

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
LAND REFORM: Difficult implementation, particularly at the municipal level	 □ Problems with slow administration □ Land agents: lack of notaries in the field, lack of training □ 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. □ Distribution of land certificates: modalities that can be sources of corruption □ Acquisition Contracts: Lack of transparency and democratic control □ New projects: Lack of information about proposed projects and their effects □ Legalization of the acts of legitimate properties: Lack of updating of the titles of ownership □ Unofficial Dina: Multiplication □ 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. □ Lack of legal coherence: A legal framework that does not sufficiently protect the rights of local communities and sometimes is contradictory. □ Diverging interests □ Generalized corruption that persists with impunity □ Increased land insecurity and conflicts □ Disappearance of habitats, forests and lands.
ENVIRONMENTAL REFORM Decentralization and democratization that struggles to anchor itself in the territory to grassroots communities and remains on the responsibility/management dimension	 □ Natural resource management model based on recognized effective community governance. □ 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 □ The voices of local people are rarely taken into account even when legal procedures so require. □ 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) □ Lack of legal recognition of local grassroots communities □ Extremely vulnerable population, often illiterate and still extremely vulnerable to economic predation related to biodiversity and land □ Vectors of extreme poverty, conflicts and increased insecurity related to land ownership and resource management are growing and intensifying. □ Vicious circle of poverty and corruption
RESPECT FOR HUMAN RIGHTS, ENVIRONMENT & SUSTAINABLE DEVELOPMENT in the administration of the environment and land law	 □ Destruction of biodiversity, pollution, environmental degradation □ 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 □ Trafficking of all kinds (precious woods, sapphires) take place. □ Degradation of food security: loss to local people of access to their livelihoods and livelihoods. □ Food insecurity, health problems, loss of economic income, loss of cultural identity even loss of life.



Skype:Office.PNI1

Pursue the implementation of environmental and land reforms taking into account current realities.

LEGALLY RECOGNIZE LOCAL ORGANIZATIONS and local good practices legitimately put in place for thirty years in the context of Environmental Reform; To legally recognize the legal personality of the Fokonolona, as expressed in the preamble of the Malagasy Constitution and its article 152, and to ensure that the lands are registered legally in their name in term of land. Protect local organizations against predation and ensure the sustainability of community governance.

SECURING THE LANDS, PROPERTY AND RESOURCES OF THE MOST VULNERABLE OF THE **MALAGASY POPULATION** AND IN **PARTICULAR** THE **BASIC COMMUNITIES** Fokonolona: Harmonize and enforce the laws relating to the management of natural resources for local communities. Rehabilitate and / or amend existing laws and regulations; Intensify commitment towards massive land security.

3 **ENSURING THE ENVIRONMENTAL AND** LAND LAW: Pursue the implementation of the land reform by revising the laws relating to the land management of large industrial, mining, oil, quarry, coastal, agricultural and tourist exploitations to enable those concerned to fully enjoy their rights. Unify and end a complex system.

LEGALLY RECOGNIZING PROPRIETORS in land and real estate: Encourage people who have occupied land for years without having formalized their rights to have them recognized; Provide family farms/fishers.... with written documents guaranteeing their rights on land easily accessible and at an acceptable cost Recognize certificates and land titles by the population, institutions and courts in the interests of rural families and individuals most vulnerable who live in a risky activity for too long even as their survival depends on these place and traditional living condition.

ACTING IMMEDIATELY that looted land be returned and damage repaired Put an end to this resurgence of cases of repeated human rights violations in Madagascar

6 **IMPROVING ADMINISTRATIVE MANAGEMENT:** Effective establishment of a local land service and training of land agents; Perform a rigorous control of these services; Recognition of certificates by the courts; Strengthen various institutions regulating access to land and the management of natural resources. Reconcile the legitimacy of land practices with the legality of laws and regulations.

PROTECTING THE HUMAN RIGHTS OF THE **POPULATION** AND **SAFEGUARDING** THE **ENVIRONMENT:** Before contracts are awarded to investors. carry out a public consultation with the Malagasy population and the local community and ensure that sales are made with the consent of the authorities customary and other family members. Take concrete measures to fight against corruption, in particular by strengthening the judicial system and urge entities working in Madagascar to respect the principle of free, informed and prior consent; Clean up the business climate and make more transparent the lease agreements, land grants to firms and large foreign agricultural and mining companies.

8 STRENGTHENING **DECENTRALIZATION** AND **DEMOCRATIZATION PROCESSES:** Decentralize decisions and involve grassroots Fokonolona communities in land management and exploitation and take into account the rights of people to participate in decisions that affect them; To leave the necessary autonomy to the local communities in the accomplishment of their mission.

STRENGTHENING COMMUNITY CAPACITY TO MANAGE AND CONTROL THEIR RESOURCES: Supporting local communities as UNDP GEF SGF does. It is a means of protecting a safe, clean, healthy and sustainable environment that is essential for the realization of human rights and sustainable development while improving the livelihoods of a predominantly rural developing country and ensuring the setting up of effective remedies. To empower grassroots communities to assume authority, management and land use with adapted modern tools.

INTENSIFYING THE FIGHT AGAINST POVERTY in collaboration with UNDP and other relevant expertise: Aim to ensure that in the areas of intervention and in particular vulnerable populations access to food security, income and employment opportunities, improve their resilience capacities taken quickly and efficiently, To build trust in institutions and anticipate the resolution of potential conflicts.





