. Next, I analyse reasons to demand a certificate, showing that high and medium-income households are most likely to follow the process.

7.3.2. Reasons for making a demand for a certificate

The survey of nine municipalities in Madagascar found that households most commonly demanded a certificate as protection against disputes and as a guarantee of transmission of land to children (Burnod, Andrianirina et al. 2014; see Table 7.1.). Widman (2014) also identified these as dominant reasons in the municipality of Soavinandriana in the region of Itasy. Some 8.2 percent of the households declared feelings of insecurity, the same percentage as those who had applied for a certificate (Burnod, Andrianirina et al. 2014). The authors do not explain this relationship, and it remains unclear whether, for instance, the awareness-raising campaigns have affected people's perception of tenure security and associated this with the certificates.

Table 7.1. Reasons to demand a certificate in nine municipalities of Madagascar⁵⁴

82.2% to be sure that nobody contests rights
43.4% to secure the rights for children
23.6% to secure parcel delimitations
21.1% to end a conflict
11.8% sensitised to the policy
5.4% do not like one's neighbour
2.4% credit, investment, selling or renting

Source: Burnod, Andrianirina et al. (2014)

The research in Ankazomiriotra enables us to indicate some factors that motivate farmers to apply for a certificate, such as the opportunity to receive proof from the state that one was the incontestable holder of a parcel. The certificate was seen to procure a stronger legal position in the case of disputes.

People trust that when it is certified it is official. They are confident. To our knowledge no one will dare touch this land if it is certified. [...] The certificate is much more valuable than the bill of sale because it is official, and it comes from above.

Interview with a farmer (PEA 012), 04.06.2016

To my knowledge, if two people argue over a parcel, automatically the one who does not have a certificate will lose because even if it happens, in court the certificate will prevail. If the state did it, it works.

Interview with a farmer (PEA030), 14.06.2016

The main motivation is the fear of land conflicts. Because if there are people who want to take over the land, the owners will not be able to do anything without an official proof of their ownership.

Interview with a farmer (PEA 048), 08.07.2016

Most often several motivations were associated together as indicated by the case of Bodo.

Bodo is a woman in her mid-thirties living with her husband and three children close to the centre of Ankazomiriotra. She is engaged in commercial and agricultural activities and can be considered as being part of high-income households of the municipality. She had recently bought a parcel of land some two kilometres away from her home. She would like to raise pigs on the land. She had already made *petits papiers* on the transaction but found that the certificates provided a stronger assurance for her ownership of the parcel. She was worried that if she does not certify the land, someone can contest her presence, or the state can ultimately take the land back. With the certificate she sought to guarantee the transfer of the parcel to her children and ensure that they are recognised as owners later even if not living in the zone anymore.

She was very well informed of the certification process. She had already certified the housing plot, was thinking of asking for certificates on parcels on *tanety* as this had recently been re-authorised in the municipality and had a pending demand for a title. The demand for a title had been made in 2013 and coordinated by a private

⁵⁴ Respondents were able to choose more than one option.

operator. She was still waiting for the final decision of the state land service. Ultimately, she would like to title the certified land as well. In her view, the title provides the strongest security.

Extracts from an interview with Bodo (PEA003), 04.05.2016

Compared to titles, farmers associated certificates with the proximity of services to home, quicker processes and cheaper procedures. These benefits were also highlighted by the proponents of the dominant policy narrative. Indeed, the titles would have cost farmers millions of Ariary with processes that might have remained uncompleted unless advanced with bribes.

It takes several years [to title land] and requires millions of Ariary because the file is sent to Ambositra, comes back to Antsirabe and then it goes to Antananarivo and then they place the boundary marker. After that, it is totally secure. But if you do not boost it, it will not be over. But if you boost by giving money it is faster.

Interview with a farmer (PEA002), 03.05.2016

Therefore, some farmers, like Bodo in the above story, thought first of applying for a certificate and then seeking to transfer it into a title. They had an impression that passing by the certification process would be easier than asking for a title directly. However, according to the local land office, only 18 cases had come up by April 2016 where the holder of a certificate had requested to transform it into a title.

Different rationales determined the choice of parcels to be certified, and these are strongly linked to perceived sources of tenure insecurity. Some farmers told of starting with larger parcels and leaving smaller ones for later, to maximise the added value of the certificates.⁵⁵ Burnod, Andrianirina et al. (2014) also found that larger parcels are more likely to be certified.

I have made efforts to certify medium sized plots but small areas I have not yet done because it requires money

Interview with a farmer (PEA004), 01.06.2016

Others based their decision on the mode of acquisition of the parcels, prioritising purchased parcels. Burnod, Andrianirina et al. (2014) also note that farmers prioritise certifying parcels that have been purchased, then those that have been inherited or claimed through rights of occupancy, and finally gifts. Boué (2013) had observed in Faratsiho that when the parcels had been purchased from someone outside the family circle, they were more likely to be certified. This indicates that there is greater social recognition and trust inside families, requiring less statutory recognition. Yet, when

⁵⁵ The fees of certification in Ankazomiriotra were the same up to one hectare.

explored from another angle and as mentioned in section 7.1.1, family members might avoid formalising inheritance to avoid activating latent conflicts. Indeed, certification of tenure rights could be interpreted by other family members as an act of individualism, redefining intra-family relations and reducing options in terms of parcels and crops (Burnod, Andrianirina et al. 2014).

Quantitative surveys found that farmers certify land that is most valuable in terms of food security and subsistence (Boué 2013; Burnod, Andrianirina et al. 2014). According to Burnod, Andrianirina et al. (2014), the perception of tenure insecurity was also highest on these parcels. For farmers in Ankazomiriotra, land is valued in terms of food production, cultural links and to guarantee the livelihood of future generations. Yet, economic value and paying for the certificate matter as well. According to the local land office, certificates were requested mainly for parcels in the *bas-fond* and those close to the centre (these have the highest economic value). The *bas-fond* parcels are also held by well-established middle-income and wealthy families.

The decision to apply for a certificate is finally based on the distance at which the parcels were located from the homesteads to protect against encroachment from neighbours. This was, for instance, the case for Bodo, whose land was not close to home. She could not exercise direct control over it or develop extensive relationships with the neighbours to mitigate tenure insecurity and thus sought statutory guarantees. Boué (2013) also observed that land further away might be certified first to reinforce appropriation and avoid disputes. She also found that relations with neighbouring owners and conflicts were determinants of certifying parcels (ibid).

These observations suggest that by certifying land, farmers aimed to mitigate some potential sources of tenure insecurity. The certification targeted parcels where tenure security was relatively low: those where continuous presence is not possible; those for which there is least social recognition; and those less guaranteed by trusting social relations. Farmers also targeted parcels where the potential losses are highest, either in terms of food security or economic value. Indeed, Burnod, Andrianirina et al. (2014) observed that the probability of feeling insecure increased when the food security value of the parcel increased; when it had been acquired through use or donation; or when the owners did not originate locally. This indicates some limits in the customary practices

to secure tenure, especially in cases where people are less integrated and engaged in the local community relations. The value of the certificate thus lies in the fact that it comes from an authority and can serve as protection against disputed claims (Sikor and Lund 2009). However, some farmers also recognised that this security is relative. The state can always take back the land if it wishes, regardless of whether it is certified or not, but the certificate should at least increase the possibility of compensation.

The interviews with farmers in Ankazomiriotra indicate that the demand for a certificate was not only based on a voluntary, rational choice to consolidate and secure one's holding. There was a sense of obligation in the stories of some farmers where certification was felt to be imposed by the state, particularly in the *fokontany* that had taken part in the *Kara-Tany Malaky* process, where more consistent awareness-raising had been conducted. Farmers explained that municipal and *fokontany* leaders had asked them to apply for certificates and that otherwise they might risk losing their land if a dispute was raised:

They said it is mandatory. The certificate is mandatory.

Interview with a farmer (PEA012), 04.06.2016

There were also rumours that outsiders or the state could appropriate non-certified land.

I am afraid because in the countryside the land is very expensive and the agents at the local land office are raising awareness, the officers have said that it is a duty to make [an application for the] the certificate and that I must secure my land because we do not know what will happen afterwards, we must make [an application for] a certificate.

Interview with a farmer (PEA004), 01.06.2016

We do not [know] whether the state will take back the land or not, but it has put it in place and we do what it asks us to do because the land is the basis of our life and we must follow the instructions of the state.

Interview with a farmer (PEA019), 07.06.2016

Here and in the earlier story of Bodo, we can see that some farmers sought to certify the parcels to seek protection from the state. Bodo's fear of state expropriation stemmed from a case where the former President Ravalomanana appropriated some land in the region for his own business, and from a more recent example presented in the media that land is required for investment.

They spread publicity that it is necessary to certify land and that what will not be certified will be taken away by the municipality. The President of the Republic has already taken, during the Ravalomanana regime, he took part of the land in this region. I heard on TVM [Television Madagascar] that they are going to take back 200 hectares per province and that is why people want to certify the land.

Interview with Bodo (PEA003), 04.05.2016

Boué (2013) also observed in Faratsiho that there were rumours of the possibility of the state taking uncertified land. These rumours were linked to earlier experiences of state expropriation.

Based on my experience in Ankazomiriotra, I argue that these fears not only stem from historic cases but also from the awareness-raising messages disseminated during the certification, encouraging farmers to certify land to protect themselves against probable outside threats without there being a concrete pressing need. By doing so, they had also created doubt about local social relations and customary practices of securing tenure. Hence, the way awareness-raising messages are interpreted can itself create a feeling of insecurity among some farmers:

Since my arrival until now, there has been this trust, but recently they have said that we must certify the land, declare it, there will be people from outside who will arrive, but I think these are lies. But before, this confidence reigned but today this confidence decreases, and we start to make papers at the municipality and the state land service.

Interview with a farmer (PEA035), 20.06.2016

The increased feeling of insecurity can be interpreted as a side-effect of awareness-raising. Following Olivier de Sardan (1995), it is about the inadaptability of the technico-scientific knowledge of certification packaged in awareness-raising messages to local cultures and systems of meaning. The farmers then draw from these sets of knowledge and systems of meaning to make sense of the world and circumstances they are facing (ibid).

If the awareness-raising campaigns conducted at the beginning represented a certain push factor towards the certification, the example provided by other farmers and the impact of early experiences should not be neglected either. A farmer who played a central role in a *fokontany* served as an example to others. He was among the first to apply for a certificate. Some farmers then followed his example, while others preferred to wait to evaluate the usefulness and the value for money of the certificates, especially if they had had previous negative experiences.

I became aware of it because I have responsibilities at the level of *fokontany* and there is this programme that the municipality has undertaken, and I have an obligation to do so.

Interview with a farmer (PEA007), 01.06.2016

I thought that was enough, but as they say we have to declare the parcels, certify them, they also say that even *zebus* and chickens are to be declared. What people do, I do too.

Interview with a farmer (PEA035), 20.06.2016

In general, people are reluctant because we no longer want to spend time and money when we get nothing, we prefer to wait.

Interview with a farmer (FOK007), 31.05.2016

There is thus a gradual distribution of the innovation from the forerunners, who are most often farmers from high or middle-income households. Regional actors argued that a ‘watch and wait’ attitude has been a common strategy within the policy implementation.

There are people who do not do it, but there are people who do. That is what Malagasys are, when there is a goal to reach, inside they want to do it, but they wait for other people to do it, if there are one or two or three people who give a model they all do it. [Laughs]

Interview with a regional technical expert (ECOR002), 18.05.2016

Sandron (2008) links this strategy to the notion of *fihavanana*, a system of rules, norms and customs that defines the dynamics of local societies, interpersonal relations and risk-aversion strategies. For Fermigacci (2014), the *fihavanana* leaves little space for individuals’ free choice. It can thus slow the adaptation of innovations and participation in development projects, as people transfer the individual risk to the community (Sandron 2008). Therefore, in order not to harm to the community, a person might be scared of the novelty unless it has a guaranteed rate of success (Gannon and Sandron 2003 in Sandron 2008). As we have seen earlier, this success has not been achieved with certification and thus farmers remain hesitant to enrol in the programme. I look at reasons for not demanding a certificate next.

7.3.3. Reasons for not making a demand for a certificate

The price of the certificate stands out as the main reason for not making an application in Ankazomiriotra as well as in the survey of Burnod, Andrianirina et al.’s (2014) (see Table 7.2.) on the nine municipalities in Madagascar, in Widman (2014) and in an earlier research of the Land Observatory (Observatoire du Foncier 2007). The proponents of the dominant policy narrative have spoken of the importance of choosing a suitable price

accessible to most farmers (see section 6.1.2.). Nevertheless, most farmers in Ankazomiriotra considered the applied fees to be unaffordable and impractical for small parcels, because the prices started at one hectare.⁵⁶ This would have entailed, for instance, that a farmer with three non-adjacent demi-hectare parcels paying 24,000 Ariary for each of them and 3,000 Ariary in administrative costs (81,000 Ariary in total). Some farmers spoke of having to sell a parcel to cover the certification fees for their remaining parcels. Hence, there is hardly any economic incentive to participate in the process unless farmers already have capital.

Table 7.2. Reasons not to demand a certificate in nine municipalities of Madagascar⁵⁷

56% lack of money
19% lack of time
16% little awareness about the local land office
4% too complex procedures
1% lack of confidence
1% scared of property taxes
3% other reasons

Source: Burnod, Andrianirina et al. (2014)

Because of the perceived high fee, farmers carefully weighed the value of the certificates. Some might have been more interested if the price was lower. For most of the farmers, a fee of around 10,000 Ariary for a parcel of one hectare would have been more acceptable. Farmers living in *fokontanys* that had participated in the *Kara-Tany Malaky* process also noted that the prices at the time (15,000 Ariary/hectare) were more attractive. When the process ended, unsurprisingly, very few additional demands for certificates were made at the new price.

Some farmers had established strategies to pay for the certificates gradually. Sometimes applications were submitted, and local recognition commission work had taken place, but the applications were left uncompleted in the local land office because farmers could not pay the final fees. They might have to wait a couple of seasons before they had earned enough money. The first evaluation of the policy moreover suggested that farmers value the local recognition commission process and consider certificates redundant when the minutes of the commission meeting are already archived by the local

⁵⁶ The fees were 24,000 Ariary for one hectare plus 3,000 Ariary in administrative costs, and 10,000 Ariary for each additional hectare.

⁵⁷ Respondents were able to choose more than one option.

land office (MoA 2008). According to this logic, there was no perceived added-value in editing the certificate when the necessary level of security appeared to have been achieved. This explanation was less common in Ankazomiriotra as by doing so farmers would pay a higher price for local recognition than when signing the *petits papiers* for the chief of *fokontany* (3% of the selling price), which includes a similar recognition process. The difference then lies in the minutes of the commission meeting and the higher-level authorities involved (local land office and municipal employees), which might procure a greater feeling of security.

Considering that certificates are expensive for most farmers, they could become means of socio-economic differentiation. Only a few high or middle-income households voluntarily enrolled in the process and acquiring a certificate already required some effort at saving for middle-income households. The process is out of the reach of low-income households, which represent the majority in Ankazomiriotra. Based on quantitative surveys, Boué (2013) found that households that had a certificate also possessed the largest rice fields, had most agricultural equipment, were working less as agricultural employees, were less engaged in small activities of service, were most often members of institutions of micro-finance, and had houses constructed with solid materials. These are the high- and to lesser extent medium-income households in Ankazomiriotra. Thus, certification is not benefitting the poorest households, but rather farmers who already hold a certain amount of capital, such as Bodo and her family. The certificate reinforces their social position and statutorily secures their land, generating further power imbalances:

Farmers know them, but so far there are several who do not have a certificate. That is why there are still conflicts because there are people who have certificates because they have the means...because you cannot register your parcels and pay taxes if you do not have the money. While people do not yet have money to ask for the certificate or declare their parcels. This is the cause of the problems because there are people who have the means and dominate those who do not.

Interview with a farmer (FOK008), 11.06.2016

Some farmers moreover were hesitant about the process because of a lack of trust in the municipality and the state. They wondered whether certificates are yet another way to collect tax. Boué (2013) also found that some farmers in Faratsiho considered certification as a means for the municipality to reinforce tax collection and therefore were cautious. In general, there were feelings of disapproval and injustice towards

taxation measures in Ankazomiriotra. In discussions, farmers said that they pay all kinds of taxes⁵⁸ for a minimal return. Most recently, they paid fees to cover security measures (charges to the *gendarmerie*, military and *quartier-mobile*), without any noticeable improvements. This made people lose confidence in municipal and state initiatives.

Other farmers rightly questioned the sustainability of certificates. Based on experience of other policies, they were critical of state-led actions. Cynicism towards the state could be heard in their voices, as well as those in Faratsiho a couple of years earlier (Boué 2013). Another factor that generated doubt was the operation of the local land office. In particular, farmers living in the *fokontany* that participated in the *Kara-Tany Malaky* process expressed reservations towards certificates. Either farmers were still waiting for their certificates or they had heard complaints from their neighbours:

We already asked for a certificate, the parcels were measured, and we paid the money, I do not recall how much, it was in ...maybe in 2010. But so far nothing
Interview with a farmer (PEA057), 01.11.2016

Due to these pending applications, farmers were wary of making subsequent or first demands. They were also suspicious of the local land office, thinking that the *Kara-Tany Malaky* was just a way to collect money. A representative of local farmers' organisation found that farmers were suspicious of certification because they were scared of the state expropriating their land in the process. He explained this was due to lack of clarity about the purposes of certification, some titling actions undertaken by the state land service on parcels, and a general fear of the state. Therefore, this fear of the state could work both in favour of making demands for the certificates (see section 7.3.2.) and against it.

Finally, farmers in lower-income households, women or younger people showed a certain indifference towards the process, supporting the argument of Evers (2013) that those who found the least benefit from the certification were likely to doubt it the most. They could not see a use for certificates in situations where they managed land in short time-frames and did not possess permanent tenure rights. Their main concern was food security from one day to the next, rather than a certificate. Because of their socio-economic situation, they did not have an opportunity to plan long-term.

I do not know, not at all, and to be honest I did not care about [...] the certificate and you understand we are farmers and, in the morning, we go to the fields to come back in the evening. It is always like that because life is really hard, even the green

⁵⁸ For instance, the municipality collects taxes from the selling of poultry (500 Ariary /head), *zebus*, pigs, rice (5% of the selling price), etc.

leaves, if you do not grow them, you will not eat them. Right now, there are no more green leaves you can pick from the fields because the weather is dry. [...] Even the cassava leaves are gone. I did not think about the certificate at all, not at all.

Interview with a farmer (PEA018), 07.06.2016

The discussion of reasons or not to make an application indicates that farmers consider structural constraints and the extent of their agency (Cleaver 2003). As Cleaver (2003) would put it, they are both ‘conscious and unconscious social agents, deeply embedded in their cultural milieu but nonetheless capable of analysing and acting upon the circumstances that confront them’ (p.16). There is no single logic that explains their (non)participation in the certification process. Their rationales are influenced by a number of constraints, norms and ambiguities linked to local society (Olivier de Sardan 1995). Based on the above, I find that these rationales have been incompletely considered by the dominant policy narrative. Above all, policy implementation has remained silent on the side effects of the policy (e.g. creating feelings of tenure insecurity due to awareness-raising) and the social consequences stemming from the differentiated access to the certificates. Certification does not benefit the poorest and most powerless segments of local society, but rather reinforces the position of socio-economically powerful farmers, who are able to pay fees and control the local recognition processes (Evers 2013). In addition to customary ways of securing tenure, they can receive state-backed guarantee of their land-holding.

7.3.4. Certificates between *petits papiers* and titles

The weak priority allocated to certificates is understandable when tenure relations continue to be managed through local relations and practices (Andriamanalina et al. 2014b) and when titles are considered the ultimate guarantees of security. Indeed, a conception of the ‘property ladder’ apparent in national debates also exists locally. The interviewed farmers recognised that the higher up the formal recognition of rights, the better it was. The *petits papiers* are the first step of formal recognition, followed by the certificate, and finally boundary-markers and titles.

This property ladder combines different social and formal practices (Burnod, Andrianirina et al. 2014), reinforced by the local adaptation of the policy that requires farmers to have a *petit papier* for any certificate application (see section 6.2.2.1.). One

chief of a *fokontany* explained the importance of having a double guarantee: a socially localised one from the *fokontany* register, and a statutory one from the local land office. Hence, certificates are linked to a higher authority and guarantees against adverse claims, especially those coming from outside and/or unresolved through local relations. Farmers considered them more robust, which was embedded in the information the certificates contain and the process through which they are allocated. Indeed, in addition to the information on the *petits papiers*, certificates include a map locating the parcels in the surrounding area. Not only is this crucial for the operations of land administration, this aspect of visualisation and localisation was important for some farmers. For them, the map formalises arrangements agreed with neighbours and the local recognition commission. The farmers also appreciated the public display process in which the work of the local recognition commission is announced 15 days before and after the commission visits the field and there is an opportunity to appeal against the claims being made. For farmers, this was a way of gaining visibility for one's demand and making it publicly known at municipal level.

While in the eyes of the farmers, the certificates are more robust than the *petits papiers* they are not as desirable as titles and boundary-markers. In the imagination of many interviewed farmers across the wealth categories, titles and boundary-markers were considered the ultimate guarantees of security. There was a fascination with the boundary markers, the value of which lay in their materiality. For farmers, they were visual concrete proofs of ownership placed on the ground by the representatives of the state land service as the highest known authority of land administration. They are theoretically unassailable, indestructible and respected by the state. I suggest that the fascination with titles and boundary markers also related to their rarity. Indeed, they remain out of the reach of most farmers and are associated with wealthy urban people. This idea is enforced locally as the few people having titles and boundary-markers are those well connected with town and high-income households. Also, titles and boundary-markers have a longer administrative history. Some farmers thus had a clearer understanding of them, while the more recent certificates remained confusing and elusive.

These concepts indicate two matters in which the policy has not succeeded as initially planned. First, the certificates complement the *petits papiers* rather than replace them

(Boué and Colin 2018) as intended by the dominant policy narrative. Second, the changes in the national debate demonstrate that considering certificates as steps towards titles can simply lead to questioning their legitimacy rather than seeing them as fully-fledged alternatives to titles (Observatoire du Foncier 2007). This makes it unclear as to whether there was a need yet for another system of administration of land, which faces institutional and operational challenges, has a disputed authority and reinforces socio-economic and power disparities locally (Evers 2013; Boué and Colin 2018).

7.4. Conclusion

This chapter has demonstrated that the ‘massive demand’ for securing tenure predicted by the dominant policy narrative did not materialise in an extensive number of applications for certificates. This does not, however, mean that tenure insecurity is not an issue. Through the example of Ankazomiriotra, I have established that the sources of and conditions for tenure (in)security are intertwined with local power dynamics and linked to recognition by the authorities (Sikor and Lund 2009; Lund 2011), management of social relations (Shipton and Goheen 1992; Berry 1997; Peters 2004 and 2009; Goodwin 2013) and cultural belonging (Omrane 2008; Boué 2013; Evers 2013). The everyday politics of land are then played out inside families, between neighbours and among community members. Men as the heads of the households, first migrants and wealthy households are in a powerful position to secure their tenure, exercise power over others in social interaction and retain power in decision-making processes (see Rowlands 1995; Blanc-Pamard and Fauroux 2004; Evers 2013; Widman 2014). These power imbalances emerge as much in the customary practices of securing tenure as in the certification processes. Disparities in the ability of farmers to participate in securing tenure can furthermore reinforce differences between them. These investigations contribute to the literature on the politics of tenure, highlighting the necessity of understanding the dynamic perspectives of tenure relations in problem-framing, developing policies and implementing practices of securing tenure.

The case of Ankazomiriotra moreover shows that the certification process has not corrected local inequalities. The certificates are rather known to serve high- and some middle-income households to enhance their presence on the ground and address sources

of tenure insecurity. Consequently, it is the most powerful that receive legal and administrative recognition of rights in the form of a certificate. These same households could have eventually made a demand for a title; decentralisation has simply brought statutory recognition closer to them (see Leeuwen 2017 on similar conclusions in Uganda). The certificates remain, however, out of reach of most farmers. In addition to inherent power dynamics, I argued that this is due to limits on participating in the process (for instance high costs), doubts about the purpose of certification and other, more pressing development priorities. Indeed, as remarked by the Land Observatory, people seek first general security and continuity in agricultural production before securing tenure (Observatoire du Foncier 2007). This then means that the risks pointed out by Dickerman et al. (1989) in regard to registration programmes are more likely. The authors stressed that sporadic registration processes in sub-Saharan Africa have increased inequalities compared to systematic ones and those who have been able to afford the costs of registration have been able to take advantage (Dickerman et al. 1989). Consequently, certificates in Ankazomiriotra do not seem to empower the most vulnerable segments of the society nor provide security for them.

My investigations furthermore indicate that the dominant policy narrative has been transposed to the local level rather than emerging from the grassroots. The proponents tried to generate interest in the policy through awareness-raising, which in Ankazomiriotra predominantly took place during the *Kara-Tany Malaky* process. However, this generated confusion, feelings of obligation and fear of external or state appropriation of non-certified land:

In general, people feel confident about their property rights, but when laws and reality are explained to them they are afraid. But in ignorance, they feel confident and it is when the problem arises that they no longer know what to do.

Interview with a regional civil society actor (CSOR002), 04.11.2016

A similar paradox was perceived by Leeuwen (2017) in Uganda, who notes that ‘the promotion of the state system to assure security of tenure also created feelings of tenure insecurity, by popularizing the notion that without a state-issued title, claims to land were insecure’ (p.219). This demonstrates that security is above all something perceived and messages disseminated around practices of securing tenure can have a negative impact. There is, then, a disparity between the knowledge of technical experts and the local systems of meaning (see Olivier de Sardan 1995). The former manufacture tenure insecurity as a problem and then sell certification as a remedy to the latter.

Finally, the farmers' experiences of the certification process influenced their perceptions. When the purpose of certification remains unclear, the process faces institutional and operational challenges, and farmers wait a long time to receive their certificates, the overall feelings are frustration and suspicion. However, for a certificate to provide security, people need to believe in it. They need to trust the authority providing the certificate (municipality/state) and they need to value the certificate as a proof of property. Otherwise, the authority is weakened in its function to validate rights (see Sikor and Lund 2009) and the certificate becomes void in the eyes of the farmers, as yet another piece of paper filed in a drawer, as bluntly described by one farmer. Considering the challenges faced by the certificates, one can then question their political, institutional and social stability (Benjaminssen et al. 2008), especially in a context where a property ladder exists in the minds of local and national actors. In the next chapter, I consider some of the interests that explain the continuous support of the dominant policy narrative against all odds and also the power plays around it.

8. Politics behind the policy: Power plays around the dominant policy narrative

The previous chapters have shown how the policy was established around a dominant policy narrative of recognising and registering legitimate tenure rights by decentralised authorities, operationalised through a myriad of concrete actions and technical solutions. The example of Ankazomiriotra suggests, however, that implementation has faced challenges due to institutional and operational difficulties, and lower uptake of the policy by farmers than expected. Moreover, I have indicated that the dominant policy narrative has not been unilaterally accepted within the national policy sphere, nor has it been homogenous in its composition.

In this chapter, I focus on the power dynamics around the policy, to respond to the third research question that asks what interactions exist between actors and around which interests. I demonstrate how actors have formed and maintained two assemblages (proponents and opponents). I underscore the means of power used by these assemblages explicitly referring to the three axes conceived by Gaventa (2006): forms (visible, hidden, invisible), spaces (closed, invited, claimed) and levels (global, national, local). I also highlight power shifts that have appeared during the policy implementation (Keeley and Scoones 2003; Hathaway 2016). These two sides are not unified networks of actors. Interaction and brokerage take place between them, divergent ideas and practices have emerged inside them, and similar means of power are used by them to influence policy conceptions and practices (Long 1992c; Olivier de Sardan 1995; Allen 2011; Kumar 2014; Li 2014).

The analysis is based on semi-structured interviews conducted with international and national actors, event ethnography in the national policy arena, and analysis of policy documents. The interviews inform attitudes and strategies actors have towards the policy, the observations decrypt the overall dynamics between actors, and policy documents provide details of what was said at key points in time.

I consider the policy in its national dimension, as it played out in Antananarivo from its elaboration in 2005 to its consolidation in 2015. I start by exploring the dynamics that enabled the policy to emerge and gain force, attending to the agency of the proponents. I continue by analysing the growing resistance of the state land service and the political changes that weakened policy implementation. I finish by examining the most recent power plays during the consolidation of the policy and any attempts at mediation and brokering.

8.1. Building support for the dominant policy narrative: proponents

As established in chapter 5, the development and early implementation of the land policy was possible thanks to the political will and engagement of the Minister of Agriculture Harison. He became aware of tenure challenges through the advocacy of CSOs, developed more detailed ideas with a handful of international and national technical experts, and set the institutional basis for policy implementation in the form of the coordination unit. The technical experts then drafted the core orientations that constitute the dominant policy narrative, financially supported by donors. The interviewees underscore the crucial role played by this group of actors in ensuring that the policy emerged, gained support and persisted in the face of resistance from the state land service. They form the core of the proponents. The next sections explore the interactions between and power of these actors.

8.1.1. Civil society claiming spaces for debate and mediating between levels

The interviewed civil society actors portrayed themselves as the initiators and consolidators of the policy. As initiators, CSOs, such as Fert and Fifata, had played a brokering role helping farmers access titles and the state land service to improve its practices. Dissatisfied with the results, they brought their observations on the ‘tenure crisis’, ‘massive demand’ for securing tenure and external threats to the national policy arena, asking for change alongside other civil society organisations. A concrete demonstration of this ‘claiming of the space’ and ‘power with’ gained through collaboration (Gaventa 2006) was the organisation of a national meeting to discuss

tenure security and rural development in Antananarivo in 2003, also attended by Prime Minister Sylla, Minister Harison, and representatives of the state land service, tribunals and chiefs of regions. It is notable is that the initial demands of the CSOs focused on the access of farmers to titles. As explained earlier, they did not question the paradigm of titles as such, but rather sought to remedy the existing system; only later in the policy implementation did they align behind the decentralisation and certification approaches of the dominant policy narrative.

The early engagement of the CSOs pushed forward the creation of a national umbrella organisation on land tenure called SIF (*Solidarité des intervenants sur le foncier*) that has found power within its cooperation mechanism between global, national and local influences (see Gaventa 2006). During the policy implementation, SIF has become a key interlocuter for the coordination unit and donors when they wish to link with farmers on the ground. SIF is equally associated with international networks. Its creation was supported by Fert and later it became part of the International Land Coalition (ILC).⁵⁹ In addition to receiving regular support (e.g. training and exchange of information)⁶⁰ the connection to international networks has served to gain credibility. Several civil society actors made it clear that communication backed up by international organisations (for instance the ILC) is more likely to be considered by the government and the state land service than communication solely made by national CSOs. These actors also found that they can generate pressure more effectively by referring to global frameworks, best practice and indicators that should speak to governments.

Yet, there is a fine line to be observed if decision-makers are to remain open for CSO initiated debate, advocacy and international influence. For example, the ILC has encouraged policy debate under its National Engagement Strategies (NES) programme. The idea has been to set up and strengthen multi-stakeholder platforms as well as establish joint strategies for people-centred land governance.⁶¹ However, while policy proponents and coordination unit have shown openness towards the civil society, the

⁵⁹ ILC is an international umbrella organisation, bringing together CSOs, NGOs and IGOs.

⁶⁰ Training has been offered on conflict mediation, lobbying and policy processes, among other things. Information has been exchanged, for instance, with Benin and the Democratic Republic of Congo, which have both been interested in the Malagasy experience.

⁶¹ People-centred land governance is the 'slogan' of ILC. See: <http://www.landcoalition.org/en/national-engagement-strategies>.

state land service has been less receptive. Indeed, the Malagasy civil society interviewees reported difficulties in bringing core actors together, as the state land service had not considered them legitimate parties to set up platforms and facilitate debate. Questions thus remain in terms of finding a suitable place in the national arena.

The legitimacy of civil society actors can also be questioned in terms of the grass-roots they claim to represent. In fact, while some members of the CSOs are farmers from rural areas, others are ‘experts’ with university degrees living in the capital, rather than the direct voices of these geographical and social spaces. These experts master the political, legal and administrative languages of the national policy sphere and their knowledge of rural areas has been gained through field projects over the years. At best, they can be considered intermediaries acting between levels where they try to translate policy ideas into local languages and practices, and furthermore bringing experiences from the ground to the policy sphere (see Olivier de Sardan 1995).

From the early claiming of space for debate, the CSOs have gradually gained standing as awareness raisers, solution seekers and watchdogs over the land policy implementation. Their role in the current policy scene was synthesized by one technical expert as follows:

The first point is awareness raising with a view of facilitating the implementation of the land tenure security project [...], its awareness raising. The second point is the search for solutions to various problems that pass to the local level in terms of tenure security or securing tenure. Because these are civil societies, they will have access to the population. So, to the different problems they have already applied different measures, they can propose solutions to these problems. And the third, is that if there are really problems they find that are not normal and that are the fault of this or that institution or structure, they will organise advocacy.

Interview with a national technical expert (FTECHN002), 01.12.2016

While the CSOs collaborate with the coordination unit and donors, they maintain some independence in decision-making regarding partnerships they wish to enter. For instance, they consider whether the collaborations fit with their underlying interests and image, whether the policy implementers and donors seek CSO collaboration only to satisfy participatory requirements or whether real leverage for action is possible. For example, the SIF was hesitant in accepting 10,000 USD funding from the 53 million USD World Bank CASEF project in 2016. There were tensions over the visions of agricultural development, the intentions for CSO participation and the level of CSO

funding. Sometimes, however, Malagasy CSOs conform with donor requirements, but under the surface they spend money on their own priorities as well (Duffy 2006). These points are evident in the extract below:

So, when we make projects, we try to see, does this project allow us to speak freely, to challenge, to influence, to advocate. Does it limit us to certain things, to a number of things? If it is really very limited, we do not commit to it. It is an internal strategy. But there are the projects that we will execute as such. And then, if it allows us to do anything else, that is fine.

Interview with a national civil society actor (CSON007), 25.11.2016

This overview suggests that the CSOs claimed the space for debate and are now acting as intermediaries in the wider assemblage of proponents (policy-makers, technical experts, donors etc.). My take is that the CSOs have co-opted the conceptions and practices of the dominant policy narrative, paving the way for change in the administration of land and making it more accessible to farmers. While they operate under some structural constraints within the assemblage of proponents (Clever 2003), they do seem to have agency of their own that enables them to question, for instance, the dominant visions of agricultural investment or the conditions for collaboration.

8.1.2. Political will, determination for change and engagement in policy implementation

Political will, determination for change and engagement in the policy implementation process were underscored by proponents as important factors in the emergence of the land policy. These elements are associated with the actions of the Minister Harison. First, he was receptive to the observations made by the CSOs and technical experts who had claimed space for debate. He also acknowledged having been personally touched by the difficulties farmers faced in accessing titles. Indeed, he spoke of the first title he signed as a Minister, which involved meeting the farmer himself.⁶² The application took twenty years to complete. The farmer cried when receiving his title and was touched by the Minister's attention. In the words of the Minister, this experience convinced him to look for solutions nationally, first within the state land service and then through policy reform.

⁶² Under the old system, titles were signed at the highest administrative and decision-making levels.

Second, the Minister set up the technical committee for the elaboration of the policy. This brought together international and national members both from inside and outside the state land service, and also opened up to a wider audience during consultation. Nevertheless, this policy space gradually shrank due to the open conceptual differences between its members (see Gaventa 2006). As widely admitted by the interviewees, a handful of experts ended up drafting the 2005 LPF and the framework law behind the scenes (Lukes 2005). The existing CSO and donor projects then served these experts as means to pilot and roll out activities (see Appendix 2).

Third, the Minister resisted the pressure against the policy change. According to him, the labour unions of the state land service were against the policy from the outset, organising several strikes to demonstrate their opposition. The Minister visibly imposed his political will (Gaventa 2006) and confirmed that he had given a clear message to the state land service: either you are with us for the change, or you need to step down.

Fourth, the Minister engaged in policy implementation. This included ensuring government backing of the policy in a context where President Ravalomanana was promoting large-scale investment in agriculture. He also created an administrative coordination unit for policy implementation within the state land service. This strong ministerial backing lasted until 2007 when Minister Harison stepped down, and it declined markedly during the political transition period (2009-2013) where the new government sought to distance itself from the policies of its predecessor. A national actor mentioned that during the transition period the land policy was trademarked as being of the old political regime, assisted by the USA. Thus, with these political changes, the power relations between the proponents and opponents have also shifted.

8.1.3. Donors driving policy implementation

When the 2005 LPF started to take form, the international and national experts, together with the coordination unit and Minister Harison, secured funding from some twelve donors (Teyssier et al. 2009). These funds were directed towards both the modernisation of the land administration as well as for decentralisation and certification. Even though the donors are part of the wider assemblage of proponents, some friction emerged with technical experts and CSOs. In fact, the donors, especially MCA as the largest funder,

quickly started to drive the policy implementation process (Table 8.1). For some proponents, this meant that the coordination unit lost its grip over the conception of strategies and overall implementation of the policy. It rather served the purposes of the donors that had power to decide which actions were funded and where (Gaventa 2006). In other words, donors started to take up functions otherwise carried out by state institutions (such as the coordination unit) and these functions were realised according to the needs of the donors (Corson 2016). For some proponents, the orchestration of the policy implementation by donors was thus a sign of the weakness of the government.

If we have a government, if we have a national program, I think we can negotiate by saying that we need this, and we want to run it like this. You walk, or you do not walk. It is like bilateral agreements.

Interview with a national civil society actor (CSON003), 11.10.2016

Table 8.1. Some examples of a donor-driven process as described by interviewees

<ul style="list-style-type: none"> - The donors channelled their support to their own projects rather than contributing to an overall basket fund of the coordination unit. When money was designated to cover the operational expenses of the coordination unit, these funds were (and continue to be) earmarked for employees responsible for serving the interest of the donor. - Each donor had its own requirements and procedures in terms of monitoring and reporting, which the coordination unit needs to respect. - The donors decided the regions in which their projects were located. These are often the regions in the Highlands, relatively close to Antananarivo and easily accessible. - The donors created new institutions and used these for their own implementation and monitoring purposes, such as the regional coordination units of the PNF and the Land Observatory. The Land Observatory has nevertheless widened its responsibilities over the years from simple monitoring and evaluation to analysing wider changes in the land sector. - The donors outsourced their project activities to technical operators who at times took over the responsibilities of the local land offices and the state land service. - Locally, the policy is associated with donors and their technical operators rather than the coordination unit (Observatoire du Foncier 2007). This is also visible, for instance, in Ankazomiriotra where the local land office still has MCA posters displayed on the walls.

Sources: Interviews

Losing decision-making power to external actors has been described by some proponents as an element of fragility in the policy. For them, policy implementation became donor-dependent, responding to a logic of projects rather than long-term development. This fragility was visible after the withdrawal of donors in 2009, which weakened the operation of the national coordination unit, its regional units and local land offices.

Nevertheless, the involvement of donors has enabled the policy to receive global attention. In particular, the donor-supported Land Observatory has been the international window of the policy, in addition to the coordination unit and the SIF. Their representatives have translated the successes and challenges of the policy for international audiences, for instance, in the Annual Land Policy Conference of the World Bank, in the meetings of the French technical committee on land tenure and development, and in the consultation and awareness raising meetings on the Voluntary Guidelines. The Land Observatory also coordinated the World Bank's LGAF exercise in Madagascar. Furthermore, the Malagasy example has served for donors as a francophone African model on decentralisation and certification, as expressed by an international actor.

I think that given the scale of the policy and the support of the donors, twelve donors around the table anyway, given the amount of money placed inside, the massive aspect of the policy, yes, it was clearly a textbook case.

Interview with an international technical expert (ORGINT001), 19.09.2016

8.1.4. Proponents: key actors and loose networks

So, the policy has emerged, gained support and been sustained by actors such as Minister Harison, international or national technical experts, administrators of the coordination unit, CSOs and donors. They talk about the policy in personal terms and frame their stories around individual successes. They see Minister Harison as the father of the policy and casually refer to him as 'Harison'. When referring to the birth of the policy, they portray themselves as the agents of change. They describe how they were opposed to the 'business as usual' approach of the state land service, and took decisive, heroic action at difficult moment (see Hajer 1995; Adger et al. 2001). They still express pride in the core conceptions and practices as well as voice concerns over the sustainability of the policy.

While constituting the core of the assemblage around the dominant policy narrative, these actors have also been part of other multiple entities and adopted varied positions (see De Landa 2006; Kumar 2014). Indeed, they have been mobile over the years, changing responsibilities and institutions. They have been exposed to other ideas, such as those on agricultural investment, but still attached to the dominant land policy narrative. For example, Minister Harison became the Director of the EDBM, an agency welcoming investment activity in Madagascar. Some former members of the coordination unit or Land Observatory started to work for donors, IGOs or technical

operators (or vice versa), and several actors have combined multiple responsibilities. I find that this mobility among the core actors has enabled new openings for interaction helpful in persuading others to pursue policy goals and negotiating financial support from donors and IGOs (see Roe 1989; Allen 2009; Kumar 2014). This may explain the maintenance of the dominant policy conceptions and practices against all odds.

Around these core actors is a wider group of proponents, who have often worked for the implementation of the policy, but for shorter periods of time; or they have followed up its implementation through their organisations. They are in favour of the dominant policy narrative in general, but also express strong criticism of some of its concepts and implementation mechanisms. They respect some key actors in this group while criticising others, based on their professional standpoints. This demonstrates, then, that the assemblage brings together actors that would not necessarily be in contact otherwise, due to different professional ways of seeing and doing things (see Kumar 2014). The land policy as an element of change serves as the unifying component for them.

This suggests that land policy is constituted around a core group of actors. It has mobilised and stabilised relations among a wider assemblage of technical experts, donors and CSOs who recognise the need for change and have aligned with the decentralisation and certification approaches. The power of the assemblage has consisted of the ability to create networks, negotiate resources and pursue policy goals (see Allen 2009). Several axes of power have been mobilised by the members of this group (see Gaventa 2006). The spaces for power were claimed when it was about starting a debate, became invited with the problem framings and policy ideas, and ended up closed for the drafting of the policy conceptions and practices. Political power was openly imposed on the state land service, but it took hidden forms when controlling who accesses the decision-making table and whose ideas are heard. Local-level experiences inspired the framings while the policy development itself was steered by national and international actors. Donors and international standards and frameworks have been used to gain support, credibility and visibility. These means of power have often been used in opposition to the state land service, as seen next.

8.2. Resisting the dominant policy narrative: opponents

The state land service resisted the dominant policy narrative and process, seen in concrete actions of resistance and the accounts of both proponents and opponents. As illustrated earlier, Minister Harison silenced the counter arguments arising from the state land service. Resentment continued in the background, gained force with the first difficulties of the implementation of the policy, became open after the political coup of 2009 and escalated during the consolidation of the policy in 2015. The end of donor funding was an opportunity for them to regain power.

The 2011 evaluation report explains the overall dissatisfaction as due to four factors: i) the piloting of the policy was made by a parastatal coordination unit; ii) the administrative values and culture related to titling were questioned; iii) the decentralised structures competed with the state land service, even though its employees were less qualified professionally; and iv) the state land service lost its privileges (Comby 2011). This consequently entails that the policy was not integrated with the worldviews and practices of the state land service. Institutional dualism was created, which was a source of conflict (Comby 2011). I look at some of these dynamics in the next sections.

8.2.1. Demonised and undervalued state land service

Some proponents recognised that the dominant policy narrative challenged the prevailing conceptions and practices of the state land service, which had been the sole authority responsible for the statutory administration of land. The dominant policy narrative demonised the service, giving it the role of ‘villain’ rather than trying to integrate it into the change process (see Hajer 1995; Adger et al. 2001). While the service benefitted from funding directed at modernising their administrative operations, these remained institutionally separate from the dominant policy narrative. The state land service did not participate in the implementation of the latter, nor did it adopt new roles under the policy, also due to its own resistance. Some of proponents acknowledge that the employees of the service must have felt threatened:

In fact, it was a real coup against the state land service. Clearly, they felt left out. At the time Mr Martin said if we do not do that, if we do not impose the certification system, it will never work. It is true, it happened that way.

Interview with an international technical expert (FTECHG004), 30.11.2016

What happened with the land services was that with the policy [...] they felt totally dispossessed. And so that means that at some point you have to find a consensus [...] However, for the time being, the policy has put in confrontation finally a local, decentralised approach with the deconcentrated services which suddenly felt totally dispossessed of their functions. This does not prevent their jobs from also evolving. That is to say that normally the function of deconcentrated services is to come to ensure all that is to control legality, validation of the certificates that are issued.

Interview with an international technical expert (GOVG005), 12.10.2016

The feeling of being undervalued also emerged from the interviews with the representatives of the state land service. They resented the defects of the service being pinpointed and felt jealous when the dominant policy narrative was internationally acclaimed. Still today they feel that they were not heard, because their recent proposals for improvement (e.g. creation of offices in each district) had not been fully considered. One representative explained that the state land service wanted to receive the same level of attention for their activities as was the dominant policy narrative. They wanted to benefit more widely from donor funding. The representative considered that competition over funding generated rivalry and caused the duality of the administration.

8.2.2. Vested interests

In another interpretation, the proponents see the resistance of the state land service as due to a wish to maintain its interests and keep control over land administration. This is an argument formulated by Bruce and Knox (2009) in relation to decentralised land tenure policies in Africa. They argue that land administration institutions have vested interests in the existing systems, which they defend forcefully (ibid). For Bruce and Knox (2009) this bureaucratic resistance appears when the employees of central administration want to maintain their privileges, either because they doubt the abilities of the decentralised structures or because they wish to preserve their jobs, salaries and bribes. Larson and Ribot (2004) also observe similar behaviour in relation to decentralisation of natural resource management that can be interpreted by the central authorities as a threat conducting to a loss of income and patronage. For the authors, this threat then produces resistance. Reflecting these back to Madagascar, we can note that the policy questioned the state control over land, thus reducing revenue streams of the state land service, which had to share responsibilities, authority and incomes with the new decentralised structures. For the proponents, this loss of money is a key explanation for the resistance.

[The inspectors of the state land service] are in a position where they want to defend their rights and privileges, they are really nobles, former nobles who want to keep their privileges, their small businesses.

Interview with an international technical expert (FTECHG004), 30.11.2016

When talking about ‘small businesses’, the proponents refer to corruption, in two ways: i) an inherent problem among the state land service; and ii) an explanation for the resistance of the service. In their opinion, civil servants want to maintain complex and bureaucratic titling practices to ‘sweeten the ends of their months’ with corrupted money. This is also because of their low salaries.

The struggle of the labour unions of the inspectors of the state land service is a struggle for these hidden revenues. We must not be disillusioned. So, as long as no one attacks this problem, there will still be this basic problem that will prevent a peaceful solution from being found. And that depends of the government.

Interview with an international technical expert (ORGINT001), 19.09.2016

Corruption remains a sensitive subject for discussion. First, at the policy level the 2005 LPF mentions corruption as one of the consequences of the ‘tenure crisis’ and links it to the operations of the state land service. The 2015 LPF considers corruption more widely, mentioning it as a persistent issue and a line of action. It is associated with both the state land service and local land offices. Second, international proponents openly use the word, while national proponents are less direct, for instance enumerating external signs of richness in state land service employees. These remarks are followed by uncomfortable laughter and wondering aloud where this wealth has come from:

But I think it is still taboo to talk about it like that, especially if you are talking to an inspector or a surveyor. But with the users it is something very, we can talk about it.

Interview with a national civil society actor (CSON008), 02.12.2016

After highlighting the corrupted practices inside the state land service, the proponents then acknowledged that the local land offices are not excluded from them either.

Then there was a place, where there were a few local land offices where there must have been some misappropriation of funds also in small municipalities. Anyway, there is no reason that there will not also be problems of honesty in the municipalities.

Interview with an international technical expert (FTECHG004), 30.11.2016

The narratives of these representatives of the state land service are opposite. In interviews and observed meetings, they referred to corruption solely in regard to the local land offices. In their accounts, they pinpointed the faults and challenges existing in the certification process, such as corruption and cases of overlapping titles and

certificates. They doubted the abilities of local land offices to administer land, questioning their competence, and casting themselves as responsible corps of actors (see Hajer 1995; Adger et al. 2001), thus justifying their own existence.

8.2.3. Justifying own existence

The narratives of the representatives of the state land service are hence structured around the importance of their role (see also 5.3.1.). They portray themselves as the guardians of tenure rights who work for the common good. They tell of making precise measurements in the field, working with maps and satellite images, and conserving documents in contrast to the ‘quick and dirty’ practices of certification. They are highly educated in land administration and ensure core services of the state (*fonction régaliennne de l’Etat*). They refer to the statistics on the number of titles allocated (according to the official statistics, around 8,000 per year since 2009) and deconcentrated state land services opened (growing from 28 offices in 2005 to 50 offices in 2017). Nonetheless, the official statistics continue to speak in favour of certificates (around 13,800 certificates issued yearly since 2009).

With such statements, the representatives of the state land service draw a line between themselves and the decentralised actors. However, they also express resentment towards private professionals who could take over basic topographic, field measurement and boundary-marking activities under the policy. Representatives of the state land service considered that there is not enough professional expertise among the private actors to do so (even though private professionals and civil servants have the same education) and the overall land administration system is not yet ready for out-sourcing. They also felt bitter at technical operators executing activities, such as the preparation of baseline maps for the PLOFs. With the consolidation of the policy, their objective is thus to handle all technical activities in-house and take control of tasks falling under their remit (such as mapping). Consequently, they aim to restrict the space for action on land administration in their favour (see Gaventa 2006). Yet, they cannot hide from the operational difficulties and existing backlogs, which they explain as due to a lack of financial and human resources.

It was noted that there are many files pending, the files are not yet processed. This situation is due to several reasons such as insufficient staff resources at the service level because retirees are not replaced so the number of staff decreases and work increases. This is one of the reasons for the high number of pending cases.

Interview with an employee of the state land service (ADMR004), 18.05.2016

This lack of financial and human resources has been a recurrent argument to claim funding regardless of the existence of ‘modernisation’ activities within the policy strategies.⁶³

8.2.4. Downplaying policy achievements and setting up administrative constraints

The proponents accuse the state land service of downplaying policy achievements, attempting to talk down the policy as a strategy to resist. Some of them observed how the service sought to propagate false information on the certificates, questioning their legal value. This information was disseminated to banks and micro-finance agencies behind the scenes. Some proponents also found that the state land service uses any irregularity in the operation of local land offices as an opportunity to doubt them, using hidden and discursive forms of power for their own ends (see Lukes 2005; Gaventa 2006).

Something that is even worse is the discourse that some people in the state land service hold on the local land office saying that the certificate has no value, the title is the only document that can guarantee your rights. You see, they use malicious arguments to denigrate the certificates and local land offices.

Interview with an international technical expert (GOVG001), 29.08.2016

You know that the certificates, banks do not accept them. Microfinance institutions do not accept the certificates. Yet it is written in the law. Because there are people in the administration who tell them that it is not a document they can use. Well, it is an eternal fight to denigrate one and another.

Interview with a national technical expert (CSON007), 25.11.2016

So, there is one or two things that have been a little irregular, and let’s go. They jumped on it and said, you see, we need to block everything. So, one morning this order was rescinded. Yes, it is clear, it is a struggle between the state land service and the proponents of the land policy.

Interview with an international technical expert (FTECHG004), 30.11.2016

The proponents furthermore find that the state land service has exercised legal and administrative power to influence local policy implementation (see Gaventa 2006). An

⁶³ As mentioned in section 4.2.3, according to Comby (2011), between 2005 and 2011, some 46.6 million USD had been spent on the policy implementation of which 45 percent were directed to the modernisation of state land service, 38 percent to decentralised activities and 17 percent to supporting activities.

example is a policy resolution elaborated among the state land service that prohibited certification practices in *tanety* before a land use plan had been established in the municipality.⁶⁴ In fact, by requesting a land use plan, the idea was to clarify the status of land in a municipality.

The state land service also says that it is necessary to stop the certification without the SACs (land use plans) because otherwise one does not know the other statuses of the lands. So that is pretty much how we stopped certification.

Interview with a national technical expert (FTECHN005), 23.11.2016

Some proponents saw this resolution as an attempt by the state land service to complicate the certification processes, even though in a municipality like Ankazomiriotra farmers were more interested in certifying the *bas-fond*. For them, through the resolution the state land service wanted to identify areas of *tanety* that are not appropriated or used so that they could claim these as state land. The resolution would thus have imposed limits on the notion of PPNT and reduced its expansion.

The proponents further explained that employees of the state land service had visited the local land offices, demanding the cessation of the certification on *tanety* before the official written decision reached the ground.

And then the decree is as always, the decree says something, and people understand more. And so, the decree allowed to certify homes and rice fields of less than five hectares and there are many local land offices that had not received the decree but had been visited by the agents of the state land service saying, you stop certifying, it is prohibited by law now. And people respect the *Fanjakana* [state] anyway so they stopped everything, but the law did not say that.

Interview with an international technical expert (GOVG001), 29.08.2016

However, as explained earlier (section 6.2.1.4.) it took time for the repeal to arrive to Ankazomiriotra, for instance. In the meantime, local land offices continued to allocate certificates only for *bas-fond* and housing plots.

When discussing the policy resolution with representatives of the state land service, they described it as a way to control abuses that had taken place in the allocation of certificates. For instance, they claimed that a certificate had been issued for an area of 3,000 hectares, which they found an unimaginable area for a Malagasy farmer. Therefore, for them, a resolution requiring a land use plan and limiting the maximum

⁶⁴ The certification remained possible on *bas-fond* up to five hectares and on housing parcels.

area of parcels to be certified was necessary to limit such abuses.⁶⁵ They considered this to protect the rights of farmers.

The resolution enters in a wider context when states claim to regain authority and control over land (see Sikor and Lund 2009). Burnod et al. (2013) have put forward a similar case in Madagascar in relation to agricultural investment. Through an administrative circular (*circulaire* 321-10), the state made it obligatory for investors to receive approval from the state land service before accessing land. The authors argue that:

through this new *circulaire*, central state officials reasserted their authority to investors and, above all, to regional and local officials. Former arrangements with local officials were cancelled and all the investors who had begun legal procedures before the *circulaire* was published were expected to restart the procedure and to gain approval from the central government.

Burnod et al. (2013, p.369)

As affirmed by the authors, the point here is that the central state acts as the ‘owner’ and ‘manager’ of land (ibid.). One way of gaining physical control has then been to contest the definitions of appropriated and used land, and rather only consider permanent presence as legitimate (Burnod and Andriamanalina 2017).

These remarks suggest that the state land service foresees re-centralisation of land administration. A similar attitude was found in Tanzania by Pedersen (2016) who noted that the central government regretted the loss of authority over land to local governments and thus the possibility to allocate land to investors, but had not succeeded in its recentralisation endeavours. The Malagasy state land service has, then, had more success. All the above observations, moreover, join the arguments of Ribot et al. (2006) on how central governments exercise power over decentralisation. The authors claim that central governments: i) create new oversight mechanisms for local governments; ii) constrain decentralisation by controlling information on new policies; iii) control the physical areas on which local governments can exercise authority; and iv) maintain ambiguity over policies (Ribot et al. 2006). These points are transposable to Madagascar and we can hence note that the state land service: i) established a resolution to limit certification and a circular on investments; ii) did not communicate the repeal of the resolution to municipalities; iii) limited the authority of municipalities to allocate land

⁶⁵ As indicated in section 6.2.2.1., the maximum area one can certify in Ankazomiriotra was 10 ha per parcel. However, to my knowledge the 2005 LPF and laws linked to it do not impose any such limits.

to investors and disputed the definition of PPNT; and iv) disseminated conflicting information on certification, for instance, to micro-credit organisations.

Consequently, recentralising endeavours are part of the resistance of the state land service to the dominant policy narrative. Competition over power is palpable. The state land service visibly opposed the policy from the outset by organising strikes. It has then employed hidden and invisible forms of power to influence decision-makers and administrative procedures. It has furthermore claimed space trying to get its message heard, claim funds and regain control of land management. Finally, it acts both at the national and local levels. (see Lukes 2005; Gaventa 2006) These power plays have accrued during the consolidation of the policy.

8.3. Balance of power during the consolidation of the policy

The consolidation of the policy took place in a context of institutional competition where the friction between the proponents and opponents continues, developing into open conflict during the drafting of the 2015 LPF. I analyse these power dynamics in the next sections.

8.3.1. Open consultations and closed drafting of the May 2015 Land Policy Letter

For proponents, the consolidation of the land policy was initially meant to strengthen the dominant policy narrative in a context where it had become politically, institutionally and administratively fragile. For donors, who financed the consultation workshops and the national land tenure forum of February 2015, the consolidation process was an opportunity to express public support of the dominant policy narrative, underscore the importance of municipality and civil society views, and present the Voluntary Guidelines in the hope of aligning the policy with international guidance.⁶⁶ They hence drew a line between the dominant policy narrative and the claims of the state land service. Consolidation endeavours also found some political support from the line

⁶⁶ Prior to the meeting, FAO had commissioned a comparative study analysing the correspondence between the 2005 LPF and the Guidelines.

Ministry and the Presidency. Yet, this political backing did not contain the resistance of the state land service. The land forum, for instance, took place in a hostile atmosphere.

Nevertheless, it was possible to hold the national forum in February 2015, trying to introduce the Voluntary Guidelines as an attempt to consolidate, through their principles and recommendations, the achievements of the policy. The forum was very tense. Very, very tense.

Interview with an international technical expert (ORGINT001), 19.09.2016

The forum was followed up by the drafting of the May 2015 LPF, orchestrated by a few international and national experts. A national actor told how the drafting took place behind closed doors. The document was written in a week, drawing on experience acquired over ten years of policy implementation and feedback received from the consultations, to which participants had been invited. (see Gaventa 2006) Because of the persistent power plays, according to the national actor, drafting the policy letter in a restricted committee was a way to shorten the chain of consultation, avoid the state land service intervening in the process and have a document quickly at the disposal of policy-makers. It also offered an opportunity for the drafters to bring on board issues that had been secondary in the public discussions, but considered crucial by them (e.g. community rights, status of pastoral lands, legal value of certificates). Hence, a very similar *modus operandi* to that of 2005 was adopted. This strategy worked in the first instance as the May 2015 LPF was approved by the Government Council and published by the main media outlets.

Nonetheless, this way of proceeding first through public consultation and then behind closed doors raises questions. For me it indicates that consultation was a way to grasp some current issues that were then used in line of the proponents' own policy ideas and purposes. Consultation served more to strengthen the support of municipalities, civil society organisations and donors in favour of the dominant policy narrative and their adherence to the wider assemblage of proponents. Consultation did not, however, remove the friction with the state land service.

8.3.2. Policy reversal

The resistance of the state land service grew into an open conflict during the drafting process. Its labour unions started a strike in the first half of 2015, closing the central and all deconcentrated offices for two months and organising demonstrations outside the

headquarters in Antananarivo. It opposed how the consolidation process was conducted and the points of the May 2015 LPF that foresaw decentralisation and the strengthening of certificates, reducing the responsibilities of the state land service (see also section 5.4.3.).

The proponents described the strike as long and visible, and the last turning point in the consolidation of the policy. It culminated in the August 2015 version of the LPF that introduced changes, questioning the basis of the dominant policy narrative. This version was approved by the same Government Council as the previous one three months earlier. For the proponents, the government thus gave way to the demands of the state land service that had found power within the institution (see Gaventa 2006). The proponents describe these moves of the state land service as malignant also because some of them were on holiday when the changes were introduced and were not able to contest them. Their response could be established only in October 2015 during which they planned a ‘counterattack’, as expressed by a national actor.

In the policy turnaround, proponents see a battle over who can control land and related information, and who can access revenue streams generated by land (see also Sikor and Lund 2009; Chouquer 2011; Pedersen 2016). As explained earlier, the changes request the transformation of certificates into titles at the moment of subsequent transactions and modifications. Ultimately, this entails that all land fall back under the administration of the state land service.⁶⁷ The state land service would become the administration retaining all up-to-date information on land. In line with previous observations, it is indeed recentralising the decentralised policy (see Ribot et al. 2006).

While the obligation of transforming certificates into titles reinforces the institutional position of the state land service, it also means an increase in workload. Therefore, proponents questioned the ability of the service to undertake the new recentralised responsibilities when it already has considerable backlogs and scarce funding. For them, the policy has consequently returned to its starting point of non-functioning land administration.

⁶⁷ This, of course, if the subsequent changes are voluntarily registered by the holders of the certificates. Yet, experience from Madagascar and elsewhere shows trouble in registering changes.

That is to say, when you are 500,000 titles late, how dare you come and say that you consider that this policy is of no use and, in addition, recover everything they call subsequent operations, that is, if tomorrow there is a division of the certificate, then it must be transformed into a title. Then we are back in the same problem.

Interview with an international technical expert (GOVG005), 12.10.2016

8.3.3. Reaching the *status-quo*

The proponents responded to the policy reversal in the second half of 2015. The civil society actors flagged inconsistencies between the May and August 2015 LPFs. Donors responded by joining forces, meeting directly with the Minister, and sending a jointly signed letter to him. The stakes were high: the basis of the policy had been questioned, and the donors had planned to engage in projects that supported the May 2015 version of the LPF. As a way forward, they suggested another workshop to debate the latest changes with the state land service, the coordination unit, civil society and decentralised actors.

We do not hide our wish to be able to include the continuation of our long-term support to Madagascar's land policy in the assurance of the orientations that you reaffirmed during our meeting, particularly with regard to the importance of the decentralised level of land management, the legal value of the land certificate and the balance between the different levels of land management. A national workshop could give us these assurances and other information needed to continue the implementation of ongoing land programmes and to prepare new interventions related to land management, local development and decentralisation.

Letter of EU Delegation, AfD, African Development Bank, the World Bank, FAO and GIZ to the State Minister in charge of infrastructure, equipment and land use planning (2015)

The above extract indicates that the Minister had orally confirmed the continuation of the decentralisation process and the value of the certificates. These issues were further debated at the donor-funded workshop in November 2015 without solving the disagreements. As laconically observed by national actors, the engagement with dialogue stopped there and the Minister was balancing between the requests of the state land service and donors. The policy thus continued, but no significant advances were made.⁶⁸ This could be heard in the voices of the proponents, as a disappointment and as a lost opportunity.

⁶⁸ This was the situation in 2017 when the last fieldwork was conducted.

Donors nevertheless pursued their support of the Malagasy land policy, relying on the oral commitments of the Minister. They focused on the local level, on concrete tangible activities and experimenting with new approaches while waiting for a suitable moment for more structural changes. These pilots concentrate on aspects that were removed from the August 2015 LPF (such as the allocation of certificates by municipalities to areas entered in the cadastre) and that can eventually advise on subsequent legal changes, as explained below by an international actor.

So, the problem is that the Land Policy Letter, we did not agree at all with the last version, so we did this workshop to talk about things that were annoying. We received a letter from the Minister of Land saying good, on this we do not question you, we try to move forward without a law but in the form of experiences. We draw conclusions in a participatory way and then we legislate them. He says that and at the same time they are preparing (a new law on titled land), they are always contradicting themselves constantly.

Interview with an international technical actor (FTECHG004), 19.09.2016

8.3.4. Inertia during the elaboration of the National Land Programme

The elaboration of the PNF started when the final debates on the LPF were still on-going at the end of 2015. Again, the process included the organisation of consultation meetings.⁶⁹ The overarching lines of discussion had been defined by two technical experts (international and national) and these directed the formulation of operational strategies and activities. While the proponents had defined the agenda and facilitated the meetings, they found that the state land service sought to control the attendees (see Gaventa 2006). Indeed, some 80 percent of the proposed participants were employees of the state land service thus leaving the decentralised actors and CSOs underrepresented, as described below.

But after the strike, the sabotage of the land services, everything changed. All of a sudden, there were changes even in the selection of participants because they put people from the state land service. And I asked, listen but yes, it is true that you are the guardians of the topic but that does not mean that others do not have opinions, things to say.

Interview with a national technical expert (FTECHN004), 22.11.2016

This power imbalance was perceptible in the two consultation meetings I attended.⁷⁰ The discussions had administrative and legal flavours. The potential beneficiaries of the

⁶⁹ Meetings were organised in provincial capitals, funded by the EU and facilitated by a national consulting company.

⁷⁰ Toamasina 30.11-01.12.2015 and Antananarivo 03-04.12.2015.

policy (farmers) were left out of a discussion that focused on improving the operations of the state land service. At times, the facilitators aimed to direct the debate towards the decentralisation and certification approaches of the policy. The EU, as the funder, openly expressed its discontent and its message was seconded by a representative of the civil society. Their interventions were simply ignored, and the coordination unit also played them down, hoping to maintain cordial relations with the state land service.

The proposals stemming from the consultation meetings were worked on by the two technical experts and taken up by a technical and a political piloting committee, both regrouping representatives of line Ministries and the state land service. The committees took almost a year to launch the five-year plan for the PNF in November 2016. National actors tell that the World Bank had exercised pressure, as the adoption of the new PNF was a legal covenant in its CASEF project. The launch event was unfruitful. The coordination unit presented the overarching lines of the PNF that incline toward legal and administrative experimentation. With a recentralised programme, it announced a targeted budget of 67 million euros, seeking additional support⁷¹ from donors, who at the same time backed decentralisation, certification and participation as well the need to accelerate efforts.

Examination of the consolidation process hence underscores a balancing of powers between proponents and opponents. Both sides pursue their conceptions and practices as usual. Both sides blame the other. There is thus continuous conflict (either latent or open) and the land policy is in limbo. In this process, both sides have used similar strategies and practices to gain power for their side. Power has been played out through the set of agendas, participants, consultation, expertise, funding, advocacy networks and international frameworks, access to decision-makers, dissemination of information, administrative circulars and strikes.

⁷¹ Some 16 to 17 million that had already been advanced by the EU, AfD and the World Bank.

8.4. Some attempts at mediation and brokering

Some attempts at mediation and brokering between the two sides have been made at the national level (Olivier de Sardan 1995; Bierschenk et al. 2000; Mosse 2005), via the coordination unit as an intermediary and individuals as brokers, and efforts to use international frameworks as a basis for finding common ground.

8.4.1. Coordination unit and individuals acting between the two sides

The coordination unit was created in 2006 to oversee the implementation of the land policy. It is supposed to accommodate and mediate the interests of the state land service, international technical experts, donors, decentralised actors (e.g. municipalities) and CSOs. It is the intermediate body receiving external funds that it allocates between the policy strategies (including those on the modernisation of land administration and those on decentralisation and certification) and implementing parties. It finally follows up on the spending of these funds.

The unit is physically located in the premises of the state land service and institutionally linked to it. Some of its directors have been representatives of the state land service. However, the unit has its own identity, ideology and modes of operation. It is the interface with donors. It also regularly employs consultants at great expense, rather than engaging with the civil servants of the state land service. Some of these consultants align with the group of proponents. The unit is hence seen as being part of the proponents' 'side', and undervalued by the state land service. This lack of recognition within the state land service and the absence of a proper institutional status renders the unit fragile (Comby 2011) and the advancement of the decentralisation and certification approaches difficult within an administration that is intrinsically attached to the old regime. The time that it took to come up with a final PNF in 2016 is a demonstration of this weak, intermediate position.

When the power plays emerged and the coordination unit as an institution was rendered fragile, it then came down to leading individuals to act as brokers towards the state land service. National actors told of 'playing the game' of the state land service, speaking

their language and taking care of them. They confirmed having organised training sessions and more convivial events for the employees of the service. In addition, they provided rewards in the form of access to project cars, motorbikes and ICT. These were long-term strategies to gain the support and approval of the state land service for the land policy and maintain cordial everyday relations. In their accounts, the state land service was portrayed as a needy child with power over decision-making and operations.

8.4.2. Mitigated use of international frameworks

International actors and discourse generally present global frameworks as something around which common ground could be built at the national level. This assumes that the frameworks are overarching consensus-based documents agreed upon by governments in association with other actors, such as civil society (the Voluntary Guidelines on the Responsible Governance of Tenure and LPI) or that they are ‘neutral’ assessment documents (LGAF) that can both trigger debate and common visions. These assumptions ignore the politics of land, which furthermore explains the various ways in which international frameworks have been used during the consolidation of the land policy. I take here the Voluntary Guidelines as an example.

While the key principles of the Guidelines appear in both May and August 2015 LPFs, one international actor found that they were devoid of meaning due to the changes made between the letters. Indeed, the fact of leaving the overall reference to the Guidelines in a policy letter that did not fully respect legitimate rights created discord between the August 2015 LPF and the Guidelines. The Guidelines were first presented to a wider Malagasy audience at the February 2015 national land forum. Nevertheless, the interviewees had mixed feelings, reporting that many participants perceived the Guidelines as imported and imposed by FAO. The international actors at the forum also described the tensions in the room and the fervour with which the Malagasy and both sides questioned the Guidelines.

This opposition to the Guidelines occurred even though key people from the Malagasy government (as much from the state land service as proponents of the land policy) and civil society organisations participated in the consultation and awareness-raising

meetings.⁷² Also, Madagascar had been one of the examples interviewed actors mentioned having referred to in the consultation and intergovernmental negotiations on the Guidelines to highlight the recognition of legitimate tenure rights. This background was then forgotten when it then came to assess national practices against the Guidelines. In the eyes of the national actors, they had no reason to be in Madagascar. Some international actors found that the caution towards the Guidelines is due to the political moment at which they were introduced. In February 2015, the situation between the proponents and opponents was explosive. Actors from both sides were not receptive to outside guidance, initiative or influence even though some of them had personally been connected to the process. Thus, the use of the Guidelines remained superficial.

Regardless of the mitigated political adherence, the coordination unit promoted the Guidelines in consultation meetings on the PNF and translated them into Malagasy. Through the translation exercise, technical experts of line Ministries and CSOs have agreed on the Malagasy vocabulary and concepts to be used. Some experts mentioned having acknowledged the importance of respecting legitimate tenure right-holders after having fully read the Guidelines and others associated the instrument with participatory approaches. In addition to the activities led by the coordination unit, the state land service has furthermore justified the inventory of its land by referring to the Guidelines that call for states to determine the use and control of public resources (CFS and FAO 2012). This overview demonstrates how the Guidelines can be used to serve multiple purposes, but in the accounts of some actors it also raises a risk of them being instrumentalised. For example, with the inventory of the state land there is a risk that the state land service claims land that legally falls under PPNT and to which people hold legitimate tenure rights. According to the Guidelines, such rights should be respected.

While the Guidelines received a mixed political welcome from national actors, they have been used as a set of standards and elements of persuasion by international actors. As explained below, international actors have referred to the Guidelines when dealing with the state land service and the line Ministry during the policy turnaround.

The Guidelines are not a tool that serves only when everything goes well. When there is also a strong conflict in terms of defining land policy, it can also serve as a reference point. It served as a point of reference in the forum that took place in

⁷² When working for FAO, I was responsible of the organisation of the consultation and awareness-raising meetings for francophone Africa.

November 2015, which opposed to some extent donors, civil society and the government. The Guidelines served as a point of support to argue. [...] It has also been used as an argument to extract from the government a promise, that is worth what it is worth, we will see what the future holds for us, but at least a promise to say that we will not touch the land law for at least five years and we can continue to take action on the ground that goes along with the policy even if the land services do not agree.

Interview with an international technical expert (ORGINT001), 19.09.2016

The Guidelines have also offered a basis for collaboration for donors by providing all of them with the same understanding of the overarching issues. Yet, as described below, debate subsists on the different ways of proceeding to secure tenure.

Because everyone agrees to support the Voluntary Guidelines and behind them recognise that securing legitimate land rights is important. After how we do it, is where we do not necessarily agree.

Interview with an international technical expert (GOVG003), 14.09.2016

The relationship between the Guidelines and the Malagasy land policy is thus an interesting one. They have proved useful to international actors as a tool of persuasion rather than to national actors as a point of reference for mediating differences. The Guidelines have not served as a basis for bringing actors together, developing a common understanding on issues and actions, and creating a wider consensus – a role that FAO would have liked them to fulfil. Rather, they are being used by some actors to endorse their own endeavours.

8.5. Conclusion

This chapter exposed the politics behind the land policy, which has been characterised by a competitive game between actors taking place in the capital, at some distance from the realities on the ground (see also Horning 2008). I have demonstrated how assemblages of proponents and opponents have formed around the dominant policy narrative. The divergencies emerge from concepts and practices rooted in different traditions of land administration. Between these positions, some grey areas exist, however. I have highlighted that the two sides are loose networks of actors within which ideational differences, critical voices and mobility occur.

The friction between the two sides is evident in the narratives of actors. I have showcased how the proponents portray themselves as ‘heroes’ introducing a new system compared to titles and describe the state land service as the ‘villain’. The state land service then sees itself as the ‘victim’ of the policy or alternatively as the ‘protector’ of rights. It does not hesitate to blame the decentralised actors for difficulties with the policy implementation. (see Hajer 1995; Adger et al. 2001) It is remarkable that both proponents and opponents have relied on similar means of power. The framework proposed by Gaventa (2006) has been helpful for analysing the forms, spaces and levels of power. It enables this thesis to pinpoint concrete examples and show the resemblance between the behaviour of actors. (See Appendix 8 on a synthesis of actor interests and means of power used.)

Behind these power plays is the question of who has authority over land administration. The proponents use the dominant policy narrative to impose decentralisation and certification on the ground, giving authority over land to municipalities, while the state land service tries to contest and silence this narrative. Indeed, as I have underscored, the dominant policy narrative reduces their responsibilities and the areas of land falling under their administration. It alters their authority, revenue streams and security. These conflicts between the assemblages then politically, institutionally and administratively question the stability of the policy and thus tenure security of those farmers who have benefitted from the dominant policy conceptions and practices.

The power plays between the assemblages have been reinforced by the *modus operandi* of the policy process, which has not sought to build consensus or bridge dualities, regardless of some efforts at mediation and brokering. We could then find explanations for some challenges of the Malagasy land policy is the argument of Mosse (2005), according to which ‘policy ideas are important less for what they say than for *who* they bring together; what alliances, coalitions and consensuses they allow, both within and between organisations’ (p.15). For me, this statement explains the core dynamisms of the Malagasy land policy. The policy has indeed mobilised and stabilised relations among a wider group of technical experts, donors and CSOs who recognise the need for change and align with the decentralisation and certification approaches (see also Corson 2016). However, the policy has not gained support within the state land service that contests its ideas, practices and modes of elaboration. Nonetheless, the state land service

is the single most important institution: it has privileged access to the highest decision-making levels, especially since the political transition period, and it dominated land administration and still wants to keep control of it. Undermining this institution indicates to me that the policy has been incompletely managed as a change process, with consequences for tenure security.

9. Conclusion

In this research, I have examined the Malagasy land policy process from the angle of tenure security. To guide the research, the overarching question asked was: *how has tenure security been conceived, practiced and maintained in land policy development and implementation processes in Madagascar?* This has entailed analysis of how tenure security has been conceived as a key policy idea (Chapter 5), examination of its operationalisation and translation in practice (Chapters 6 and 7) and investigation of the dynamisms of the policy process (Chapter 8). In doing so, I have also considered interactions between global, national and local levels. My aim has been to show the complexities of the notion of tenure security and the ambiguities of policy processes established around it.

I have been able to demonstrate the complicated political, institutional and social life of the Malagasy land policy by ‘studying through’ the process and attending to its framings, dominant ideas, practices, inclusion and exclusion of actors, and power dynamics (Keeley and Scoones 2003; Wedel and Feldman 2005). I have identified a dominant narrative around which key policy changes are articulated (Roe 1991 and 1994), analysed the forming of assemblages of global, national and local actors around it (De Landa 2006; Kumar 2014; Müller 2015), and examined the use of means of power in the policy process (Rowlands 1995; Lukes 2005; Gaventa 2006). This has entailed analysing the constant reformulation, contestation and negotiation of conceptions and practices by multiple social actors located in different institutional arenas (Long 1992b; Leftwich 2004; Corson 2016) and explaining the diverse positions and interests of actors (Lavigne Delville 2009). Such approaches have enabled the thesis to explain some unintended policy consequences in terms of tenure security and failures in gaining wide support. The research findings then invite considering tenure security in land policies from multiple perspectives, throughout the policy processes and by attending to the inherently political nature of land. Policies should go beyond the simple blueprint solutions of recognition and registration of tenure rights rather seeing tenure security an institutional matter influenced by authority, political, social, cultural and power relations between actors of different levels.

In this conclusion, I bring together the core findings and contributions. I start by synthesizing the most salient empirical findings stemming from Chapters 5 to 8. I continue by discussing the theoretical, methodological and policy contributions of the research. I finish by calling for a paradigm shift in how tenure security is considered by public policies.

9.1. Synthesis of empirical findings

The 2005 LPF set the institutional basis for the land policy. It was framed around: i) observation of ‘a tenure crisis’ in the existing statutory land administration managed by the state land service; ii) ‘massive demand for securing tenure’ linked to the customary practices of *petits papiers* through which farmers sought local recognition; and iii) external threats facing local communities, associated with the state, investors and urban people acquiring land in rural areas. I have explained that these framings stemmed from the observations and experiences of civil society representatives and some technical experts. They received support from the Minister of Agriculture, who established the political and institutional foundations for policy development and implementation.

I have argued that there was little debate on the meanings of tenure security when the policy was developed in 2005. Instead, international and national technical experts quickly sought strategies for action based on the problem framings and global conceptions that valued customary tenure rights and called for the devolution of land administration. Legally, the policy recognised the rights of farmers based on the current appropriation and use of land. These had to be socially justified and enforced (MacPherson 1978; Lund 2011). It reconciled legitimacy with legality (Rochegeude 2011b). Administratively, the policy entailed decentralising the functions of land administration to local land offices and certifying legitimate tenure rights (Teyssier et al. 2007; Teyssier et al. 2009). Together, these are ultimately about legal recognition and registration of locally legitimate rights by decentralised authorities. I have identified this as the dominant policy narrative, which sees tenure security from legal and administrative perspectives. It considers, however, social legitimacy as a prerequisite for any statutory measure and these social relations are supposed to be handled by the local recognition commissions.

The dominant policy narrative assembled international and national technical experts, the Minister of Agriculture, donors, civil society representatives and institutional structures set up for the policy implementation. These are social actors and institutions that otherwise might have remained distant, due to their various ways of seeing and doing things (see Roe 1994; Kumar 2014). I have called these actors the proponents. The policy narrative offered them a common conception of the overarching situation and a basis for shared development practices (see Roe 1991; Fortmann 1995; Hajer 1995; Mosse 2005; Li 2007). The proponents gained force through political and financial support, but also through a common enemy: the state land service. The dominant policy narrative questioned the authority and responsibilities of the state land service. The service represented the previous model of land administration that even more strongly emphasised tenure security as a matter of identifying parcels on the ground, providing legal acts and publishing information on rights. It also highlighted its own role as the guarantor of rights, the key service of the state and the holder of professional knowledge.

I have demonstrated how the dominant policy narrative was operationalised and rendered technical (see Li 2007). Donors drove the creation of local land administrations through which municipalities, as the decentralised authorities, were loosely linked to the assemblage. Policy implementation became donor-driven and its success was measured in the number of local land offices opened, certificates issued, and hectares covered and inserted in the PLOFs. I find that these technical practices have reinforced the legal and administrative conceptions of tenure security within the dominant policy narrative, leaving social considerations aside. I have demonstrated that these quantitative achievements of the policy can be questioned. While 1/3 of the Malagasy municipalities have an open land office, these are facing difficulties due to lack of funding and weak institutional coordination, as shown by the example of Ankazomiriotra. A sporadic approach to certification has also meant that a number of certificates have not been delivered. Indeed, between 2005 and 2017 only some 142,000 certificates have been issued by the local land offices (728 in Ankazomiriotra). Finally, the PLOFs that should safeguard spatial and analogical information on both certificates and titles are not backed up or updated.

I have argued that the dominant policy narrative ended up creating rather than reducing institutional plurality. It resulted in three systems (*petits papiers*, certificates, titles),

authorities (*fokontany*, municipality, state land service) and procedures (social recognition – signing of a paper; application – social recognition – publication – issuing of certificate – updating of PLOF; application – surveying and placing of boundary markers – recording of rights in registries) through which tenure relations are formally managed.⁷³ These systems, authorities and procedures endure in the narratives of international, national and local actors, creating an understanding of a ‘property ladder’ in which three formal arrangements co-exist and are valued differently, even though the certificates were supposed to replace the *petits papiers* and be low-cost alternatives to titles (see Observatoire du Foncier 2007; Boué and Colin 2018).

The examples from Ankazomiriotra show that the dominant policy narrative has had mixed results locally. The local land office was opened under the auspices of a donor project without popular or political demand in the municipality (see Larson and Ribot 2004). Recourse to certificates has also been minor and without democratic distribution among farmers. Indeed, qualitative research indicates that the certificates are accessible only to the wealthier, more educated and more connected households that can bear the costs and the administrative processes. They can consolidate their properties by receiving legal guarantees and/or address sources of tenure insecurity not handled through customary practices such as social recognition and *petits papiers*. For most farmers, the certificates remain too expensive and they face more pressing development challenges. Some farmers are also suspicious of the purpose and sustainability of the certification process, and others are simply unaware of it. They are not empowered by the process (Rowlands 1995). Consequently, it is the socio-economically most powerful that receive legal and administrative recognition of rights in the form of a certificate. These same farmers could have eventually applied for a title. Some of them might furthermore be local power-holders that dominate everyday politics, influence social relations and retain strong cultural positions for the benefit of their tenure security (see Evers 2013).

In response to the various challenges faced on the ground, the most recent actions of the proponents aim to address the financial, technical and institutional sustainability of local

⁷³ I consider the *petits papiers* as formal as they publicly record who holds what and where. They remain a customary practice with local legitimacy compared to certificates and titles that are statutory practices recognised by the law.

land offices. This includes creating new responsibilities for the offices and using the PLOFs for wider purposes of land management. In parallel, a number of other practices are emerging at the discourse level, varying from inventory of parcels to mapping of areas being appropriated and used. Some of these aim to secure rights of farmers; others collect taxes or consolidate state properties. Together, these intentions and actions divert attention away from the core challenges and certification as a key solution for securing tenure. I find that one explanation behind the multiplication of practices is the difficulty in enforcing the dominant policy narrative in a context of institutional competition. It is seen as more acceptable and justifiable by donors and technical experts to continue to test practices and tools rather than address the roots of the problem, and in the new practices the state land service finds an avenue to capture the language of the proponents and demand support. Consequently, these practices are used to manage failures and reassemble the dominant policy narrative (Li 2007). This multiplication is also reflected in the 2015 LPF that sets tenure security in a wider context of development, rather than considering it through decentralisation and certification as was the case in 2005.

This leads me to consider power plays in the capital that further disconnects the policy from realities on the ground. I have underscored the challenges that proponents have faced in conceiving, operationalising and maintaining the dominant policy narrative. They have not been able to gain the support of the state land service, which has disputed the ideas and practices of the narrative from the outset. I argue that this opposition stems from excluding the state land service from the policy process, undermining its competencies, questioning its authority and reducing its revenue. In this battle, both parties have had recourse to similar means of power to gain visibility, control the policy process and maintain their position. The full 'power cube' of Gaventa (2006) is employed when power is played out between global, national and local actors in its visible, hidden and invisible forms, as well as in closed, invited and claimed spaces. There has been little recourse to mediation, for instance, using global frameworks. I have found that the ultimate stakes have been about regaining and exercising control over land, and about individual pride in maintaining one's own way of seeing and doing things.

The balance of power between the proponents and opponents has changed over the years. While the dominant policy narrative benefitted from political will and financial support

in the first years, the political coup of 2009 played in favour of the opponents. The policy implementation was also weakened locally and nationally due to superficial institutional rooting, dependence on donor funding and project mode implementation (Comby 2011). The political determination in favour of the policy never returned to its initial levels. A demonstration of the shifting balance of power is the 2015 LPF that firmly questions the core approaches of the dominant policy narrative, requiring the transfer of certificates into titles at the moment of subsequent changes and refusing any spatial extension of the responsibilities of municipalities.

9.2. Theoretical, methodological and policy contributions

The theoretical approach of the research has enabled a better understanding of the considerations of tenure security in and the dynamics of the policy process. This has been possible by deconstructing the policy process as well as by attending to dominant policy narratives, assemblages of actors and power. The research then contributes to literature on the politics of land (see e.g. Shipton and Goheen 1992; Berry 2002 and 2009; Peters 2004; Benda-Beckmann et al. 2006; Sikor and Lund 2009; Boone 2014; Li 2014) by looking what policies do in practice (Sikor and Müller 2009). I have been able to single out unintended consequences and side-effects of the policy in terms of tenure insecurity (Long 1992c). The research also builds a discussion with political ecology and social-anthropology literature. It analyses the elaboration, implementation and maintenance of development interventions and public policies (Li 2007; Corson 2016; Lavigne Delville 2017a) and explains how these might fail by not being able to create a wide basis for support (Mosse 2005). This ‘studying through’ of the policy process has required a qualitative and nested research approach conducted at global, national and local levels. It has enabled a take on the ‘complexity, ambiguity and messiness’ of the policy process (Wedel and Feldman 2005, p.2), understanding it from the point of view of actors involved. Such overarching analysis finally brings new reflections on land policy as a practice and shows how some ways of seeing and doing things sustain regardless of counter evidence (Roe 1991).

9.2.1. Theoretical contributions

9.2.1.1. Unintended consequences of policies: new sources of tenure insecurity

Tenure security has become a key notion in public policies on land, in which it is portrayed as crucial for economic growth, poverty reduction, social cohesion and governance (Palmer 1998; Byamugisha 2013). As I argued in the introduction, there is no unilateral conception of tenure security, but it is conceived and practiced in multiple ways by a range of social actors. According to Gelder (2010) this haphazard use of the notion and confusion around it can have theoretical and policy consequences. My point with this research has been that undermining the multidimensional nature of tenure security and the politics of the policy process, as presented in the literature review and the example of Madagascar, can enhance existing (or generate new) sources of tenure insecurity. Socio-economic benefits associated with tenure security cannot then be reclaimed. Some of these sources of tenure insecurity came through in the empirical chapters and the synthesis of findings. I follow them up here with four theoretical points.

First, the Malagasy land policy enhanced institutional and legal plurality. While plurality existed prior to the policy in the form of the *petits papiers* and titles, a new layer was constituted with the introduction of the certificates. This co-existence of institutional systems, authorities and procedures can generate problems of tenure insecurity where an actor ‘shops around’ to find the most favourable outcomes (Benda-Beckmann 1981; Broegaard 2009). This ‘forum shopping’ can then generate inequalities between farmers as only some have access to the institutions retaining statutory authority over land (Benda-Beckmann 1981). The example of Ankazomiriotra confirms that the ability to ‘shop around’ is only available to the most powerful people – those who have the wealth, education and connections who, in addition to *petits papiers*, can apply for certificates or titles. These people can seek the highest level of guarantee for themselves and in so doing might override the legitimate tenure rights of others.

Second, the findings demonstrate that the social, cultural and power sources of tenure insecurity are handled by local recognition commissions. These act as the social arenas where rights are negotiated between social actors (Berry 1997; Benda-Beckmann et al. 2006). They provide legitimacy to tenure rights, which are then legalised by a certificate.

The example of Ankazomiriotra nevertheless indicates that the local land office strives to stay away from any socially disputed case. Scholars have also observed that it is the local power holders, better-off families and men as the heads of the household that benefit from these social processes and certificates at the expense of women, younger people and migrants (Platteau 1996; Blanc-Pamard and Fauroux 2004; Evers 2013; Widman 2014). Therefore, there has not been a systematic consideration of the structural divergencies in peoples' abilities to negotiate their rights before these are formalised by a certificate (Peters 2004 and 2009), nor a consideration of the power abuses that generate insecurity for less influential tenure right-holders (Platteau 1996). Unless these local power dynamics are effectively addressed or access to certificates more democratically expanded, the Malagasy land policy risks becoming one of many registration endeavours that 'modernise' existing tenure insecurities and inequalities, consolidate wealth differences among community members and ignore secondary rights to land (Jansen and Roques 1998; Benjaminssen et al. 2008; Toulmin 2008; Colin et al. 2009).

Third, the policy generated competition over authority between the local land offices and the state land service, and then between the local land offices and the chiefs of *fokontany*. This struggle is visible in the on-going debate on legal jurisdictions: in essence, the concrete intervention areas of the local land offices versus those of the state land service. While a judicial definition of the various statuses of land exists, there is no clarity over the delimitations on the ground. This offers an opportunity for the more powerful actors (the state land service) to assert their authority at the expense of others (local land offices). Burnod and Andriamanalina (2017) report that the state land service is titling lands under its name to regain control of land and to offer this to agricultural investors. They use a territorial strategy to claim back their authority (Lund and Sikor 2009). This competition has materialised in the August 2015 LPF that removed any proposal for increasing the jurisdictional areas of the local land offices and for reinforcing the legal value of the certificates. Indeed, according to Chouquer (2011) the state land service considers land as theirs and the state domain as a concept is regaining force. This institutional competition again showcases how control over land is constitutive of political and state power (Scott 1998; Benda-Beckmann et al. 2006; Toulmin 2008; Sikor and Lund 2009; Lund 2011; Boone 2014; Lund 2016).

While open competition subsists with the state land service, local institutional bricolage has contributed to maintaining social consensus with the chiefs of *fokontany* (Clever 2003; Boué 2013). This is demonstrated by the fact that a *petit papier* is requested in each application for a certificate. This policy translation then guarantees continuous authority for the chiefs of *fokontany*, enables smoother policy implementation for the local land office, but represents additional costs for the applicant. These local translations have not, however, removed the doubts farmers have regarding the certificates.

Overall, local land offices are squeezed between the state land service and the chiefs of *fokontany*. As a newly-created administration, its authority should be recognised by other public authorities, by the chiefs dealing with customary tenure and by farmers to be valid (Benjaminssen et al. 2008). Yet, the enduring politics behind the policy undermine the authority of local land offices (Sikor and Lund 2009). This is detrimental for the certificates, as to provide security people need to trust the authority allocating them and value the certificates as proof of land-holding. In addition, political changes in the wider fabric of society, such as the political coup in Madagascar, can destabilise the on-going policy process (Sikor and Lund 2009). Consequently, the authority of the local land offices and the security procured by a certificate might be weakened.

Fourth, we have seen that the policy created a new statutory land administration system. As opposed to the existing central state-led one, it is decentralised and applies simpler, low-cost and participatory solutions (see Colin et al. 2009; Zevenbergen et al. 2013; Byamagisha 2013; Enemark et al. 2014). Being an administration, however, it needs to follow clear procedures, safeguard information, and update records and practices if it wants to remain valid (Scott 1998; Rochegude 2005). Its governance and management are equally necessary for building institutional trust required to serve as the authority guaranteeing rights (Sikor and Lund 2009). As seen in Ankazomiriotra, local land offices have faced institutional and operational challenges questioning the sustainability of the policy, solidity of the administration, and ability of offices to offer the same level of protection and administrative security provided to a single certificate.

The fit of the local land offices to the rural areas can also be questioned, starting with the technologies being used and resources available. Farmers might not apply the

procedures that would require, for instance, updating the records after the death of a relative. Such an action involves paying administrative fees for things that, in the perception of the farmers, do not provide extra security. They are satisfied to leave the situation latent until it generates tension. Also, the introduction of a new system and awareness-raising linked to it can provoke feelings of insecurity. Indeed, the awareness-raising undertaken during the *Kara-Tany Malaky* operations in Ankazomiriotra produced confusion, feelings of obligation to participate in the process and fear of external threats among some farmers. Consequently, there is a disparity between the conceptions of the dominant policy narrative and the systems of meaning of farmers, where the former manufacture tenure insecurity and sell certification as a remedy (Olivier de Sardan 1995). This suggests that actors external to the local space have decided what the tenure insecurity issue is and how to address it (see Duffy 2006 on similar case with the environmental sector in Madagascar). A disconnection exists between the local level and the national and global ones.

These examples on land administration show again that tenure security is subjective and perceived (Migot-Adholla and Bruce 1994; Place et al. 1994; Sjaastad and Bromley 2000; FAO 2002; Broegaard 2005; Bouquet 2009; Simbizi et al. 2014). What is a satisfactory level of security for one might not be for someone else. Therefore, I argue it is complicated to fix tenure security at a universal level and tricky to operationalise the notion. In Madagascar, securing tenure was sought via a set of approaches, solutions and tools, such as decentralisation, certification and mapping. However, as affirmed by an interviewee, farmers indeed want tenure security, but not necessarily in the form of an administrative paper such as a certificate.

By drawing on the literature on the politics of land, I have been able to highlight new sources of tenure insecurity that stem from how the dominant policy narrative has been conceived, practiced, translated, maintained and questioned. This analysis places the dominant policy narrative in a different light, demonstrating that tenure security is not solely a legal and administrative matter as largely conceived by the policy. The research underscores the importance of considering the authority, political, social, cultural and power aspects of tenure security, as well as its perceived nature. These stem from interactions and negotiations between social actors and institutions. The research consequently contributes to the literature on the politics of land by applying it to the

specific study of tenure security and by bringing forward a concrete case from a policy process.

9.2.1.2. Dominant policy narrative failing to create widespread support

Understanding the unintended side effects on tenure security has been possible by examining the policy as a dynamic process from its elaboration to its implementation. Regardless of these side effects, the institutional and operational challenges with the policy implementation, and the constant power plays, the proponents have maintained the dominant policy narrative. By striving to maintain their ideas, positions and interests, the proponents have, however, failed to create widespread support, which would have ensured a more sustainable implementation of the policy narrative in practice.

The maintenance against all odds of the dominant policy narrative demonstrates the power of development ideas (Roe 1991). Its longevity can be explained by drawing on the framework of Li (2007) referring to the ‘practices of assemblage’ that sustain relations between actors. First, the narrative ‘forged alignments’ between various parties and brought together their ways of seeing and doing things under a common framework. These actors made sense of the narrative by ‘rendering it technical’ and operational. They reduced action in concrete technical measures such as construction of land offices and evaluated success in quantitative terms. They have tried to ‘manage failures and contradictions’ by adapting old activities to new circumstances, planning new approaches and piloting activities. In so doing, they have engaged in a continuous ‘reassembling’ of the narrative. While recognising the underlying politics of land and weak demand on the ground, they have not addressed these issues in a proactive manner. Rather, they have rendered the land policy ‘anti-political’ and have ‘authorised their own knowledge’ by attributing difficulties to and directing critiques at their opponents – the state land service (Li 2007).

Through these ‘practices of assemblage’, relations have stabilised among a core group of technical experts, donors and CSOs. The assemblage responds to their logics of expertise (Lavigne Delville 2006). While it has been loose and flexible towards the outside, adapting to changing circumstances (Müller 2015), it has failed to gain support among the state land service as the single most important public institution. For me, the

continuous opposition and power plays with the state land service not only explain the maintenance of the assemblage (the actors have a common enemy, as in Kumar (2014) on India) but also illustrate its failure to widely implement the dominant policy narrative. Indeed, Mosse (2005) has underscored that development policies become important through the actors they bring together and the alliances, coalitions and consensuses formed. In the Malagasy case, proponents have not been inventive enough to respond to power challenges, to respond to criticism, and to persuade their opponents to engage with their activities and assemblage (Goldman 2005). This is not necessarily detrimental to the dominant policy narrative as an idea which persists in the mind of the proponents (for Li (2007), the idea of a community forest was maintained, regardless of opposition), but rather its widespread implementation and success.

The assemblage around the dominant policy narrative has also failed to engage in wide public debate on tenure security (Lavigne Delville 2006 and 2017a). Such a debate could have ensured a more meaningful and democratic basis for the policy locally (Larson and Ribot 2004) as well as enabled the mediation of different meanings associated with land (Li 2014). Some feedback mechanisms between levels do exist through individual intermediaries and brokers, as well as through CSOs. These are ways for international and national proponents to acknowledge institutional and operational challenges in the policy implementation. However, they have not proactively addressed the lack of popular demand for the ideas and practices of the dominant policy narrative. The narrative has consequently been resistant to counter-arguments and evidence that questions its existence (Roe 1991).

The combined use of the concepts of policy narratives, assemblages and power has been an original way to reveal how actors conceive and operationalise policy ideas and practices, gather around them as well as maintain and question them using various means of power. I have highlighted how some ideas and practices resist regardless of opposition and counter evidence but with consequences on their implementation. I argue that this type of exploration is crucial to underscore the inherent politics and multiple perspectives behind any policy on land tenure. In the Malagasy example, the capturing of the opponents to the assemblage would have required first acknowledging the political nature of land and then mediating differences.

9.2.2. Methodological contributions

This research has been qualitative, to comprehend the complexity of the policy process in different contexts (Mason 2002). It has been interdisciplinary, drawing on geography, political ecology, social anthropology and political science to understand representations, actions and strategies of actors on tenure security as well as the power dynamics and political aspects of their relations in the policy process (Olivier de Sardan 1995; Hay 2002; Gezon 2006; Pumain 2006). I have adopted a temporal and nested approach where the land policy is ‘studied through’ from its elaboration to its implementation in different sites (see Marcus 1995; Keeley and Scoones 2003; Goldman 2005; Mosse 2005; Tsing 2005; Wedel and Feldman 2005).

I see two forms of added value in the chosen methodology. The first is to appreciate the dynamics of a policy that is not only about objectives, implementation of activities and attaining quantitative results, but interaction between social actors at global, national and local levels, and the everyday politics between them. I have thus been able to disentangle policy outcomes and explain ‘how and why they often contradict the stated intentions of policy makers’ (Wedel et al., p.44). The second is to explain the strategies, positioning and relations of social actors (Lavigne Delville 2017a). In the Malagasy case this has meant going beyond blaming the state land service and rather trying to understand the agency and power of all actors involved. I have aimed to ‘uncover the constellation of actors, activities and influences that shape policy decisions, their implementation, and their results’ (Wedel et al. 2005, p.30).

With these points in mind, my intention has not been to take the side of one actor over another, but rather to give space for all them and let them tell the story of the policy process. To ground the analysis in the ‘everyday life experiences and understandings’ (Long 1992a, p.5), I have conducted some 140 semi-structured interviews with representatives of IGOs, donors, the Malagasy government and administration, CSOs, local land offices as well as individual technical experts and farmers. I have attended to the content of their stories and noted how these were told and the social contexts to which they were linked (Riessman 1993; Gibbs 2007; Gubrium and Holstein 2009). This focus on stories has shed light on different actor positions, highlighted multiple realities, described the dynamics at play and illustrated the complexity of the policy process (Long

1992a; Olivier de Sardan 1995; Lavigne Delville 2009). These stories also reflect the coalitions and roles casted upon some actors (Hajer 1995; Adger et al. 2001).

The struggle, however, in analysing the complexity of a policy process is to get into its essence. This starts with access to policy sites and relevant actors and understanding the subtleties in a set timeframe. I have not only conducted research as an outsider to the policy process and the local context, but also in foreign languages. This undeniably means that I have missed some details and my depth of comprehension is limited. Nevertheless, being an outsider can have advantages by being able to present some (hopefully) un-discovered angles of the process, for instance, underlying similarities in the conceptions, practices and intentions of actors as well as to demonstrate the unintended results of the policy process. Because my research is interpretative, these remain my visions of reality, but can, however, enlighten the overall complexities at play.

9.2.3. Policy contributions

The added value of ‘studying through’ the policy process and attending to the stories of actors is to highlight the qualitative successes and failures of the dominant policy narrative. Throughout the research, I have underscored the institutional and operational challenges with the local land offices, the low uptake of the certificates on the ground and the subsisting power dynamics at the national level. These have all affected the success of the policy and generated new sources of tenure insecurity. I discuss next five policy conclusions drawn from the research findings, which go beyond the usual techno-managerial fixes and compromises (Li 2007).

The first point is that tenure security should not be reduced to the registration of tenure rights. Researchers have consistently affirmed that land holdings in sub-Saharan African countries are complex, variable and fluid (Shipton and Goheen 1992). With this research, I have underscored that the sources of tenure insecurity are above all linked to authority, political, social, cultural and power relations. Yet, the practical approaches tend towards legal recognition and the administrative registration of rights (be it through decentralised, participatory and low-cost solutions) rather than being responsive to the arrangements on the ground, understanding authority and social processes affecting

tenure relations, acting in institutional arenas where negotiations are made, and considering the spaces and temporalities of tenure security (RocheGude 2005; Sikor and Müller 2009; Sjaastad and Cousins 2008; Bouquet 2009).

Against this background, I concur that the statement of Shipton and Goheen (1992) still stands: ‘the stakes are high enough so that humility, cautious and open-minded experimentation, careful local observation, and time must surely be part of any prescription’ (p.318). This entails questioning the purposes for which any policy ‘prescription’ is made. I then argue that establishing local land offices and issuing certificates were not required. These do not resolve or remove the sources of tenure insecurity that predominantly stem from local social and cultural relations as well as from power disparities. If a more formal proof of land holding is necessary locally, the *petits papiers* exist. Boué and Colin (2018) argue along similar lines, interrogating the added value of establishing yet another land administration. I then propose that legal recognition could have directly been given to the *petits papiers* and these administrative practices could have gradually been rendered more sustainable using adapted and available technology. This could be coupled with legal protection given to areas classified as PPNT. Such legal recognition can indeed procure a more widespread feeling of security, especially in terms of outside threats. Legal recognition of the PPNT already exists in law, but there have been issues rendering the protection effective and ensuring it is respected by the state land service (see also Burnod et al. 2013; Andriamanalina et al. 2014b). This scenario could then translate upstream in overall policy guidance, legal protection of all land falling under PPNT and respect of administrative frameworks and principles, and downstream in community-based management of tenure relations and social mediation of conflicts. These proposals somewhat follow the thinking of Fitzpatrick (2005) who suggests adapting administrative solutions for securing tenure to the sources of insecurity. The caveat is that the proposals do not remove the inherent power dynamics and inequalities inside local communities, which call for other types of social protection; nor do they remove the unwillingness of the state land service to recognise the PPNT (Burnod, Andrianirina-Ratsialonana et al. 2014), which demands paying attention to the politics of land and the way in which policy processes are conducted.

The second point concerns the conduct of the policy as a process of change. I argue that land policies that improve access to services and document already existing rights often adopt a techno-managerial bias. They fail to consider the diverse interests linked to land and deal with the political dimension of tenure relations (MacPherson 1978; Li 2014). This should be attended to by considering how the policy development and implementation processes are led, managed and controlled, as a way of creating legitimacy and ownership.

The research findings demonstrate that the Malagasy land policy questioned the well-established position of the state land service that (understandably) felt threatened. Yet, trying to implement a change process without listening to the state land service and gaining its support as the key government agency has been fatal. This failure happened already during the preparation of the 2005 LPF. Interviews with both proponents and opponents confirmed that there was no attempt to find a broad consensus. Instead, a clear-cut opposition was established, consolidated by the 2005 LPF and unresolved ever since. Consequently, as stated by Mosse (2005), ‘governance brought by development schemes cannot be imposed; it requires collaboration and compromise’, it demands the social production and maintenance of policy interpretations, and it calls for ‘the strategic generation/manipulation of a network of actors within different discourses’ (p.7 and 8). This has not been the case in Madagascar towards the opponents of the dominant policy narrative.

The third point is that decentralisation has been incomplete, starting from the legal prescriptions on the status of land. Indeed, the municipalities do not have authority to act on all land under their jurisdiction, but on that considered appropriated and used. The titled and unused land remained the responsibility of the state land service. This has then opened a means for the service to contest the definition of appropriated and used land. The power plays that have emerged have furthermore enabled the service to impose other limitations on decentralisation, as shown throughout the empirical chapters (see also Ribot et al. 2006). The paradox is that the decentralised approaches exist thanks to the central state, but at the same time act against it (Chouquer 2011). Yet, as argued by Larson and Ribot (2004), in theory there should not be a tension between a strong central state and decentralised authorities:

Decentralisation should strengthen both central and local government. It is not about dismantling the state in order to replace it with local democratic sovereigns. Decentralisation is about bringing the state back in, but this time as a positive and legitimate democratic institution.

(p.7)

As I have maintained, the pitfall in Madagascar was that the proponents of the dominant policy narrative failed to integrate the state land service into their assemblage. The decentralisation neither built on a solid democratic basis and popular participation on the ground (see Larson and Ribot 2004), nor involved a transfer of resources from the central state to the municipalities or reduced the levels of administration of land (see Le Bris and Paulais 2007).

The fourth point is that if ever a land administration is created, it should be sustainable from the outset. The examples from Ankazomiriotra and policy evaluations indicate that there was a failure to address the sustainability of the system and thus the security provided by the certificates (Comby 2011). Yet, these are basic principles of land administration. FAO (2017a and b), for instance, reminds that there is a need to address mechanisms for the maintenance of the system and the updating of records when the process for recognition of rights is designed, to ensure effective operating budgets, to take care of management and to have a service focused on customers. The operations of the land administration system, as well as the guarantee of the symmetry and availability of information, are furthermore constitutive of legal and administrative tenure security (Simbizi et al. 2014). Technical and financial sustainability might in turn require cross-subsidies and exchange between smaller and bigger offices (see Hilhorst 2010), but these interactions have not worked in the Malagasy case.

Finally, the Malagasy land policy opted for a sporadic voluntary registration of rights, when it could have had better quantitative and qualitative results through systematic registration. In fact, research shows that systematic solutions are cheaper, fairer, more efficient and more democratic (Dickerman et al. 1989). FAO (2017a) furthermore affirms that the whole of society should benefit if a national registration policy is introduced. Therefore, a wide distribution can only be achieved through a systematic registration that includes comprehensive awareness-raising, inclusive adjudication processes (local recognition), effective public scrutiny, and financing from government

or by donors. Yet, one still needs to consider which lands are included in such a process, and that is an inherently political decision.

9.3. Conclusion

The originality of this research has been to deconstruct the Malagasy land policy process and analyse it from the angle of tenure security. Based on this research, my overarching argument is that tenure security in land policies should be considered from multiple perspectives and throughout the policy process, attending to the politics of land. First, it is about going to the roots of the notion by considering it as a matter of social actors and institutions validating, guaranteeing and protecting rights to land (FAO 2002; Lavigne Delville 2010) and acknowledging its subjectivities. Second, it is about elucidating the sources of and conditions for tenure (in)security that stem from authority, political, social, cultural and power relations between actors and institutions in relation to land. Third, it is about considering policy development and implementation processes, attending to the side effects of practices of securing tenure. Fourthly, it is about scrutinising it in relation to global, national and local power plays investigating the influence of politics of land on tenure security. Fifthly, it is about recognising the policies as a process where the creation of legitimacy and ownership among actors are more important than the sole construction of policy ideas and their implementation on the ground. These considerations are required to prevent enhancing existing or creating new sources of tenure insecurity and to avoid implementation failures of policies.

I argue that this widening of perspectives is even more important when tenure security has become a key object for public policies and an indicator of their success. There is a need for a paradigm shift that goes beyond the resistant policy narratives and blueprint solutions centred around legal recognition and administrative registration of land rights as well as their most recent variants on mapping (Roe 1991). For research, this can entail examining the forces behind the hegemony of land registration in different policy contexts. It also means strengthening the focus on the politics of land and analysing the way power manifests in land policies. An enhanced understanding of these matters, in line of this research, is required to conceive alternative strategies and practices that

foresees tenure security through means other than the simple recognition and registration of tenure rights.

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Appendix 1. Organisation of the data collection

Location	Target	Data collection method	2015		2016 (number of month)												2017 (number of month)			
			3	1 2	1	2	3	4	5	6	7	9	1 0	1 1	1 2	1	1 0	1 1	1 2	
Washington D.C.	World Bank Conference; Global and national actors (Government, Inter-Governmental Organisations (IGOs), donors, CSOs, individual experts)	Event ethnography	x				x													
Valencia	WFAL; Global and national actors (Government, IGOs, donors, CSOs, individual experts)	Event ethnography					x													
Antsirabe	Regional workshops, study tours; Regional actors (Representatives of the region, deconcentrated state land administration, CSOs, private sector, individual experts)	Observations Semi-structured interviews				x	x	x	x	x	x		x	x					x	
Ankazomiriotra	Life in the municipality; Local actors (Local land office, CRIF, chiefs of <i>fokontany</i> , farmers)	Observations Semi-structured interviews						x	x	x	x		x	x					x	
Antananarivo	National seminars and workshops; Global and national actors (Government, IGOs, donors, CSOs, individual experts)	Observations Semi-structured interviews		x	x	x		x					x	x	x			x	x	
Paris (+ skype)	Workshops; Global actors (Donors, private players, individual experts, CSOs)	Semi-structured interviews										x				x				
Rome (+ skype)	Workshops; Global actors (IGOs, donors, CSOs)	Semi-structured interviews										x				x	x			

Appendix 2. Practices of securing tenure from the 1980s until 2005

The land policy takes an inspiration from multiple practices that had been tested and piloted under programmes of natural resources management, agricultural development and land tenure since the 1980s/1990s. The table below shows that tenure questions were rooted into other sectorial programmes (natural resource management and agricultural development) as a concern for more effective actions. In addition, simplified cadastre and registration activities were piloted with an objective of efficiency and out-reach to rural populations. The experiences stemming from these programmes nourished the thinking of technical experts and donors on the practices to be piloted under the 2005 policy which exclusively focused on land tenure.

	By whom	Where	When	Objectives	Practices of securing tenure	Challenges
National Environmental Programme 1	Ministry of Environment, the World Bank	National	End of 1980s, 1990s	Integrated conservation and development project. Securing of tenure was seen as a condition for sustainable development.	Development of cadastre for protected areas	Difficult association of conservation and development concerns. Little participation of local populations.
Simplified cadastral operations on state land (ODOC - Opération domaniale concertée)	State land service, ONG Care, Fifata	Cap Masoala	End of 1980s, 1990s	Development of cadastral operations	Grouped demands for the acquisition and registration of state lands	Initiated by state land service. Remained complicated.
Project Imamba-Ivakaka; Watershed management project.	Ministry of Agriculture; AfD	Lac Alaotra	1989-1993	Tenure component sought to secure land of farmers who participated in	Provision of titles through simplified processes. A 'Mother' title was allocated to an association who would	Weak capacities of the state deconcentrated land service to respond to demands. Only 25 out of 600

				watershed management activities	divide it to 'Child' titles according to the number of parcels concerned.	farmers received a title.
Cadastre project	State land service	Antananarivo	1990s	Digitalise cadastre in and around Antananarivo	Digitalisation of cadastre to facilitate operations and titling procedures	Regardless of digitalisation of 20 out of 29 offices no titles were allocated. Loss of digitalised data.
Gelose. Part of National Environmental Programme 2.	Ministry of Environment, National environmental office, deconcentrated state administrations	National	1996 onwards	Management of natural resources by local communities. Establishment of management contracts through practices of mediation.	Inventory of land tenure by communities and validation by deconcentrated state land service. Management rights transferred to local communities.	Collaboration between state authorities and local communities
Relative securisation of tenure (SFR - <i>Sécurisation foncière relative</i>) – Intermediate securisation of tenure (SFI - <i>Sécurisation foncière intermédiaire</i>) – Optimal securisation of tenure (SFO -	Ministry of Environment, National environmental office, State land service	National	1998 onwards	Provide gradual options for securing tenure in the context of Gelose	SFR: Cartography of parcels; SFI: Cartography of parcels and allocation of rights on the ground by judicial authorities; SFO: Cartography of parcels, allocation of rights on the ground by judicial authorities and inscription of parcels on cadastre.	No significant difference between pilots of simplified cadastral operations

<i>Sécurisation foncière optimale</i>						
Contractual management of forests (GCF - Gestion contractualisée des forêts), Part of National Environmental Programme 2.	Ministry of Environment, National environmental office, deconcentrated state administrations	National	2000 onwards	Transfer of rights to manage forests to local communities who can choose the management option: right of use, economic valorisation or conservation.	Lack of dimension of securing tenure.	Applied only to forests. Simplification of contracts and lack of dimension of mediation of Gelose.
Municipal cadastral/parcel plan	Municipality of Vinaninkarena	Vinaninkarena, Vakinankaratra	End of 1990s, beginning of 2000s	Reduce tenure conflicts and increase fiscal incomes	Establishment of hand drawn cadastral/parcel plans as a municipal reference	Locally induced practice without legal value
Establishment of communal land books	Municipalities of Faratsiho, Isalo and Ankotrofotsy	Faratsiho, Vakinankaratra; Isalo, Ihorombe and Ankotrofotsy, Menabe	End of 1990s, beginning of 2000s	Protection against appropriation of lands	Establishment of land books as registries of transactions and holdings at municipal level	Locally induced practice without legal value
Facilitation of the acquisition of titles by farmers	ONG Hardi with funding from the Embassy of France; state deconcentrated land service	Miadanandriana, Analamanga	Beginning of 2000s	Facilitate the access of farmers to titles	Subvention of costs related to the acquisition of titles by farmers	Unclear expenses; length of procedures

Sources: Maldidier (2001), Teyssier et al. (2007), Arial (2008); interviews

Appendix 3. Comparison of differences between May and August 2015 LPFs

May 2015 (in French)	August 2015 (in French)	Differences (in English)
<p>A. Pourquoi consolider la politique foncière</p> <p>1. Perspectives historiques</p> <p>2. Les acquis de la réforme foncière de 2005</p> <p>3. Constats</p> <p>4. Enjeux</p> <p>5. Une politique en cohérence avec les cadres existants</p> <p>6. Un processus participatif et inclusif</p> <p>B. Vision, objectifs et principes de la Lettre de politique foncière</p>		
<p>1. Vision et finalité</p>		
	<p>L'intensification de l'opération de sécurisation foncière massive.</p>	<p>The August LPF has added the massive intensification of operations of securing tenure as a final outcome.</p>
<p>2. Objectifs</p>		
<p>C. Orientations et axes stratégiques</p> <p>Orientation 1. Sécuriser les droits dans leurs diversité</p>		
<p>Axe 1.1. Actualiser l'information foncière liée à l'immatriculation et à la Propriété Privée Titree (PPT) en partant des réalités de terrain</p>		
<p>Les problèmes existants sur les terrains régis par des textes obsolètes ou abandonnés de longue date par leurs propriétaires mais occupés par des tiers seront résolus à court terme. Sur la base d'une identification préalable, et selon des procédures simplifiées, innovantes et peu coûteuses, les terrains seront enregistrés au nom de leurs occupants légitimes.</p>	<p>Les problèmes existants sur les terrains régis par des textes obsolètes ou abandonnés de longue date par leurs propriétaires mais occupés par des tiers seront résolus à court terme. Sur la base d'une identification préalable, et selon des procédures simplifiées, innovantes et peu coûteuses, les terrains seront enregistrés au nom de leurs occupants actuels sous certaines conditions fixée par la réglementation.</p>	<p>The August LPF does not make reference anymore on the registration of land under the name of the legitimate occupants on land that is administrated by obsolete legal texts. It talks about the registration of land under the name of current occupants and under certain conditions fixed by the regulations.</p> <p>> The legitimate use of land administered by obsolete legal texts is questioned. This could change the basis on which rights are recognised on those lands.</p>
<p>Les opérations cadastrales inachevées seront régularisées pour permettre la sécurisation des droits sur la base des acquis (PVCB, acte de jugement) et des</p>	<p>Les opérations cadastrales inachevées seront régularisées et finalisées pour permettre la sécurisation des droits sur la base des acquis (PVCB, acte de jugement) et</p>	<p>The August LPF has removed reference to the possibility to certify lands in areas where unachieved cadastral operations have taken</p>

<p>situations actuelles par l'immatriculation, ou la certification pour les cas où les jugements n'ont pas été prononcés.</p>	<p>des situations actuelles par l'immatriculation.</p>	<p>place and final judgement had not been made.</p> <p>> This means that the lands can only be entered in cadaster or titled. The area on which certification applies is thus reduced.</p>
<p>L'importance des dossiers de demande d'immatriculation en instance sera résorbée par la mise en œuvre d'une stratégie spécifique de liquidation. Les usagers seront invités à confirmer leurs demandes d'immatriculation et à poursuivre la régularisation, à défaut de quoi, les demandes seront rendues caduques après un délai déterminé.</p>	<p>L'importance des dossiers de demande d'immatriculation en instance sera résorbée par la mise en œuvre d'une stratégie spécifique de liquidation.</p>	<p>The August LPF has removed the reference to the need of users to confirm their demand for registration. If not done their demands would not be valid after a certain period.</p> <p>> This means that once demands have been made for titling, they remain valid even if not followed up by the user.</p>
<p>En l'absence d'archives, ou de preuve de succession, en cas de documents détériorés (<i>boky rovitra</i> ou autres), l'occupant actuel bénéficie d'une présomption de propriété qui sera reconnu par des procédures spéciales simplifiées, publiques et contradictoires. Ces procédures seront élaborées avec les instances juridictionnelles. Elles devront inclure l'avis d'une commission foncière locale et pourront éventuellement prévoir, selon les cas, la participation des Tribunaux Terriers Ambulants et des notaires.</p>	<p>En l'absence d'archives ou de preuve de succession, en cas de documents détériorés (<i>boky rovitra</i> ou autre), l'occupant actuel bénéficie d'une présomption de propriété qui sera reconnu par des procédures spéciales, publiques et contradictoires. Ces procédures seront assurées par les Tribunaux Terriers.</p>	<p>The August LPF has removed a reference towards simplified procedures (in the context of presumption of property). Instead of elaborating the procedures with judicial instances in general, the August LPF refers to 'Tribunaux Terriers' which are related to the state land service only. The August LPF has removed the reference toward the inclusion of opinions of local land commissions.</p> <p>> The participation and the responsibility of the local actors are questioned.</p>
<p>Axe 1.2. Sécuriser les espaces à gestion communautaire</p>		
<p>Axe 1.3. Accompagner la sécurisation des transactions et favoriser l'inscription des mutations</p>		
<p>Des outils d'accompagnement (modèles d'acte et registre, informations, etc.) seront mis</p>		<p>The August LPF has removed the paragraph.</p>

<p>à disposition au niveau des communes (voire des <i>fokontany</i>) pour améliorer la sécurisation des transactions, dans le cas de transfert temporaire de droits (métayage, location, prêt) comme dans le cas de transferts définitifs (vente, donation ou succession).</p>		<p>> The LPF does not foresee making available accompanying tools to local municipalities. These could help improve the security of transactions.</p>
<p>Pour actualiser l'information foncière et favoriser l'inscription des mutations dans le livre foncier et le registre parcellaire, deux types d'actions seront engagées. D'une part, les procédures de mutation seront allégées : en trouvant des alternatives à la reconstitution des successions, en diminuant leurs coûts, et en optimisant l'organisation administrative. D'autre part, les droits d'enregistrement et la fiscalité portant sur la mutation de terrains titrés ou certifiés (vente, donation, succession) seront fortement réduits voire annulés (sur une période déterminée de plusieurs années).</p>	<p>Pour actualiser l'information foncière et favoriser l'inscription des mutations dans le livre foncier, deux types de d'actions seront engagées. D'une part, les procédures de mutation seront allégées : en trouvant des alternatives à la reconstitution des successions et en optimisant l'organisation administrative. D'autre part, les droits d'enregistrement et la fiscalité portant sur la mutation de terrains titrés (vente, donation, succession) seront fortement réduits voire annulés (sur une période déterminée de plusieurs années).</p>	<p>The August LPF has removed the reference towards parcel registry, diminution of costs and certificates.</p> <p>> By removing the reference towards certificates when talking about changes taking place because of selling, donation or succession, the August LPF questions the possibility to make changes to certificates.</p>
<p>Axe 1.4. Mettre en place les conditions favorables pour la certification et l'immatriculation</p>		
<p>Mettre en place les conditions favorables pour la certification et l'immatriculation et les adapter au milieu urbain</p>	<p>Mettre en place les conditions favorables pour la certification et l'immatriculation.</p>	<p>The August LPF has removed the direct reference towards urban spaces. Reference to 'urban' has been removed throughout the LPF.</p> <p>> This could be to contour the application of certification to urban spaces and keep it only as a rural issue.</p>
<p>La valeur probante du certificat foncier sera consolidée afin qu'il soit opposable aux tiers sans restriction et qu'il n'y ait</p>	<p>La certification sera consolidée et améliorée afin que le certificat foncier soit opposable aux tiers.</p>	<p>The August LPF has removed the reference towards the value of the certificate and its same hierarchical position with titles. It only talks</p>

<p>plus de hiérarchie avec le titre foncier.</p>		<p>about the consolidation and improvement of the certificate.</p> <p>> This entails that the title would remain, at least in the imagination, stronger than the certificate.</p>
	<p>Toutefois, sa transformation en titre foncier devrait être requise avant toute opération subséquentes et/ou après un délai règlementaire, et ce, afin d'assurer, d'une part, la sécurisation foncière optimale et d'autre part, l'unicité de preuve de droit de propriété à Madagascar.</p>	<p>The August LPF has added a new paragraph. It talks about the obligation to transfer certificates into titles if any changes are going to be made on them. This is to ensure an optimal security and unity of proofs of property in Madagascar.</p> <p>> By not allowing to make changes to certificates as such, their existence is questioned. All certificates would thus be transferred into titles as soon as changes are introduced to them.</p>
<p>En milieu urbain, les procédures de certification seront adaptées à l'initiative des communes (car celles-ci ne peuvent pas reposer uniquement sur la reconnaissance sociale locale) grâce à une levée topographique et un éventuel recours au plan régulier, à l'ajustement de la commission de reconnaissance locale (par exemple en incluant la participation des services techniques de la commune), voire à l'utilisation de marqueurs physiques.</p>		<p>The August LPF has removed the paragraph that talks about certification processes in urban spaces.</p> <p>> This could be to question the recourse to certification in urban areas.</p>
<p>Des opérations d'immatriculation collective innovantes seront conçues et développés après expérimentation dans des zones adaptées, notamment en urbain et périurbain.</p>	<p>Des opérations d'immatriculation collective innovantes seront conçues et développés.</p>	<p>The August LPF has removed reference to experimenting the use of collective titling processes in urban and peri-urban areas.</p>

Orientation 2. Gérer et planifier de façon concertée les usages du foncier		
Axe 2.1. Etablir progressivement le Plans Locaux d'Occupation Foncière sur tout le territoire		
Axe 2.2. Identifier dans les zones prioritaires les statuts fonciers de façon participative		
Axe 2.3. Articuler la gestion foncière et la planification territoriale		
Axe 2.4. Améliorer la gestion du domaine public		
L'implication des Communes dans la gestion du Domaine Public, de l'État ou de la Commune, sera renforcée. Cela passera notamment par une redynamisation des actions de la police domaniale. Par ailleurs, le Domaine Public communal sera étendu aux espaces dédiés aux infrastructures communales (école, centre de santé...).	L'implication des Communes dans la gestion du Domaine Public, de l'Etat ou de la Commune, sera renforcée. Cela passera notamment par une redynamisation des actions de la police domaniale.	The August LPF has removed the reference towards the extension of municipal public land to concern local infrastructure. > This could be to restrain the control over and management of land by municipalities.
Axe 2.5. Repréciser de façon concertée les limites et usages au sein des aires protégées et du domaine forestier		
Axe 2.6. Accompagner la restructuration des quartiers informels et des bidonvilles en milieu urbain		
Orientation 3. Faciliter l'accès et la valorisation du foncier urbain et rural		
Axe 3.1. Gérer de façon active le patrimoine de l'Etat pour sa valorisation		
Les services fonciers poursuivront l'inventaire du Domaine Privé de l'État titré ou affecté, et recenseront sur le terrain leur type de mise en valeur. Sur cette base, et en concertation avec toutes les parties prenantes, ils optimiseront ou réorienteront leur affectation et attribution en faisant de la paix sociale un objectif prioritaire (sur les terrains occupés, les occupants seront sécurisés ou, sous réserve de leurs acceptations, indemnisés). Sur les terrains affectés ou cédés de façon temporaire à des tiers (notamment via des baux), ils renforceront également la sécurisation, le suivi et le recouvrement des recettes.	Les services fonciers poursuivront l'inventaire du Domaine Privé de l'Etat titré ou affecté, et recenseront sur le terrain leur type de mise en valeur. Sur cette base, ils optimiseront ou réorienteront leur affectation et attribution en faisant de la paix sociale un objectif prioritaire.	The August LPF has removed the reference to consultation of all stakeholders when dealing with state lands. The references towards the securing land users that occupy state lands and the securing lands that have been given for third parties in permanent manner have also been removed. > The LPF questions the presence of land users in its lands and their security of tenure.
Axe 3.2. Définir les modalités de création et de gestion des statuts spécifiques		
La loi précisera que les terrains objets de ces statuts spécifiques seront délimités dans le PLOF et sécurisés selon des modalités et des	La loi précisera que les terrains objets de ces statuts spécifiques seront immatriculés et délimités dans le PLOF.	The August LPF has added a reference towards titling of lands with specific status. It has removed the

<p>coûts adaptées à chaque situation, sans recours systématique à l'immatriculation.</p>		<p>reference towards securing the lands according to appropriate modalities and costs, and without a systematic recourse to titling.</p> <p>> The changes reinforce the position of titling compared to securing lands through other means.</p>
<p>Les zones de développement local seront dédiées aux usages et besoins locaux (extension de l'agriculture familiale, extension de l'habitat, extension de la ville, reboisement, investissement à petite échelle, etc....) et gérées par les Collectivités Territoriales Décentralisées. Les terres seront allouées de façon transparente et concertée. Elles seront créées en priorité là où les besoins des populations et en infrastructures sont aigus, par exemple dans les zones urbaines et périurbaines. Elles pourront bénéficier dans certains cas à des populations vulnérables et à des usages prioritaires (logement urbain et social, agriculture de proximité, etc....). Elles pourront être appropriées sur des superficies ajustées et certifiées.</p>	<p>Les zones de développement local seront dédiées aux usages et besoins locaux (extension de l'agriculture familiale, extension de l'habitat, extension de la ville, reboisement, investissement à petite échelle, etc....) et gérées par les services fonciers déconcentrés, dont les modes de gestion seront prévus par les textes sur les statuts spécifiques. Les terres seront allouées de façon transparente et concertée. Elles seront créées en priorité là où les besoins des populations et en infrastructures sont aigus, par exemple dans les zones urbaines et périurbaines. Elles pourront bénéficier dans certains cas à des populations vulnérables et à des usages prioritaires (logement urbain, agriculture de proximité, etc....).</p>	<p>The August LPF has removed the reference towards decentralised collectivities that could manage local development zones. Instead, responsibilities are given to the deconcentrated state land service. The LPF has removed the possibility to have these lands on adapted and certified areas.</p> <p>> Responsibilities are removed from decentralised players and allocated to deconcentrated ones. Restrictions are placed on the characteristics of land.</p>
<p>Les zones d'investissement seront dédiées aux projets sectoriels (agricoles, touristiques, etc.), et gérées par les services fonciers en concertation avec les communes.</p>	<p>Les zones d'investissement seront dédiées aux projets sectoriels (agricoles, touristiques, etc.), et gérées par les services fonciers en concertation avec les départements ministériels concernés.</p>	<p>The August LPF has replaced the municipalities with concerned ministerial departments that will be consulted in the management of investment zones.</p> <p>> The responsibilities of decentralised actors are questioned.</p>

Axe 3.3. Faciliter l'accès à la terre dans des zones dédiées au développement local et des zones d'investissement		
Axe 3.4. Repréciser les conditions de mise en cause de la propriété privée		
Axe 3.5. Accompagner le marché foncier urbain et rural		
Orientation 4. Améliorer et mettre en synergie la décentralisation et la déconcentration de la gestion foncière		
Axe 4.1. Améliorer et étendre la gestion foncière déconcentrée		
Afin de simplifier les procédures et de garantir un coût abordable aux usagers, les guichets uniques seront réorganisés et un délai maximum et optimal de traitement des dossiers sera instauré.	Afin de simplifier les procédures et de garantir un coût abordable aux usagers, les services fonciers seront réorganisés en guichet unique.	The August LPF has removed a reference to the maximum delay and to the optimal processing of cases by deconcentrated one-stop-shops.
	Valoriser les agents de l'Administration foncière par l'amélioration de leurs conditions de travail entre autres la formation, la protection et le cadre régissant la profession.	The August LPF has added a new paragraph that entails improving the working conditions of the employees of the state land service.
Axe 4.2. Améliorer et étendre la gestion foncière décentralisée		
Il s'agira de permettre à toutes les communes de disposer d'un guichet foncier communal pouvant instruire les demandes de certificat foncier. Par ailleurs, ce service sera accompagné par le renforcement d'autres fonctions dévolues à la commune dont, le conseil aux citoyens, la sécurisation des actes, la gestion des zones de développement local, l'appui à la résolution des litiges, la maîtrise de la fiscalité foncière et l'aménagement du territoire.	Il s'agira de permettre à toutes les communes de disposer d'un guichet foncier communal pouvant instruire les demandes de certificat foncier. Par ailleurs, ce service sera accompagnée par le renforcement d'autres fonctions dévolues à la commune dont, le conseil aux citoyens, l'archivage des actes, l'appui à la résolution des litiges, la maîtrise de la fiscalité foncière et l'aménagement du territoire.	The August LPF has replaced securing documents by their archival. The LPF has removed the reference towards the responsibilities of municipalities to manage local development zones. > This means reducing the responsibilities of the municipalities.
Axe 4.3. Renforcer l'articulation entre les guichets fonciers communaux et les services fonciers déconcentrés		
En accompagnement au processus de décentralisation, l'articulation des services déconcentrés aux communes sera renforcée et optimisée en termes d'appui-conseil technique, de formation, de suivi et de contrôle de régularité des actes.	En accompagnement au processus de décentralisation, l'articulation des services déconcentrés aux communes sera renforcée et optimisée en termes d'appui-conseil technique, de formation, de suivi et de contrôle de régularité de la procédure de certification.	The August LPF has replaced the control of documents by the control of procedures of certification by the deconcentrated state land service. > This is to allocate more supervisory responsibilities to the

		deconcentrated state land service.
Axe 4.4. Informatiser le système d'information foncière		
Axe 4.5. Renforcer les programmes de formation destinés aux acteurs concernés par le foncier		
Axe 4.6. Assurer un financement optimal des institutions de gestion foncière		
Orientation 5. S'engager sur la transparence et la redevabilité		
Axe 5.1. Lutter contre la corruption		
Axe 5.2. Garantir une gouvernance foncière inclusive		
Axe 5.3. Améliorer les services et partager les informations		
Axe 5.4. Instaurer un système de renforcement de la redevabilité		
Axe 5.5. Faciliter la résolution des litiges fonciers		
D. Stratégie de mise en œuvre		
1. Principes de mise en œuvre		
<p>Processus multi-acteurs – De par sa transversalité et des enjeux de société qu'elle revêt, la politique foncière doit être débattue, conçue, mise en œuvre et suivie dans le cadre de démarches multi-acteurs incluant les <u>techniciens</u> de l'administration, des collectivités décentralisées, les élus et acteurs politiques, les organisations socioprofessionnelles, les privés, la recherche, et surtout les représentants de la société civile.</p>	<p>Processus multi-acteurs – De par sa transversalité et des enjeux de société qu'elle revêt, la politique foncière doit être débattue, conçue, mise en œuvre et suivie dans le cadre de démarches multi-acteurs incluant les <u>représentants</u> de l'administration, des collectivités décentralisées, les élus et acteurs politiques, les organisations socioprofessionnelles, les privés, la recherche, les <u>représentants de la société civile</u> et surtout les <u>techniciens de l'Administration foncière</u>.</p>	<p>The August LPF has replaced technicians of the administration by representatives. In addition, instead of specifically including CSOs in policy processes the LPF now talks about specifically including the technicians of the state land service.</p> <p>> This is to highlight the position of the state land service.</p>
2. Suivi et évaluation de la Politique Foncière		
<p>Organisme d'Information et d'accompagnement – L'Observatoire du Foncier assurera l'appui au pilotage du Programme National Foncier, son évaluation et contribuera aux orientations de la politique foncière. Il mettra régulièrement en débat avec les parties prenantes les résultats de ces travaux et les réflexions produites, et fournira un conseil aux décideurs.</p>	<p>Organisme d'Information et d'accompagnement – L'Observatoire du Foncier assurera l'appui au pilotage du Programme National Foncier, son évaluation et contribuera aux orientations de la politique foncière. Il mettra régulièrement en débat avec les parties prenantes les résultats de ces travaux et les réflexions produites, et fournira un conseil aux décideurs. <u>Des représentants des services fonciers y seront affectés afin de les accompagner.</u></p>	<p>The August LPF has added a sentence. It is to bring along representatives of the state land service to the Land Observatory to accompany their actions.</p> <p>> This is to allocate more supervisory responsibilities to the state land service.</p>
3. Le Programme National Foncier (PNF)		

<p>Un document unique - Le Programme National Foncier sera le document planifiant la mise en œuvre des orientations de la lettre de Politique foncière et de leurs axes d'intervention. Il sera élaboré par l'organisme de coordination en concertation avec les différents organismes d'exécutions. Il sera validé par l'organisme d'orientation. La mise en œuvre du programme sera assurée par les organismes d'exécution concernés.</p>	<p>Un document unique - Le Programme National Foncier sera le document planifiant la mise en œuvre des orientations de la lettre de Politique foncière et de leurs axes d'intervention. Il sera élaboré par l'organisme de coordination en concertation avec les différents organismes d'exécutions incluant les directions techniques ainsi que les autres acteurs concernés. Il sera validé par l'organisme d'orientation. La mise en œuvre du programme sera assurée par les organismes d'exécution concernés.</p>	<p>The August LPF has added a reference towards the technical directorates of the state land service and other concerned actors supposed to participate in the elaboration of the PNF.</p>
<p>Organisme de Coordination du PNF – Une Cellule de Coordination de la mise en œuvre du PNF veillera à la mise en œuvre des cinq orientations de la politique foncière. Elle coordonnera les actions et acteurs par une planification concertée des interventions. Cette cellule sera constituée d'agents de la fonction publique affectés, et de consultants privés, dont les compétences et disciplines sont en adéquation avec les besoins du PNF.</p>	<p>Organisme de Coordination du PNF – Une cellule de coordination de la mise en œuvre du PNF veillera à la coordination de la mise en œuvre des cinq orientations de la Politique foncière. Cette cellule sera constituée d'agents de la fonction publique issue notamment de l'Administration foncière et de consultants privés dont les compétences et disciplines sont en adéquation avec les besoins du PNF.</p>	<p>The August LPF has removed a sentence making reference towards the coordination of actions and actors by the PNF through concerted planning. The LPF has replaced concerned civil servants by civil servant belonging to the state land service. These will be part of the Coordination unit of the PNF.</p> <p>> This means ensuring the presence of the state land service in the Coordination unit.</p>
<p>Organismes d'exécutions du PNF – La mise en œuvre des orientations et axes d'intervention de la Lettre de Politique foncière, impliquera l'ensemble du gouvernement. La place et rôle de chaque ministère et départements ministériels seront précisés dans le document de PNF. Les acteurs de la société civile, le secteur privé et les Collectivités Territoriales Décentralisées seront</p>		<p>The August LPF has removed the paragraph referring to the implementation structures of the PNF. The paragraph provided responsibilities to the government as a whole, civil society, private sector and decentralised collectivities.</p> <p>> This is to restrain the wide inclusion of actors in the PNF.</p>

également impliqués de manière significative dans l'exécution du programme.		
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Sources: Repoblikan'i Madagasikara. (2015a and b)

Appendix 4. Institutional actors and their responsibilities in the land policy implementation as set in 2005

Actors	Responsibilities
Line Ministries (in the beginning Ministry of Agriculture; now M2PATE) State land service Coordination unit	Development of policy and legal frameworks Coordination of the implementation of the policy Data collection for monitoring purposes Awareness raising among regional authorities, deconcentrated state land service and local land offices
Donors	Financial support Project implementation in line with the policy
Committee of orientation and follow-up	Supervision and evaluation of the implementation of the policy
Regional administration Regional coordination units State deconcentrated land service 'Bureaux spécialisés'	Awareness raising and information campaigns in municipalities Choice of municipalities for the creation of local land offices Establishment of local land occupancy status maps (PLOFs) and up-dating information on titles Technical support to land resource and information centre (CRIFs), municipalities and local land offices Exchange of information and data (on titles and certificates) with CRIFs and local land offices Conservation of the PLOFs Safeguard of data
CRIF	Exchange of information and data (on titles and certificates) with deconcentrated state land service and local land offices Edition of certificates (on behalf of paper offices) Digitalisation of information on PLOFs (on behalf of paper offices) Up-dating of PLOFs Conservation of the PLOFs Safeguard of data
Municipal councils and administration Inter-municipal structures (OPCI)	Choice of modalities of securing tenure between i) endowment, ii) cadastral operations, and iii) citizen cadastre Choice of the type of local land office to be created between i) standard (with competencies in ITC; safeguard of data in CRIF); ii) paper (non-digitalised offices; digitalisation and safeguard of data by CRIF); and iii) mobile (shared between several municipalities; digitalisation and/or safeguard of data by CRIF) Establishment of inter-municipal agreements for the management of CRIFs and operations of mobile offices Recruitment of employees of local land offices and CRIFs. Payment of salaries Election of members of local recognition commission (e.g. <i>Ray Aman'drenys</i> for each fokontany)

	Signature of certificates (by mayors)
Local land office	<p>Reception and customer service Awareness raising in the municipality and in <i>fokontanys</i></p> <p>Implementation of certification processes (instruction of the demand of a certificate, publicity, local recognition, establishment of certificate)</p> <p>Exchange of information and data (on titles and certificates) with state deconcentrated land service and CRIFs</p> <p>Digitalisation of information, up-dating and conservation of the PLOF (for standard offices)</p> <p>Management of changes to certificates Inscription of rights and duties to certificates</p> <p>Book keeping and data management Safeguard of certificates</p>
Local recognition commission	<p>Recognition of appropriations and uses of land on the ground Consultation and interviews with stakeholders (applicant, neighbours, testimonies)</p>
Customers/ end beneficiaries	<p>Demand for certificates Participation in local recognition commission work Payment of fees Demand for up-dating of certificates</p>

Sources : Rochegude (2004), LPF 2005, MAEP (2006), Droy et al. (2006), Teyssier et al. (2006), interviews in 2016; Table adapted from Arial (2008)

Appendix 5. Implementation phases of local land offices

Phases	Steps	Actions
I – Preparatory phase	1.1. – Regional diagnoses	Inventory of legal status of land Inventory of local practices of securing tenure Identification of strengths, challenges and opportunities
	1.2. – Information sessions with regional and local actors	Information of regional authorities Establishment of regional forum on land Information campaigns in municipalities
	1.3. – Choice of plans and modalities for securing tenure	Analysis of local tenure situations Concertation on the plans to manage land tenure Choice of plans to manage land tenure Establishment of local land office Information of competent authorities on the choices adopted
II – Establishment of local land offices	2.1. – Definition and allocation of responsibilities	Establishment of contracts Taking care of intermunicipal arrangements
	2.2. – Definition of competencies of municipalities	Definition of legal status of land and competencies of local land offices Establishment of local land occupancy status maps (PLOF)
	2.3. – Mobilisation of competencies	Recruitment and training of employees of local land offices Constitution of local recognition commissions
	2.4. – Equipment of local land offices	Equipment of land resource and information centre (CRIF) Equipment of local land offices (standard, paper and mobile)
	2.5. – Mobilisation of financial resources	Consolidation of local land offices Definition of fees applied in local land offices Definition of modalities of financial management of local or intercommunal land offices
III – Operations of local land offices	3.1. – Implementation of certification processes	Instruction of the demand of a certificate - Deposit of the demand - Creation of the document and opening of <i>chemise parcellaire</i> (reference document on the parcels) - Payment of administrative fees Publicity - Display of the demand of a certificate for the occupied parcel - Consideration of oppositions and complaints - Renew or replacement of the members of the local recognition commission - Programming of the work of local

		<p>recognition commissions</p> <ul style="list-style-type: none"> - Convocation of the members of the local recognition commissions and information of assistants <p>Recognition</p> <ul style="list-style-type: none"> - Identification of parcels and ascertainment of occupations - Reception of oppositions - Resolving of disputes and mediation - Writing of minutes of meeting of the local recognition commission work <p>Issuing of a certificate</p> <ul style="list-style-type: none"> - Edition of the certificate - Validation of the certificate - Payment of the procedural fees and issuance of the certificate - Remission of the certificate in case of lost
	3.2. – Management of changes to certificates	<p>Change of right holder in case of selling, donation or heritage</p> <p>Analysis of certificates in case of partition or non-partition</p> <p>Delivery of the certificate to the new right holder</p>
	3.3. – Inscription of rights and duties	<p>(Lease, sharecropping, mortgage)</p> <p>Deposit of contract to the local land office</p>
	3.4. – Up-dating of PLOF	<p>Integration of new certificates and changes in the database</p> <p>Integration of new titles on recently made demands for registration and transformation of certificates</p> <p>Exchange of information between local land offices and deconcentrates state land service</p> <p>Double conservation of the PLOF (by local land offices and deconcentrated state land service)</p> <p>Safeguard of information</p>
	3.5. – Information and training	<p>Regular communication with authorities and technical services</p> <p>Regular communication with users</p> <p>Regular training of deconcentrated state land service and municipalities</p> <p>Regular training of members of local recognition commissions</p>
	3.6. – Property tax	<p>Disposition to be foreseen in partnership with competent ministries</p>

Source: MAEP (2006)

Appendix 6: Synthesis of new practices proposed in the context of the land policy implementation⁷⁴

	By whom	Where	When	Objectives	Practices of securing tenure	Challenges
Systematic inventory of parcels	Matoy development project	Pilot municipalities around Antsirabe	On-going	Inventory of all parcels of an area together with local authorities and people. The objective is to generate a full overview of land occupation. This information is inserted in PLOF and used for the purposes of property taxation. Certification can follow.	Grouped certification upon interest of tenure holders. Creation of consensus on land occupations. Direct resolution of conflicts and false claims.	Additional responsibilities for local land offices. Management and up-dating of PLOF. Technical and human resources.
Parcel census	Some civil society organisations	National	Exist at the level of ideas	Inventory of all land uses and users in an area together with local authorities and people. The objective is to create a complete base map on land uses. This information is inserted in the PLOF and used to create clarity over	Protection of tenure rights by making information on land uses visible and public.	Financial, technical and human resources. Extensive ground work. Management and up-dating of information on changes in land use. National recognition of local maps.

⁷⁴ The plans and piloted activities presented in the table are evolving quickly. The intention of the table is thus to provide an idea of on-going discussions and pilots rather than present definitive details.

				existing land uses, to make information public and to generate a visual proof of land uses. The base maps can help public authorities and investors assess the presence of tenure right holders in certain areas.		
Inventory of state lands	State land service in association with FAO and the World Bank	State lands over the country. Piloting in a municipality of Ankazobe in Analamanga region under FAO funded project.	Planned	Inventory of state land with the objective to know what the state holds and where. The information can be further used, for instance, to elaborate tenure catalogues of available state land for the benefit of investors.	Definition in space state holdings. Reinforcing appropriation of these holdings.	Status of people occupying titled state land and procedures taken towards them. Unclearly over the definition of what is (non-)appropriated and (non-)used land – legally these enter either under state land or PPNT. Risks of extending state control over land that would legally fall under the PPNT. Financial, technical and human resources. Extensive ground work. Management and updating of information.

Delineating PPNT	International technical experts, civil society organisations	PPNT over the country	Exist at the level of ideas	Identify in space areas that fall under the legal category of PPNT (lands that are appropriated and used) and protect these against external claims. The delineation would enhance spatial clarity on the different statuses of land and separate the operational areas of the local land offices responsible for PPNT and the state land service responsible for state land and unused lands.	Protection of PPNT from external claims by defining the areas in space.	Fixing the PPNT in space and not allowing expansion of land uses e.g. for agricultural purposes. Financial, technical and human resources. Extensive ground work. Management and updating of information.
Local land use plans (SACs - <i>Schéma d'aménagement communal</i>)	Policy makers, state land service, technical experts, donors, civil society	Piloted by GIZ in Boeny region. To be implemented in priority in municipalities that have a local land office.	Pilots on-going. Exist at the level of ideas.	Separation of land uses in space (e.g. agricultural land, forested areas, water sheds, habitation, investment areas, etc.) and definition of their future scenarios. Feeding information in PLOF.	The land use plans could serve as a tool for the delineation of the PPNT on the PLOF.	Participation of local populations, risk of fixing uses in space, sophistication of the tools used, human and financial resources, capacities of local land office to manage and up-date plans.
Agricultural investment zones (ZIAs)	State land service, PNF, regions, World Bank	Piloted in Vasiona in Vakinankaratra region	Pilot on-going. Intention	Identification of available lands for the establishment of investments zones for	Provide legally secure and clear lands for investors.	Status of people occupying the lands and procedures taken towards them.

				<p>agriculture. Local land use plans and the inventory of state lands could be used to identify these areas.</p>		<p>Participation of local populations in the definition of the investment areas. Benefits generated to local populations. Disagreements on whether decentralised or deconcentrated institutions should be responsible for the management of these areas.</p>
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Source: Interviews with international, national and regional actors

Appendix 7. Observation of the work of two local recognition commissions

One morning in 2016, we attended two sessions of local recognition commission work. We were invited by the employee of the local land office. In overall, the recognition of two properties of two different owners took around 2.5 hours. The processes were straightforward. They were about administratively confirming the properties rather than managing any tenure relations. The below observations provide insights on the process.

The **first parcel** was located at the outskirts of Ankazomiriotra and some 300m from the NR 34. It was a fallow land bordered by housing plots and by agricultural plots used to grow cassava.

The owner was a man in his 40s living in the centre of Ankazomiriotra. In addition to him, the audience included the employee of the local land office, representative of the municipality, the chief of *fokontany*, two Ray Aman'drenys and one neighbour. The neighbour was the owner of the plot with cassava and had a title on the land. We were recorded as visitors in the minutes of the meeting.

The local recognition process started by studying the aerial photograph to identify the location of the parcel to be recognised. The photo dated back to 2006 and the situation on the field might have changed since (e.g. in terms of walking tracks etc.). The employee of the local land office had sketched the parcels with titles and certificates on the photo. As a second step, people looked for the beacons of the titled parcels. Some new boundary markers were also placed on the ground as a reference. Sticks and stones were used for this. In addition, lines were drawn between the boundary markers using a simple meter. These lines were sketched on the photo and their measurements recorded on paper. These procedures were reproduced on each side of the parcel. As a third step, paper work was completed and inserted in the 'chemise parcellaire' opened for the case. The paper work included up-dating the drawing on the aerial photograph, recording measurements (e.g. distance between boundary markers) and signing attendance records. These papers remain as records in the local land office and only the overall size, form of the parcel and its identification on the aerial photograph are reproduced to the final certificates.

Everyone participated in the identification and measurement exercise. One of the *Ray Amand'renys* was responsible for using the meter, another one for cutting and placing wooden sticks. The municipal officer took measurements. The chief of *fokontany* was observing the process. The employee of the local land office was drawing sketches on the aerial photo and filling in information on administrative papers. The neighbour arrived towards the end of the process only to take note of the results.

At the end, everyone (us included) had to sign the form of presence. When all paper work was completed, the process ended and the commission (without the owner and neighbour) went to see the other parcel to be recognised on the same day.

The **second parcel** was located around one kilometre out of Ankazomiriotra. It is adjacent to the RN 34 and to some parcels used for agriculture. The parcel is partly on a slope and crossed by a small walking track.

The owner was a female in her 30s. The neighbour was also a woman in her 30s/ 40s, and she came along with her two children.

The owner lives in the centre of Ankazomiriotra. She had recently bought the parcel and is planning it for animal husbandry that is not possible in the centre.

The same procedure of recognition was conducted as with the first parcel.

Appendix 8. Synthesis of actors, interests and means of power used in the context of the Malagasy land policy

Actors	Interests	Power
Minister Harison	<p>Reform land administration</p> <p>Political lead of the land policy</p> <p>Ensure popularity among beneficiaries</p>	<p>Power over state land service</p> <p>Power to establish political and institutional settings</p> <p>Visible form: opposing to the state land service and endorsing the 2005 LPF</p> <p>Open space: receptive to new proposals</p>
Other Minister(s) and line Ministries	<p>Guarantee adherence of and popularity among state land service</p>	<p>Visible form: endorsing the different versions of 2015 LPFs</p> <p>Hidden form: influencing decision-making behind the scenes, deciding who participates in decision-making</p>
State land service – lawyers and surveyors	<p>Maintain their legal and administrative responsibilities</p> <p>Ensure continuous revenue streams</p> <p>Sustain state control over land</p>	<p>Power within the state land service</p> <p>Visible form: strikes, everyday opposition</p> <p>Hidden form: holding information</p> <p>Invisible form: influencing ideas and opinions against the certificates</p> <p>Invited space: control of list of attendees</p> <p>Closed space: Control over land administration</p> <p>Claimed space: strikes</p> <p>National and local levels: acting in national policy sphere; influencing what happens locally; intervening</p>

		in the control of land by municipalities.
Technical drafting committees (2005 and 2015 LPFs; and 2016 PNF)	Propose a land policy for the approval of the Government Introduce their political, legal, institutional and technical point of views	From invited to closed space due to conceptual differences. Visible form: setting up a committee Hidden form: preparing agendas and issues to be considered; taking final decision behind closed doors National and global levels: acting nationally, seeking support from international frameworks.
Technical experts – international and national	Promote legal and administrative innovations: recognition of legitimate tenure rights, decentralisation and certification. Align with international best practices Maintain one’s ideas on the top of the policy agenda	Power within: self-confidence towards the legal and administrative innovations Visible form: Demonising the state land service. Hidden form: taking decision behind closed doors on what to write in the 2005 and 2015 LPF Closed space: few experts drafting the 2005 and 2015 LPF Claimed space: Seek political and financial support for the dominant policy narrative
Donors – financial and technical partners	Provide financial support Ensure adherence to decentralisation and certification approaches Achieve tangible results (number of local land offices opened, number of certificates delivered, area covered by certificates).	Power to direct actions and decide implementation areas. Power over state administration. Global, national and local levels: bringing

	Align with international best practice	in global funds and ideas; influencing national policy space; engaging municipalities
CSOs	Render statutory land administration more accessible to farmers Ensure the respect of the legitimate tenure rights of farmers	Power with and within: synergies and force created through collaboration Claimed space: making requests for policy debate, claiming visibility for farmers Global, national and local levels: linking with international networks; engaging in national policy space; connecting with farmers and bringing experiences to national arena
Coordination unit	Coordinate the implementation of the policy between conflicting interests Maintain cordial relations Satisfy donor requirements	Powerless: squeezed between different interests Global, national and local levels
Mayors, municipal councils, inter-municipal structures, CRIFs and local land offices	Satisfy national and donor requirements. Implement the policy as per orders from the capital Ensure adherence to legal and administrative requirements Provide information and services to farmers. Ensure popularity. Avoid conflicts and tensions	Powerless: responding to national requests and local expectations; lack of financial and human resources Global, national and local levels: dependent of donor funding, distant linkages to national policy sphere, acting locally
Chiefs of fokontany	Act as interface between the local land offices and farmers. Facilitate demands for certificates	Claimed space: Claiming a role for themselves
Local recognition commission	Recognise appropriations and uses of land Not to jeopardise one's position.	Power to influence final decisions

	Avoid conflict. Maintain cordial relations.	Hidden form: decisions taken behind the background Invited space: convening upon invitation
Beneficiaries - farmers	Acquire a statutory recognition for legitimate tenure rights Consolidate holdings	Power to request a certificate. Power with self-confidence Power within networks Power over non-beneficiaries

Sources: Rowlands (1995); Gaventa (2006)