

Sécurisation foncière et médiation : une problématique pertinente dans le contexte d'un DOM insulaire*

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Abstract

On the French island La Réunion and in a French legal context, where emphasis lies more on “land regulation” than on “land security”, an experiment combining research and development is undertaken, with the objective of coordinating political good-will and land control. This article deals with the pilot scheme of “citizen land mediation”¹, MEDIAC, which introduces the problems of “land security” in conjunction with land regulation.

In the commune of Cilaos, a tourist area where agriculture remains important for sustainable development, farmers are confronted with an unquestionable lack of land security. The latter is increased by phenomena such as speculation, the erroneous character of the land registers, joint possession and a general attitude of mistrust towards the administration.

The various institutions encounter many difficulties in implementing their tools for land regulation. Nevertheless, confronted with the need to preserve agriculture, those involved in land control support the idea of land mediation.

Land mediation, with its social and territorial approach, which is necessary to mitigate land constraint, constitutes a step towards the creation or the renewal of bonds between the various actors, private and institutional. It authorizes the actors to engage in a common reflection on the management of “their” space, as experienced on a daily basis. The term “citizen”, which characterizes “land mediation”, points to the need for a participative strategy associated with an evaluation of environmental or land problems in order to transpose the principles and criteria of viable and sustainable development into the project planning of development or space management by integrating social concerns. The mediation process makes it possible to bring together the multiple perceptions and objectives of the various actors. It highlights the links between individual interests and more collective dimensions.

The introduction of land mediation in Ilet à Cordes requires the identification of a framework of intervention adapted and accepted by all the actors involved in the management of the land of the islet. This framework must allow for a balance between the legitimacy of the intervention, its financing, and the respect for the spirit of the mediation - a balance that is always fragile and never finally acquired.

Little by little, the mediator seems to emerge as a reliable interlocutor, both for the inhabitants and for the institutions.

The intervention of the mediator in cases of conflict requires that certain rules are followed by the parties. It also excludes any legal procedure. Mediation seeks solutions that are accepted by all. Legitimate engagements must be accompanied by legal methods such as those related to the clarification of the status of the grounds, the construction of a *projet de société* (vision of a shared future) or the consideration of individual interests and the role of institutions.

Mediation can facilitate the exchanges aimed at clarifying the legal status of the grounds. It is the mediator's role to inform the population as to the legal provisions relating to the land transactions and to facilitate the meeting of the actors in view of a transfer of exploitation rights. A partnership with the SAFER thus seems to be relevant.

The improvement of the land management system has to build on confidence in the future of agriculture and on the mobilization and the intervention of the farmers. Mediation must thus be involved in the construction of a common society project and in the development of collectives².

Land Security and Mediation. An Illustration of Its Relevance in a French Overseas Department.

¹ Project MEDIAC. The financing of this project was provided by the CIRAD and the Area Meeting.

² Four tracks are identified: the management of the waste lands, the development of cart tracks, the participation in the

Better social cohesion can anticipate recurring problems. An experiment is conducted in the use of computer-assisted role playing in water management³. This should make a projection in the future possible through the interaction of the players and could contribute to the setting up of citizen control over water management and land use through greater responsibility and involvement of the inhabitants. Moreover, mediation could facilitate participation as recommended by the SUR law⁴, which addresses the revision of local town planning.

A greater effectiveness of institutional tools and methods of intervention will not be possible without taking into account the individual interests of the farmers. The mediator puts them in contact and, in particular, attempts to find a balance between the interests of each of them.

This project of citizen land mediation is founded on a global paradigm that emphasizes the complexity of given situations. It is of great interest for the enrichment of the general theory of mediation⁵. But it also aims at the promotion of sustainable development on a local as well as insular scale, and calls for a reconsideration of the means currently mobilized for the land question in a French Overseas Department. This project is extended to the regional scale of the Indian Ocean through the construction of a regional pole of competence in land security and regional planning⁶.

Abbreviations:

AFA: Agricultural Land Association

APR: Association for the Promotion of the Rural Milieu

CIRAD: International Centre for Co-operation in Agronomic Research for Development

CMD: Agreement of Temporary Transfer

GFA: Agricultural Land Syndicate

PLU: Local Town Planning

SAFER: Company for Land Improvement and Rural Settlement

establishment of LIKED and the management of water.

³ Role play made available to the mediator and the inhabitants by the CIRAD in 2005

⁴ Law SUR, "Urban Solidarity Renewal", of December 13, 2000

⁵ This research in Ilet à Cordes is the field study which lies at the core of Manuela Lesage's doctoral thesis, directed by Michèle Guillaume-Hofnung and Étienne Le Roy, which she defended in 2007 at the University of Paris 11. The researcher carried out participant observation as she was herself working as a mediator. The question is to see if citizen mediation based on the principle of participation applied to the right of settlement and land management, could enrich the general theory of mediation.

⁶ INTERREG, project of co-operation with Madagascar financed by the Area Meeting and Europe and allowing the institutions in Réunion to involve themselves in the land reform initiated by the government of President Marc Ravalomanana

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