

Land Tenure Insecurity and Formalizing Land Rights in Madagascar: A Gender Perspective on the Certification Program

Marit Widman



Land-tenure insecurity is an important obstacle for smallholder farmers - the majority of the population in Madagascar - and is exacerbated by the current trend of commercial pressure on land ("land grabbing"). Since both men and women have the legal right to own land in Madagascar, gender-equality principles were not considered necessary in the land-tenure reform, implemented there in 2005, even though there were pre-existing, customary gender inequalities in access to and control over land. Marit Widman studies the land-tenure reform from a gender perspective. In particular, she analyzes the certification program issuing formal land titles and deeds (land certificates) to landholders. Does the presumed gender neutrality of the certification program result in a gender-neutral outcome? Widman's is the first study to make a quantitative analysis of land tenure in Madagascar from a gender perspective, and the first to use gender-disaggregated household data.

Widman collected the data in the rural municipality of Soavinandriana in the central highlands in 2011, and she uses it in an econometric analysis to investigate the demand for, and expectations of, land certificates. The author finds that the majority of the land certificates are registered in a man's name, and about 20 percent in a woman's name; very few are jointly registered by couples. Women typically certify land that they have inherited individually, and female heads of households are more likely than married women to obtain land certificates. Land held jointly by couples tends to be registered only in the name of the husband. While a small share of jointly held plots are registered in the name of only the wife, these women have characteristics that are typically associated with empowerment, such as having an income source other than farm income.

Widman goes on to discuss the potential implications of these patterns of certification for men and women's land-tenure security. An underlying problem the country must address in order to reduce land-tenure insecurity is the discrepancy between legislation and customary land management; land titles issued to colonial settlers during the French colonial period (1894–1960) are still valid, so the Malagasy farmers, who have cultivated the land for generations, are squatters in legal terms. However, the certification program does not address this problem. This study indicates that land-tenure reform

needs to be more inclusive to effectively protect the interests of all smallholder farmers. Among the key issues: large parts of the country are still not covered by the certification program; corruption and elite capture imply that new land-certificate holders might not be the actual users; and the cost for a certificate, while comparatively low, is still too high for many rural poor. Moreover, agrofuel investors are showing interest in collective grazing land that provides an important part of the livelihoods of many people but is not directly in scope of the reform.

In regard to gender differences, weak application of gender-equality principles, and in particular the lack of mechanisms to ensure that couples' joint property is jointly secured, seems to have reinforced control over land by male household heads, at the expense of women's land rights. The issue of joint certification was raised in an early stage of the reform, but it is still not addressed. Further research is needed on what happens to certified land when marriages dissolve, but these results indicate that to better secure women's land rights, the land legislation should be more in line with the marital legislation – meaning that common property should be jointly certified. Providing information and legal advice for women who may be unaware of the possibilities and potential benefits of certification is another strategy to advance women's formal rights to land, as well as to promote civil marriage and the legal right to equal inheritance.

Read the article in full at:

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