



Partnership Network International

PNI for Human rights & Sustainable development

ENVIRONMENTAL AND LAND REFORMS

HUMAN RIGHTS & SUSTAINABLE DEVELOPMENT

Insecure land tenure and poor access to information and public participation of Fokonolona grassroots communities is one of the major obstacles to the development of Madagascar

Madagascar is the first country in Africa to adopt an environmental Charter in the form of state law. Although such political will is infrequent, the government has linked local natural resource, populations and international environmental organizations with protected biodiversity management to central and local public actors. In addition, since the land policy letter (August 2015) which guarantees the effective securing of land ownership through a certification procedure (formalization in writing of land transactions), huge progress has been made.

However, the country fails to develop sustainably. Living conditions are becoming more and more precarious, especially at the level of basic rural communities alerted by the disappearance of their habitats, forests, land and biodiversity.

The state cannot prevent the most serious violations of human rights principles from occurring, especially against the extremely insecure populations, often illiterate and still extremely vulnerable to economic predation linked to biodiversity and to land.

The rush to the land and its resources could have major irreversible consequences. The local population can therefore be deprived at any time of its rights for lack of opposable title.

THREATS

- Degradation of livelihoods and environment,
- Danger of aggravation of food, sanitary ...
- An interruption of projects and
- Violent reactions
- Maintains the vicious cycle of extreme poverty and corruption
- Loss of legitimacy of institutions with regard to the Malagasy population
- Increasing dependence on food assistance and marginalization
- ... see the disappearance of communities of peasants and herders, fishermen, craftsmen

SITUATION	DEVELOPMENT
<p><u>LAND REFORM:</u></p> <p><i>Difficult implementation, particularly at the municipal level</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Problems with slow administration <input type="checkbox"/> Land agents: lack of notaries in the field, lack of training <input type="checkbox"/> Legal recognition of land certificates: Public servants and, even more severely, court decisions do not necessarily take this into account or give them the value that is recognized by law. <input type="checkbox"/> Distribution of land certificates: modalities that can be sources of corruption <input type="checkbox"/> Acquisition Contracts: Lack of transparency and democratic control <input type="checkbox"/> New projects: Lack of information about proposed projects and their effects <input type="checkbox"/> Legalization of the acts of legitimate properties: Lack of updating of the titles of ownership <input type="checkbox"/> Unofficial Dina: Multiplication <input type="checkbox"/> Legal dichotomy: Logic of duplication or circumvention of decision-making systems in contradiction with the commitments of human rights, the sustainable development and the protection of the environment of which the State of Madagascar is party. <input type="checkbox"/> Lack of legal coherence: A legal framework that does not sufficiently protect the rights of local communities and sometimes is contradictory. <input type="checkbox"/> Diverging interests <input type="checkbox"/> Generalized corruption that persists with impunity <input type="checkbox"/> Increased land insecurity and conflicts <input type="checkbox"/> Disappearance of habitats, forests and lands.
<p><u>ENVIRONMENTAL REFORM</u></p> <p><i>Decentralization and democratization that struggles to anchor itself in the territory to grassroots communities and remains on the responsibility/management dimension</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Natural resource management model based on recognized effective community governance. <input type="checkbox"/> Local practices legitimately put in place for thirty years in the context of the Environmental Reform: Each grassroots community appropriated the environmental reform in its own way according to different local issues <input type="checkbox"/> The voices of local people are rarely taken into account even when legal procedures so require. <input type="checkbox"/> Lack of support and capacity of local grassroots communities for inclusive governance (meaning planning / management and participatory decision-making, wise use and sustainable use of resources in line with the principles and commitments to human rights and sustainable development) <input type="checkbox"/> Lack of legal recognition of local grassroots communities <input type="checkbox"/> Extremely vulnerable population, often illiterate and still extremely vulnerable to economic predation related to biodiversity and land <input type="checkbox"/> Vectors of extreme poverty, conflicts and increased insecurity related to land ownership and resource management are growing and intensifying. <input type="checkbox"/> Vicious circle of poverty and corruption
<p><u>RESPECT FOR HUMAN RIGHTS, ENVIRONMENT & SUSTAINABLE DEVELOPMENT</u></p> <p><i>in the administration of the environment and land law</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Destruction of biodiversity, pollution, environmental degradation <input type="checkbox"/> Little or no respect for the inhabitants and without understanding or evaluation of the destruction of their environment and their resources that would help to understand how their destruction will affect local communities and the environment <input type="checkbox"/> Trafficking of all kinds (precious woods, sapphires ...) take place. <input type="checkbox"/> Degradation of food security: loss to local people of access to their livelihoods and livelihoods. <input type="checkbox"/> Food insecurity, health problems, loss of economic income, loss of cultural identity ... even loss of life.

