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LAND TENURE SITUATION IN THE SAMBIRANO VALLEY, AMBANJA DISTRICT

ISSUES, OPPORTUNITIES, AND CHALLENGES

SUMMARY

The Climate Resilient Cocoa Landscapes (CRCL) project utilizes a landscape analytical framework to assess the interface between the cocoa cash crop sector and the dynamics of deforestation in the Sambirano Valley of Madagascar. The CRCL project is financed by the Swiss State Secretariat for Economic Affairs (SECO) and implemented by Helvetas Swiss Intercooperation, an independent development organization working in thirty countries in Africa, Asia, Latin America, and Eastern Europe. CRCL subcontractors are Earthworm Foundation and the Centre for Development and Environment of the University of Bern, and local commercial partners Ramanandraibe Exportation (Rama Ex) and the Société Commerciale et Industrielle de Madagascar (SCIM). Beginning in 2019, the USAID funded Integrated Landscapes and Resource Governance (USAID ILRG) began a partnership with CRCL at the request of Lindt & Sprüngli AG to support the consideration of land tenure and property rights issue into design and implementation of the CRCL project.

Each year USAID ILRG activity in Madagascar summarizes the state of knowledge about the resource tenure situation in the Sambirano Valley of the District of Ambanja. This FINAL report highlights the patchwork of land tenure issues in the valley and the rapidly evolving initiatives carried out by government and donor-funded programs to increase the levels of tenure security of different land ownership categories. Significant progress has been achieved over the past year to address the long-

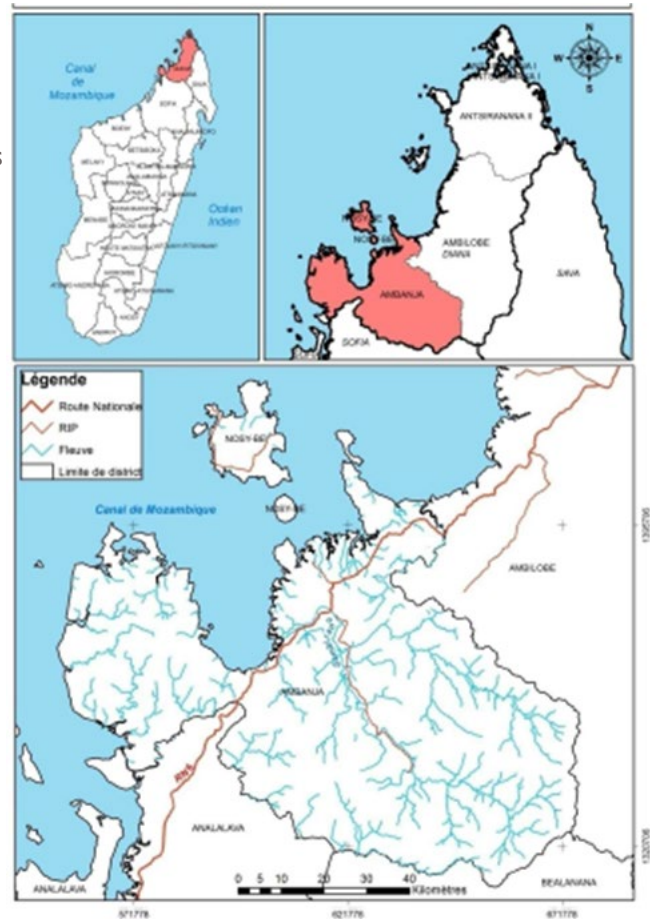
PHOTO: HELVETAS

festering insecurity around ex-indigenous land reserves, a tenurial category set up during the colonial period to provide labor to plantations of cacao and other cash crops.

INTRODUCTION

Located in the north-northwest of Madagascar and the fertile Sambirano River Valley, the District of Ambanja in the Region of Diana is not only an important export hub for cash crops, but also has considerable economic potential thanks to its deltas and alluvial plains. This district is one of the richest agricultural zones in the country, the cradle of production for high quality criollo cocoa. However, the ecosystem services provided by the Sambirano Valley and its tributaries are seriously threatened by erosion, sedimentation, and progressive deforestation on the high peaks of the watersheds.

The land tenure situation in the Sambirano Valley is quite complex, but the major issues today are primarily linked to a long history of waves of migration, including *vahiny*, or strangers, from all corners of the world and Madagascar. The valley's territory was historically controlled by the Sakalava and Bemazava peoples. This rich and well-documented history highlights the impact of colonization that was gradually imposed from the first settlement of French farmers and agricultural companies on the island of Nosy Be, and finally in the Sambirano Valley itself around 1910. Originally, Nosy Be was the center of agricultural production for the colonizers, but the Sambirano Valley eventually became a production hub through the progressive extension of land grabs by the colonial state and affiliated planters. The colonial military seized the territory to facilitate the settlement of colonists in a well-documented episode (Sharp, 1996; Schnepel, 2018; Rafehimanana and Ramamonjisoa, 2013). Historians remind us that "the sale of Nosy Be and the Sambirano plains by the Sakalava king Tsialana of Nosy Faly to France in 1841-42 to some extent accelerated the settlers' takeover of fertile land" (Rafehimanana and Ramamonjisoa 2013, 58). Originally, large areas were given to colonial planters and indigenous reserves were allocated to the Bemazava. These displaced people settled in these reserves to perform subsistence farming and to provide labor for cocoa and other cash crop plantations. Later, due to labor shortages, the settlers called upon migrants from all over the island to work on the plantations. At the time, the Bemazava royalty refused to work on the settlers' land, which they considered stolen. This resistance led the settlers to view the indigenous population as lazy and hostile (Sharp, 1996).



Map of Ambanja District's hydrology and roads across the Coastal, Lower and Upper Sambirano Valley.

RAFEHIMANANA 2013

The lower part of the Sambirano River Valley was converted into a cash economy in the alluvial zones, where cash crops grew well, especially around the present-day town of Ambanja (Diagnostic Atlas of

Diana Region, 2010). These crops have since spread towards the upper valley. The first Special (nature) Reserves in Madagascar were created during the colonial period, because even at that time the ecological richness of the area and the forests' role in preserving the ecological functions of the Sambirano River were recognized. The first Protected Areas were intended to slow down the advancement of agriculture, but the expansion of high-value crops like cannabis and agricultural production via *tavy* (slash-and-burn cultivation) continues today. During the Malagasy socialist republic, the state took some settlers' lands and nationalized others. Today, there are many vestiges from this turbulent history. Some companies have even redistributed much of their land to former workers. Land distribution seems to be inequitable, however, because there are large areas that are still occupied by plantations (Akesson, Millot, etc.) and urban elites whose land rights are clear and formalized by land titles. The land issues present in the Sambirano Valley linked to its colonial history are not unique; the same issues could be encountered in other localities (for example, in tobacco growing areas in the southwest in Menabe, coffee, vanilla and other industries around Mananjary and Manakara on the land of former colonists, etc.).

SPATIALISATION OF THE LAND TENURE SITUATION IN THE SAMBIRANO VALLEY

A spatial approach is employed to describe the land tenure issues in Ambanja District, analyzing "Coastal", "Lower," and "Upper" parts of the Sambirano Valley. The United States Agency for International Development (USAID) funded Integrated Land and Resource Governance (ILRG) program conducted data collection using key informant interviews, focus groups, situational observation, and literature reviews in the Upper and Lower Sambirano. This data sheds light on some of the realities in the Lower and Upper zones, but there is not sufficient information to analyze the Coastal zone (although there is a modest literature on mangroves and rare earth mining activities in that area (Carver, 2018)). The Upper and Lower Sambirano's land is dominated by cash crops (mostly cocoa plantations), which has led to a race for land. The Coastal zone is strongly threatened by mangrove degradation, which has had perverse effects on the Sambirano delta ecosystem.

LAND TENURE IN THE "MIDDLE VALLEY"

The "Middle" Sambirano Valley was first occupied by the Bemazava, a subgroup of the Sakalava ethnic group. Initially, the Bemazava practiced zebu (type of cattle) breeding and the production of rice, bananas, and other fruits. Later on, the valley became a favorite place for settlers producing cash crops, and at the same time, the area where the first "indigenous reserves" were set up. During the colonial period, when there were many large plantations in the valley, it was common for plantation owners to grant areas of these plantations for the use of their employers and workers. These zones then became a preferred place of settlement for colonizers, and at the same time, the area where the first indigenous reserves were established (and subsequently titled after independence).

Historians believe that the Sambirano area was populated in the 19th century (Rafehimanana, 2013). The middle valley was first occupied by the Sakalava Bemazava. The Sambirano Valley offered the Bemazava all the conditions for the development of cash crops (climate, soils, potential port sites favorable to export, etc.). Prior to the appropriation of the land, the colonists invited the local population to a feast at Ambalavelona, 15 km north of Ambanja, during which they informed the locals of their intention to develop the Sambirano plains. Tempted by the proposal and with the consent of their king, the population approved. They were astonished when the surveyors who had come from Nosy-Be made them sign documents acknowledging that they were ceding their lands to the settlers; later they were expelled from them (Riziky, 1993). The settlers used both the law and force to strip the Sakalava of their lands and then secured titles after their settlement. They had monopolized 45 percent of the delta by 1916. However, this land grab worried the colonial administration, which feared the discontent among

the Sakalava Bemazava. To avoid this, the administration decided not to grant any more concessions in the Lower Sambirano, and decreed that the Middle Sambirano was the only region that could be colonized. In 1925, the colonial administration recommended the delimitation of colonization perimeters and reserves for the indigenous people, which were distributed as follows: in the Lower Sambirano, 12 indigenous reserves and three colonization lots were delimited; in the Mid Sambirano, 10 reserves covering 7500 Ha total and 11 colonization lots covering 1220 Ha total were delimited (Rafehimanana, 2013). The colonists' massive importation of labor contributed to ethnic mixing and the constitution of a diverse population. There was also the installation of foreigners (*vahiny*) who came from India, China, and the neighboring islands. Today, the former colonial concessions have been dismembered and are either farmed by the descendants of the colonists or were bought by large companies. Some companies have ceded land to former workers, as in the case of the MAVA/SOMIA company in the commune of Ambodimanga Ramena. The transfer commitments remain largely verbal, so the farmers want to secure ownership of "their property," believing that their claims are justified by their use of the land going back several generations and the existence of some documentary proof (i.e, lists of ex-plantation workers present when the land was transferred and transfer deeds).

USAID ILRG conducted a detailed study of the former indigenous reserves with the aim of producing a roadmap to support farmers seeking titles for these lands.

After independence, the indigenous reserves were considered state property and governed by Law 60-004 of 15 February 1960. The principle of presumption of ownership was applied, i.e., all land that was not titled belonged to the State. At present, current occupants can request land titles by following the administrative procedures set out in said law, after which registration can be used to obtain a land title. However, this is conditional on the State having established the value of the land through the Malagasy Department of Land Services (DDSF).

Under the socialist regime (1975-1985), the indigenous reserves were returned to the State.

With the 2005 land reform law, the titling of former indigenous reserves (for which the applicable laws were considered obsolete) was made possible with a simplified, innovative, and inexpensive procedure that was established in the 2015-2030 Letter for Land Policy, specifically in Section 1.1, updating land information on titled private property (PPT) based on realities on the ground. In accordance with the provisions of Law 2008-014 of 23 July 2008 governing the private domain of the State, decentralized communities and legal persons under public law, Article 41 stipulates, "All provisions relating to indigenous reserves are repealed. All the unavailability clauses encumbering all the land from the said reserves are lifted. The lands constituting the reserves in the name of the State are governed by the provisions of the present law. Untitled indigenous reserves are subject to the provisions of the law on untitled private land ownership."

About 10 indigenous reserves were titled in the name of the state, but the rest were left untitled¹. The name of each indigenous reserve is known by the name of the lot, but for various reasons, neither information on the extent, nor the number of titles already obtained on these reserves, nor the number of occupants was available at the time of this study. In 2021, ILRG produced a roadmap for the regularization of land tenure arrangements for the numerous farmers living on former indigenous reserve land in the Sambirano Valley.

The table below shows the list of former indigenous reserves titled in the name of the state, the title number, and their location in the valley:

¹ According to local land use plans (PLOFs) in Ambanja commune.

TABLE I. FORMER INDIGENOUS RESERVES IN THE SAMBIRANO VALLEY

#	Name	Title #	Location
1	Reserve indigène "E" Bas Sambirano	812-BP	Bas Sambirano, Sous-prefecture, d'Ambanja (Ambanja-Ville)
2	Reserve indigène "F" Bas Sambirano	687-BP	Bas Sambirano, Sous-prefecture, d'Ambanja (Commune Rurale Ankatafa, Antsatsaka, Antranokarany)
3	Reserve indigènes "A" dites: d'Ambodimanga	560-BP	Ambodimanga, Commune Rurale, d'Ambodimanga-Ramena
4	Réserves indigènes de Bem Aneviky	561-BP	Ambodifinesy-Bemaneviky, Antsamala
5	Réserves indigènes "D" dites d'Antsirasira	563-CP	Antsirasira, Commune Rurale de Marovato
6	Réserves indigènes "E" dites Anjabory Ambalafary Ambankirano	564-BP	Anjabory-Ambalafary-Ambankirano
7	Réserves indigènes "F" dites Ambohimalaina Ambohitrandriana	565-BP	Ambohimalaina et Ambohitrandriana
8	Réserves indigènes "G" dites Ambakoana Marovato	566-BP	Ambakoana, Canton de Marovato
9	Réserves indigènes "H" dites Migioky Antanambao	567-BP	Migioky et Antanambao
10	Réserves indigènes "I" dites Ambahatra	568-BP	Ambahatra, Commune Rurale de Marovato

Source: Ambanja DDSF, 2021

A DYSFUNCTIONAL LAND TENURE SYSTEM

A significant proportion of farmers, if not the majority, currently farm their land without any written formalization of rights. The weakness of state services in meeting demand for land tenure documents and the unsuitability of current laws and procedures for obtaining titles, which are very complicated and costly, increases the risk that smallholders might lose their land and encourages the use of informal "*petits papier*" land documentation at the local level. Since the abolition of the presumption of ownership with Law 2005-2019 of 17 October 2005, establishing the principles governing land status, untitled private property is now presumed to belong to those who use it, provided that they are recognized by the community². On the other hand, it is possible that spaces that appear to be unavailable may in reality be the subject of a development project because many titles, essentially established before independence, are rarely updated as successive transactions take place: the name of the current occupant(s) of the land rarely corresponds to the name of the holder mentioned in the land books. This is the case in particular for former colonial land titles over large areas whose owners or descendants of owners are no longer identifiable from the information available. This results in situations of blockages of land access and limits investment and projects in areas with high agricultural potential, as in the case of the Sambirano Valley. This legal vagueness has consequences and may contribute to the emergence of latent or open land conflicts. Latent conflicts are intra-family (inheritance, sale without consent, unequal

² According to law N°2022-013 from August 1, 2022 and Application Decree N° 2022-1250 from August 31 2022

sharing), linked to the development of *savoko* (slash-and-burn cultivation) and squatting on land abandoned by settlers. Open conflicts, on the other hand, stem from problems of delimitation, contestation of legal procedures or court decisions, double or triple sales, and secondary rights such as leases transformed into full property rights.

THE IMPORTANCE OF LOCAL AUTHORITIES IN LAND MANAGEMENT

Local and customary authorities such as the Bemazava royalty play an important role in the settlement of migrants, the authorization of slash-and-burn cultivation, the granting of land for reforestation, permission for the cutting of trees prior to forest cantonment, and the registration of land transactions (i.e., deeds of sale, leases, inheritance). Currently, the *fokontany* (village) intervenes at the beginning of the land transaction procedure (purchase, sale, inheritance) by approving the letter of consent between the two parties involved. The letter is then validated by the mayor. The resolution of land conflicts takes place at different levels (head of the family, head of the *fokontany* or *andrimasom-pokonolona* (persons designated by the mayor to resolve the various social conflicts in the villages), then at the commune level via arbitration in the presence of the two parties as well as witnesses, the mayor, the communal councilors, and an agent of the land administration office who serves as secretary of the session.

LAND TENURE SITUATION IN THE “UPPER VALLEY”

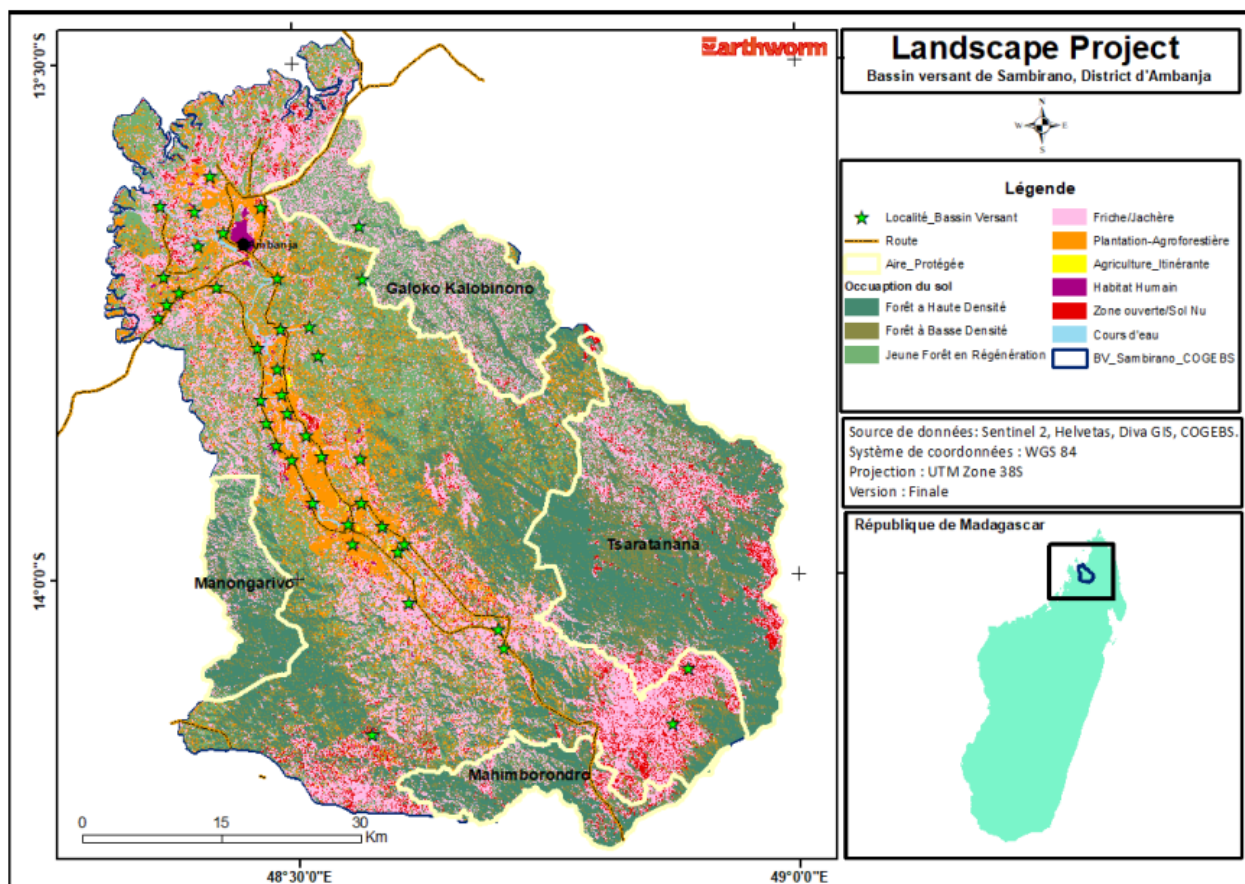
The literature is less abundant on the situation in the “Upper” Sambirano Valley, so these findings are based primarily on ILRG’s visits to the valley in 2020 and 2021, which focused mainly on semi-structured interviews with key customary leaders, the mayors of the communes of Bemanevika, Ambohitrandriana and Marovato, and target groups. In this zone, the situation is not only characterized by the same issues that are present in the Lower Sambirano but also by factors in and around the Tsaratanana and Manongarivo Protected Areas. A combination of “push” and “pull” factors draw migrants to Protected Areas and surrounding communes in the Upper Sambirano. Additionally, agriculture expansion is taking place in the Upper Valley not only due to cash crops like cocoa and vanilla, but also illicit crops like cannabis. The ecological and social impact of this industry is not yet known, and information is difficult to collect on it.

A ZONE OF MIGRATION

Migration flows continued after independence with the massive arrival of Tsimihety from neighboring regions. Today, it seems that the many of new arrivals are individuals whose identities are unknown to the local authorities and people from southern Madagascar attracted by industrial cocoa production jobs (local interviews). The isolation of the area is also favorable for the cultivation of cannabis. A true ethnic crossroads, the Ambanja District continues to experience an influx of migrants, including itinerant merchants from the Central Highlands on the one hand and temporary migrants who have come to clear new land in the southern part of the District on the other. Cash crops (cocoa, coffee, pepper, and more recently vanilla) and agricultural production for subsistence dominate the landscape, but there is new cannabis cultivation in and around the Protected Areas. The local authorities seem to be losing control over the flow of migrants and are no longer able to control related deforestation. However, this area could also serve as a demographic outlet, allowing the indigenous Bemazava to settle migrants in more remote zones while taking advantage of payments, open and hidden, for this privilege. Massive deforestation is occurring in the Integral Natural Reserve of Tsaratanana which is a Category I site under the international classification of the International Union for Conservation of Nature (IUCN) and is managed for conservation and scientific research. Deforestation rates are well documented by the recent studies of Earthworm Foundation (Earthworm Foundation, 2020, 2022) and Global Forest Watch (2023). Approximately sixteen percent of humid tropical forests have been lost in the Antsiranana Region between 2000 and 2021 (Global Forest Watch, 2023).

Patterns of deforestation in the Sambirano Valley characterized by fragmentation of primary forests due to agriculture are illustrated here below (Earthworm Foundation, 2022). Fragmentation is particularly acute in the community protected reserve of Galoko Kalobinona, the southern flanks of the Manongarivo Special Reserve and the northeastern Tsaratanana Special Reserve.

FIGURE I. FOREST FRAGMENTATION IN THE SAMBIRANO VALLEY (EARTHWORM FOUNDATION, 2022)



A wave of migration from the south of Madagascar of those fleeing the *Kere* (“great drought” in Malagasy) that began in 2021 continues today. Possible solutions have been advanced by the communes such as the creation of an association of migrants per commune and the nomination of a president who will be the focal point for the local authorities. Each newly arrived migrant could register with the president of the association, who would then ensure the registration of the newcomer with the president of the concerned *fokontany* (Interview by ILRG in December 2022 with the mayors of Bemanevika Haut, Marotolana, Marovato, Maevatanana and Antsakoamanondro). It is unclear whether these recommendations have resulted in any action.

A CANNABIS CULTIVATION ZONE

Although the production and possession of cannabis is illegal in Madagascar, farmers are growing the crop. Most of the cannabis cultivation takes place in the north of the Tsaratanana Reserve (See Figure I). Many of the growers and farmers accessing the reserve come from distant parts of the Sofia region in the south of the reserve or even from the far south of the island (Carver, 2020). The further inland one travels on the reserve, the larger the area under cannabis cultivation. According to interviews with commune members in September 2020 and Carver 2020, the problem is not a lack of alternatives in the

areas bordering the reserve, as the surrounding areas are suitable for commercial crops such as cocoa, pepper, vanilla, and essential oil plants. Rather cannabis easier to grow several times a year and requires little maintenance, a key element in such an isolated area. It also sells at a higher price than many cash crops, particularly the refined by-products such as essential oil (aromatic clear) or tar (with a black, viscous texture that can fetch upwards of a million Ariary or US \$220 per liter).

Deforestation related to cannabis cultivation probably accentuates flooding and destroys cocoa fields through soil erosion, but the exact extent of cultivated areas and the impact of this cultivation on erosion and deforestation is not known at present. Only the operation of military forces limits this practice of illicit cultivation, but their actions are inadequate because military missions are predictable and infrequent, and farmers return to the area after a short time.

CROSS-CUTTING ISSUES IN THE SAMBIRANO VALLEY

Land issues are numerous in the Sambirano Valley and the interests and positions taken are largely conditioned by the interests and needs of different actors. For this reason, it is important to distinguish the origin of the issues, and above all, who is defining the problems and for what reason? For example, private sector actors linked to cash crops have their own interests and needs to confront certain issues, whereas a descendant of a Bemazava from a royal clan might have entirely different perspectives. Certain issues are similar throughout the valley - gender complexities, the administrative weaknesses of state structures such as land offices and land services, the key role of local authorities in land use decisions, the existence of many traces of the colonial system (settlement perimeter, indigenous reserves), and strong competition between exporters and collectors of cocoa and other cash crops. Land tenure remains a key development focus for a variety of actors in the Sambirano Valley. At the start of the Climate Resilient Cocoa Landscapes (CRCL) Landscape project, in June 2020, the non-governmental organization (NGO) Helvetas organized a forum in Ambanja to document the development interests of various stakeholders. Participants included members of women's associations, youth associations, mayors or deputy mayors of different communes, traders, teachers, *fokontany* land committees and producers. Land tenure was one of the areas of interest raised. The problems identified by participants in this area were: influence peddling and embezzlement (corruption), the exorbitant cost of land services, non-functional land offices, land grabbing, lack of knowledge of the laws and procedures governing land, the non-existence of land-related files (land title, land certificate, etc.) for the heirs of former owners or those who have purchased land (e.g., settlers, etc.), the presence of conflicts around indigenous reserves, the lack of land for cultivation due to demographic pressure, and the perception that most of the fertile land belongs to the former companies or concessions dating back to the colonial era.

AN ONGOING DIALOGUE VIA A MULTISECTORAL PLATFORM

The Sambirano Watershed Management Committee (COGEBs) was created in July 2021 by government decree³. Its mission is to define and develop guidelines for integrated management of the watershed while balancing economic activities, the sustainable management of natural resources, and the empowerment of the entire riparian population and all stakeholders. As the coordinator of the integrated management of the Sambirano watershed, all actions and projects at the watershed level must consult the committee. It is a space for continuous dialogue and consultation between the actors working in the watershed.

³ Order N°23-2021-MID/REG/DIANA of July 19, 2021

A COCOA VALUE CHAIN WITH DIVERGENT LAND INTERESTS

The history of land tenure in the Sambirano Valley since colonial times indicates that the interests of the private sector are likely to be quite divergent with respect to land access and security. Some private sector companies own their own lands, while others work through cooperatives or purchase from household contracts. Companies also have different requirements in relation to traceability and sustainability of supply. The three or four large companies that own large-scale plantations in the valley have land titles that clearly demonstrate their legal ownership of the land. Apart from the large companies, farming cooperatives are key players in the valley. The largest cooperatives covering the valley are the Union des Coopératives Lazan'i Sambirano (UCLS) and the Association pour le Développement de l'Agriculture Paysannat du Sambirano (ADAPS). They play a very important role in the production of various cash crops (vanilla, honey and especially cocoa). There are 23 cooperatives grouped within the UCLS with 432 producer members. ADAPS has about 1,600 members. They are organized around specific markets, as a large part of the UCLS production is purchased by a French company, "Ethiquable", while ADAPS has a commercial contract with the German company JEPA and the Italian company ICAM. The purchase contracts and the tonnage purchased vary according to the company. The tonnage not taken by these companies is sold by local collectors who deliver to other companies (MAVA, MILLOT, RAMAEX) through the Symbole des Petits Planteurs (SPP). The operation of the cooperatives is based on membership duties placed on the products sold. The products of both cooperatives are certified organic by Ecocert.

The interests of all the cooperatives are the same in terms of land. Despite the fact that the cooperatives export cocoa directly to their clients outside the country, there is stiff competition for access to land due to population growth, migration to the district, and land degradation caused by erosion and silting along the Sambirano River and its tributaries. The majority of cooperative members farm in titled or untitled indigenous reserves. They want to secure their tenure rights with formal property deeds, but they mentioned the obstacles linked to the complexity of the procedure, the high cost of the fees involved, the absence of a land office in their commune, the lack of knowledge of the decentralization of land management, and corruption at different levels. Power struggles and family relations play an important role in access to land by farmers of different social categories (Matchon, 2016; Sharp, 1996). There is thus a strong need to clarify, formalize, and resolve the ambiguities around a range of land rights categories such as non-titled Private Property, Special Status land, and former indigenous reserves. In the end, there is one goal that unifies large and small producers: the maintenance of peace and social stability so that the production of cocoa and other agricultural products can be carried out without disruption to satisfy national and international markets and preserve the richness of the Sambirano Valley.

INNOVATIVE (BUT STILL FRAGILE) LAND DECENTRALIZATION POLICIES

Several donors, including the Millennium Challenge Corporation (MCC) have supported the communes through decentralized land management by setting up a total of 15 land offices or *guichets fonciers* in the valley. The communes have not been able to continue to operate these offices for various reasons (i.e.: governance problems, financial issues, turnover in local government, lack of follow-up by the central administration, and lack data exchange between the various land services). Anti-Erosion Program (PLAE) III, financed by the German Development Cooperation (BMZ) through the KfW Development Bank and the Agricultural Growth and Land Tenure Security project (CASEF, World Bank), has continued to set up land offices and revitalize existing land offices.

In 2022, the ILRG team worked with USAID, Helvetas, and other stakeholders to provide input into a draft new Malagasy land law that raised questions about how rural populations could be expected to demonstrate that they have put the land into productive use over the past 15 years (potentially putting them at risk of displacement).

The government made significant changes to the law after pressure from civil society and funding partners. In the new law N°2022-013 of 1 August 2022 and the decree of application N° 2022-1250 of 31 August 2022, a new standard for productive land-use eligibility for land certification was set "at least 5 years from the date of certification". The law also allows a certificate to be issued before the promulgation of this law in the name of a legal entity into a land title, although this is not compulsory; specifies the power of the district chief in quality control on land certificates; eliminates the need for a license for the land services to open a *guichet foncier*; allows training by entities other than the land services; allows the establishment of agents of the deconcentrated service at the *guichet foncier*; allows for the possibility of land certification of buildings and the possibility of having a collective land certificate; and reinforces the principles of equality for women in terms of land tenure security.

Madagascar's land tenure laws do not discriminate between men and women, who have the same rights under the law. Despite this, it has been noted that women's access to land is still lower than men. There are many explanations for this, but the main reasons are women's limited knowledge of their rights and the pre-eminence of customary land administration rules, which often place women at a disadvantage compared to men.

In the Sambirano Valley, sons and daughters are entitled to equal inheritance. However, families do not approve of sons inheriting land through their wives, and this leads to intra-family conflicts. Furthermore, in the commune of Ambodimanga Ramena, out of 181 land certificates issued, ILRG found that only 31 were in the name of women, where they were either full owners or co-owners with spouses or family members. In the case of the Concentrated Land Domain Operation (ODOC) carried out in 2012 in the same commune, 40 percent of titles issued were granted to women.

However, there is still much work to do to achieve gender equality in access to land. In June 2022, the USAID ILRG project conducted a training of COGEBs executive members on the importance of women's access to land and land security. 15 women leaders (one per commune in the valley) were selected to participate as well. These women learned about different types of landholdings and how to secure land, the importance of women's access to land and land security and lobbying and advocacy techniques. The training was divided into two parts: a plenary training and a field training with discussion with occupants of different land statuses (titled private property with occupants on private company land in Ambanja, untitled private property in Ambodimanga Ramena, and the special status of Antsakoamanondro near the Galoko Kalobinono reserve).

Subsequently in July 2022, 13 participants, including COGEBs members, commune mayors, and women leaders traveled to Antananarivo for a week of meetings with government leaders, civil society groups, Helvetas and USAID. In addition to observing land tenure security operations in the surrounding communes, participants met with various ministries to advocate for proper environmental management of the Sambirano River Valley. Participants lobbied for an ODOC for the regularization of indigenous reserves in the area. The Head of the Department of the Concerted Domain Operation and Cadastre (SODOCC) responded favorably to this request.

An ODOC started in September 2022 and is in progress at the time of writing. A second campaign is planned after the rainy season in April or May 2023. The Ministry of Land Management and Services (MATSF) team, through sensitization sessions in the communes, has emphasized the importance of women's access to land tenure security through the filing of land title applications during the operation. At the time of writing, 70 percent of the 400 land titles issued are in women's names. In order to maintain this momentum, a platform composed of local women's associations and national civil society organizations will be created to elevate discussions of gender issues in the Sambirano Valley at the national level.

A LOSS OF PROPERTY TAX REVENUE FOR THE MUNICIPALITY

In Madagascar, property taxes are essential for financing the operation and investment of a commune's various projects. A ministerial decree on the general orientation of the management of property taxes was issued from the Ministry of Economy and Finance and the Ministry of Decentralization and Planning. Article 3 of this decree designates that the commune itself is responsible for the management of the Land Tax from 2006. In this case, the communes are empowered to manage the rolls and carry out the census with the technical assistance of agents from the tax centers. The property tax was split in two in 2008, namely as the Property Tax on Land (IFT) and the Property Tax on Built-up Properties (IFPB). The IFT is an annual tax that affects all land “regardless of its legal status and use and is collected from the owners or actual occupants”.

Both types of tax are due each year by the owner of land or built property; its characteristics are specified in the General Tax Code. In all the communes visited, the *fokontany* chiefs collect taxes on a declarative basis for land that is neither titled nor certified (because the surface area of titled and certified land is already known). The so-called “peasant unit” (e.g., three days of plowing with a zebu-drawn plow equals one hectare) is used to estimate the area. The rate to be paid for the IFT and IFPB is set by communal deliberation based on the finance law according to the categories (i.e.: urban, rural, *tanety*, rice fields, cash crops, etc.) (Randrianirina, 2013).

Although all landowners (including large companies) have to pay taxes, collection remains a challenge. Elected officials dare not go through with the procedure out of respect for *fihavanana*, or traditional practices used to maintain conviviality. For Ambodimanga Ramena, the collection rate in 2019 was 60 percent and has decreased to 48 percent for 2020 with the COVID-19 situation.

Private cocoa and other cash crop companies pay property taxes on land and built properties related to their infrastructure, which go entirely into the commune's coffers, as well as duties and levies on products. This type of tax concerns all agricultural and maritime products. The rate is calculated at 3 percent of the value of the products. For the distribution, according to the law 2014-020, 20 percent of collected duties goes to the *Faritany* (province), 40 percent to the region and 40 percent to the communes, but since the *Faritany* no longer exists, the distribution is as follows: region 40 percent and commune 60 percent. For collection, agents collect the duty corresponding to the products exported. For exports, this is called a rebate and for local sales, a levy. Cocoa exporters take vouchers from the regional government and pay according to the tonnage collected. These figures are then verified with the customs service for comparison.

LAND TENURE SECURITY INITIATIVES IN AMBANJA DISTRICT

In 2022, several new initiatives to promote land tenure security in the Sambirano Valley were put in place. Some of these programs will continue for a few more years and merit close attention. Land tenure security in the Sambirano Valley not only consists of certification around the status of untitled private property (which is the strategy of the CASEF project), but also requires analyzing and addressing the issues around other land tenure statuses.

- **Climate Resilient Cocoa Landscapes in Madagascar (CRCL):** CRCL provided funding from the Swiss development cooperation to set up the COGEBs and to carry out a landscape analysis that will provide a basic document indicating the state of the landscape, the identification of actions and priority areas of high biodiversity value, and useful recommendations for sustainable management of the landscape. The Swiss government and the private cocoa sector will finance a second phase of the project and provide technical assistance and coordination to the COGEBs, including coordination of land securitization efforts after the ILRG concludes in 2023.

- **Agricultural Growth and Land Tenure Security Project (CASEF):** CASEF provides World Bank funding to secure land with untitled private property status. It employs an Operation of Massive Land Certification (OCFM) to make it possible to secure several plots of land in a short period of time and at a low cost. CASEF is implementing an OCFM in three communes of Ambanja District (Ambodimanga Ramena, Marotolana and Maherivaratra). The project trained agents in the land offices and communal staff on the creation of Local Land Use Plans (PLOF), the provision of equipment, and the rehabilitation of the buildings of the land offices. High resolution satellite images are already available in this area. Applications for land certificates will begin in December 2022 in the Sambirano Valley. The project aims to produce 3,900 land certificates per commune by December 2023.
- **Participatory Erosion Control Program (PLAE V):** KfW Development Bank is supporting the Ministry of Agriculture and Livestock (MINAE) PLAE program in two communes, including Antsakoamanondro and Maherivaratra, in Ambanja District with the creation of community forests. The communes identify the areas to be reforested and the reforestation priorities, and PLAE provides support for land registration on behalf of the communes. PLAE V is one of the partners supporting the Galoko Kalobinono Protected Area.
- **Projet Pôles Intégrés de Croissance et Corridors (PIC2):** Funded by the Malagasy Government through the World Bank, PIC2 implements the General State Program and the "Plan Emergence Madagascar". It will support 23 communes in the Ambanja District to re-launch land taxation (IFT and IFPB) through support for the census of land, the creation of a tax database, the printing of tax notices, and support for collection (Interview with PIC land expert, January 2021).
- **ProPFR/GIZ (Responsible Land Policy Project):** The ProPFR project is in the process of diagnosing and identifying the communes of intervention in the Ambanja District in order to start providing support in 2023. It is expected that ProPFR will support the decentralization of land management and finance the concerted domanial operation (Interview with the technical assistant on land for ProPFR, October 2022).
- **Opération Domaniale Concernée (ODOC):** Funded directly by MATSF, the ODOC provides land titles to beneficiaries. It is hoped that agribusinesses in the Sambirano Valley will fund the participation of producers who work with them in the ODOC. Several companies (one of which is a COGEB member) have expressed cautious interest in providing financial support on the condition that producers who benefit from this service sign long-term exclusive sales agreements with them. To date, the private sector has provided no financial or material support to land titling efforts because of ongoing mistrust in government to deliver the promised titles from the previous ODOC campaign.

ODOC IMPLEMENTATION IN AMBANJA DISTRICT – 2022

In 2021, ILRG established a roadmap to resolve land tenure issues within former indigenous reserves titled in the name of the State. The roadmap was created with the support of MATSF to better understand the steps, procedures, timeframe, and cost of the ODOC in the Sambirano Valley. After the advocacy carried out by COGEB and women leaders in the 15 communes, an ODOC was launched by MATSF through SODOCC in two phases in Ambanja District. The first phase took place from September to December 2022 and the second will take place after the rainy season (April/May 2023).

The ODOC started in September 2022 with the support of COGEB, which played an important role in mobilizing the mayors of the valley to participate in the travel and installation of the SODOCC team to Ambanja, the sensitization in the communes, broadcasts on three local radio stations (MBS, Feon'ny Sambirano and Lazan'ny Sambirano) to sensitize the population on how to submit their applications and to share information about the operation, including the different steps to follow, the fees to be paid, and

the mechanism for the collection of grievances and conflict resolution. The USAID ILRG team participated in the development of interview questions for the SODOCC agents during these different radio programs.

The costs of the ODOC for beneficiaries are summarized in Table 2. The land services collect two distinct fixed fees (installation fees and procedure fees) and a variable fee (price of 5 ariary/m² of the land sold by the state) from beneficiaries depending on the area of the land. The fees can be paid in three installments. While the prices may be reasonable, not all community members will be able to afford to participate.

TABLE 2. FEES TO BE PAID BY ODOC BENEFICIARIES

Area (in rural communes)	Step 01 (preliminary fixed fee) in Ariary	Step 02 (procedure fees) in Ariary	Step 03 (price of land) in Ariary
01 ha	52,000	220,000	52,500
02 ha	52,000	220,000	105,000
03 ha	52,000	220,000	157,500
04 ha	52,000	220,000	210,000

The first phase of the 2022 ODOC is being carried out in the rural communes of Antranokarany, Antsakoamanondro, Antsatsaka, Ambohimena and Ambalahonko and the urban commune of Ambanja. Preliminary results are presented below.

TABLE 3. PRELIMINARY RESULTS FROM 2022 ODOC

Step	Number	Comments
Collection of expressions of interest	3,527	At the commune level
Preliminary parcel visits completed	2,838	Initial results in December 2022
Surveying completed	1,858	Initial results in December 2022
Case files created	976	Initial results in December 2022
Titles created	810	Initial results in December 2022

It is important to note that there were some difficulties in collecting fees at the very beginning of the operation, because the land services agents who were generally unaware of the local customs were unable to collect both applications and fees. However, following collaboration with the mayors and *fokontany* chiefs, this problem was solved by persuading the *fokontany* chiefs to collect these fees or by mobilizing an agent from the commune (as in the case of the commune of Antranokarany). All payments are documented by a receipt from MATSF. However, at the time of writing, few applicants have paid the full price of the land (third installment of ODOC payment), and there are concerns about the ability of less well-off applicants to participate.

The Minister of Territorial Planning and Land Services (MATSF) presented land titles and land certificates at a ceremony on September 20, 2023 in Ambanja. A



Ceremony issuing land titles.

MATSF

representative sample of 50 land titles were handed out to recipients of the urban commune of Ambanja out of a total of 1400 issued for all of the District of Ambanja. At the same time, the World Bank financed CASEF project issued 50 out of an anticipated 107 Land Certificates in the cacao producing commune of Ambodiamanga Ramena, a process led by the commune *Guichets Fonciers*. More are expected to be delivered in the near future, but it takes much time for external auditors to verify the validity of the certificates. The issuance of these land titles and certificates strengthens the confidence of the local community that the government will indeed come through with the documents paid for by beneficiaries. Newly established land administration components financed by the Swiss Paysage Cacao Sambirano/follow-on to CRCL and German ProPFR projects are now in a better position to continue the initiatives launched by ILRG three years ago.

CONCLUSIONS AND RECOMMENDATIONS : AVENUES FOR SOLUTIONS TO LAND TENURE CHALLENGES

Land reform in Madagascar is still evolving. Information on existing de facto rights to land will become more available as time goes on, even though the whole process is, by its very nature, constantly evolving. It is therefore necessary to base any decision to develop or transfer land on a large scale with dialogues with all the stakeholders of the Sambirano Valley, who remain the experts on the territory. Land can be emotionally charged because it is a critical asset for many people claiming ancient rights to land, seeking clarification and formalization of current rights, and looking for rapid, simple, and accessible transactions. Operations to secure land according to the status of the land should be initiated, but dialogue between actors, especially with the private sector, is an essential condition. Although progress remains slow and difficult in the face of these challenges, ILRG was able to advance several of its core technical recommendations in 2022 (see below).

IMPROVING KNOWLEDGE OF THE LOCAL LAND CONTEXT

Solving land issues requires knowledge of the local context (i.e.: the ecological context, the relationship between land and people, the relationship between people and local practices, etc.). Much information on the valley's land is still missing. For example, there is a lack of information on the issues surrounding the former indigenous reserves (spatial location, land tenure status of the occupants, etc.), the situation of certain lands ceded by large companies, titled lands abandoned by settlers, and the boundaries of the Protected Areas in relation to the areas exploited by migrants in and around the Protected Areas. Studies will be needed to collect such information in order to feed into the COGEBs process and advance the development of a management plan. This plan will be a basic tool for the communes to define development principles through communal by-laws and may include common land use and local planning regulations for a structured, equitable and sustainable development of the whole valley. In collaboration with MATSF and the NGO Helvetas, USAID ILRG began work in 2022 on a baseline mapping exercise of communes, protected areas, and settlement data to support COGEBs and its work to improve land ownership information in the valley. COGEBs has also made progress in implementing its annual work plan, which is an important first step in potentially influencing community land use and development planning in its 15 communes.

RECOGNIZING DIVERSE STAKEHOLDER PERSPECTIVES

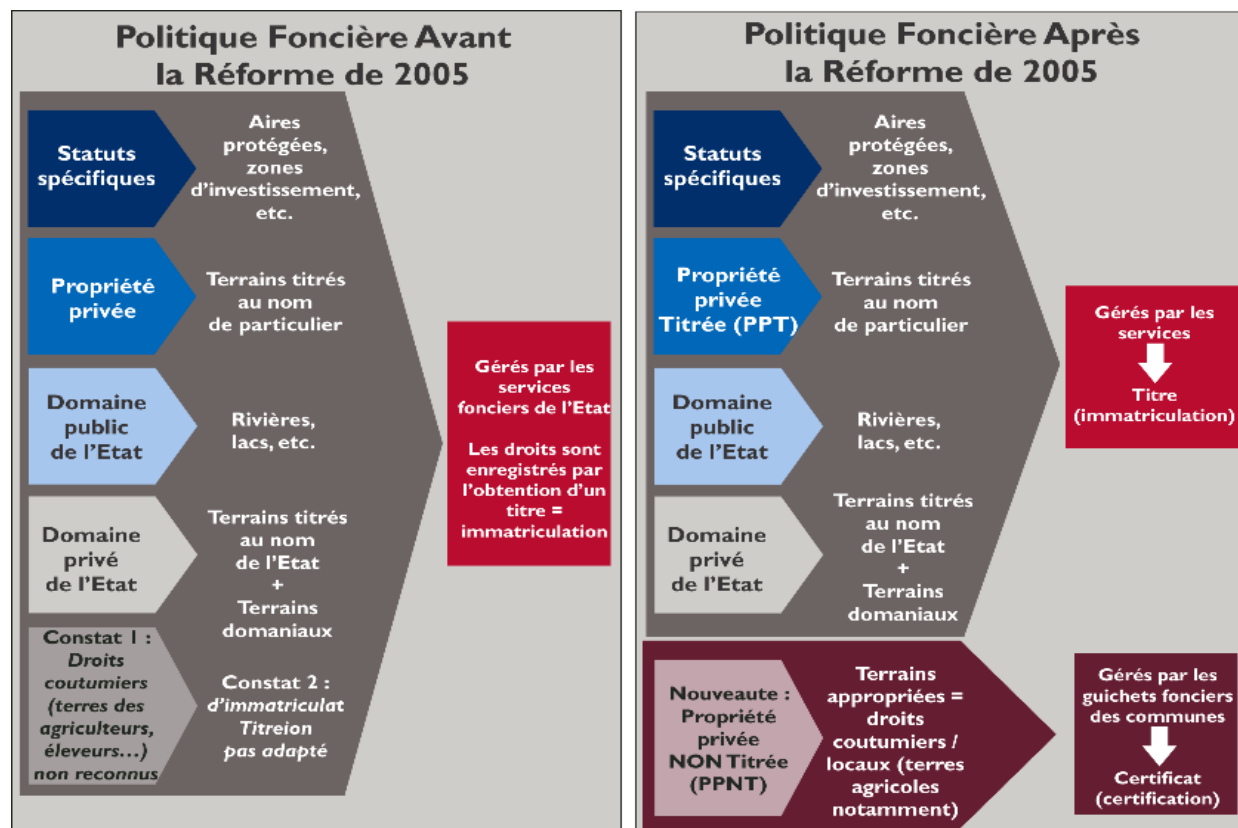
It is important to note from the participatory studies and social dialogues held in open and transparent fora that different interest groups will always have different positions, perspectives, and solutions to propose. It will be difficult to reach a "win-win" consensus. Power dynamics mean that some interests may dominate over others; some interests may lose access to land. For example, for the indigenous Bemazava, their intention seems to be to control access to natural resources in their ancestral domains and territories. Their priority is to control and profit from the settlement of migrants, either from other

regions such as those from southern Madagascar who fled the *Kere* famine, escaped prisoners, or those seeking to purchase land informally. However, in some cases non-indigenous owners of large areas obtained their land through inheritance dating back to colonial times or through sale by obtaining title deeds, while the descendants of workers on the plantations also received a promise from the colonial owners that they could use the land for cash crops or food production. The common feature of all migrants appears to be the search for suitable land in protected areas for food and cash crop cultivation. Further in-depth studies are needed to flush out the specific interests of different categories of migrants.

IDENTIFYING, CLARIFYING, RECOGNIZING, AND FORMALIZING LAND STATUSES

To promote land tenure security throughout the Sambirano Valley, it will be necessary in the long term to implement strategies to identify, clarify, document, and standardize administrative procedures around five categories of land status according to Law 2005-019 (see Figure 2). Table 4 below identifies the procedures to be put in place and the institutions responsible for applying the procedures. The procedure for securing land varies depending on the status of the land.

FIGURE 2. CHANGES IN THE LAND STATUS CATEGORIES AFTER LAND REFORM



It is not enough to focus only on Non-Titled Private Property (NTPP), which is mostly land that has been occupied for a long time, but also on land with a specific status, such as land in Protected Areas or public or private titled state land, where the government often encounters problems because it is occupied by people. It appears that at least one company's experimental plots in the Sambirano Valley are increasingly encroached upon by various stakeholders, for instance.

Reliable local land use plans (PLOFs) are needed and will shed some light on the status of the land.⁴ Maps and data bases are needed to show which lands have been recently allocated certificates (CASEF program) and titles (ODOC) and which remain in the category of customary tenure (PPNT).

TABLE 4. LAND STATUS CATEGORIES AND LAND TENURE SECURITY PROCEDURES

Land Status According to Law 2005-2019	Land Security Procedure	Responsible parties	Comments
Specific statuses	Via stakeholder dialogue	Relevant ministries (Agriculture, tourism, environment, etc.), land administration	Draft law under development
Titled private property (PPT)	Updates (transfer to the name of current owner)	Land administration (DDST and DST)	Law 2017-046 establishing the legal regime of registration and titled land ownership.
Untitled private property (PPNT)	Land certifications (small-scale or standard)	Communal land administration office.	The World Bank's CASEF project is implementing a land certification process. Untitled indigenous reserves revert to PPNT status. Law 2021-016 is under development
Public state domain	Inalienable		Certain areas of the State public domain no longer seem defensible against private monopolization. Covered by Law N° 2008-013, 23 July 2008
Private state domain	Land registration via land title (individual/collective registration). ODOC for land titled in the name of the state (Roadmap for Former Indigenous Reserves, ILRG, 2022)	Land administration (DDST and DST)	Indigenous reserves titled in the name of the return to this status. Law No. 2008-14 on the private state domain, decentralized communities, and legal persons under public law.

SUPPORT FROM PARTNERS TO STRENGTHEN LAND SECURITY

As Table 4 shows, land tenure security not only consists of certification around the status of untitled private property (the World Bank CASEF project's strategy, for instance) but also requires analyzing and dealing with the issues around other land tenure status. It is expected that CASEF will revitalize three land administration offices through the initial training or retraining of land tenure agents and communal staff, the creation of PLOFs, the provision of equipment, and the rehabilitation or construction of land administration office buildings. Classic land certification will be implemented, i.e., the processing of

⁴ The acquisition of satellite images and elaboration of PLOFs in all the communes of the Sambirano Valley are planned within the CASEF project.

individual requests for land certificates but not a massive land documentation operation (Interview with the CASEF project manager, January 2021). The government's Anti-Erosion Control Program (PLAE V) will also support four communes in the creation of communal forests by identifying and reforesting suitable areas and then registering the land on behalf of the communes. Another government program, the Integrated Growth Scheme (PIC), will support 23 communes in the Ambanja District to re-launch land taxation (IFT and IFPB) through support for the land assessments, the creation of a tax database, the printing of tax notices, and support for collection (Interview with PIC land expert, January 2021). As a result, there is a need for strengthened coordination of activities and processes across land tenure programs.

FINALIZING LAND DOCUMENTATION OPERATIONS

Many requests for documents covering untitled private property are pending with the land administration officers. Massive land certification operations should be undertaken in the valley, while still considering the willingness and ability of local stakeholders to pay for services.

In the case of former indigenous reserves titled in the name of the State, two ODOCs have been carried out. The first was funded by PLAE in 2012. Of the 250 land titles created, 189 have been issued. The second was a different state initiative in 2017. Of the 170 titles established, only 94 have been issued. The ILRG team worked with the Ambanja land services to produce a list of titles established and not yet issued under the first Ambanja ODOC of 2012 and provided this list to the relevant communes for posting. The main reasons for delays in issuing the titles were that the beneficiaries of these titles have not made the payment of the last installment, or the documents are missing signatures. After the beneficiaries regularized their situation with the collaboration of the mayors, all of the permits were issued. Unfortunately, the government has decided that these pending files from the 2017 ODOC cannot be revived in the third ODOC of 2022 – the concerned applicants will have to file new applications.

The third ODOC will occur in 2022 and 2023. 60,000 land titles are planned to be issued by MATSF, provided that applicants pay the various fees required. Mayors and *fokontany* chiefs are very involved in the operation through sensitization of the population, collection of applications, collection of funds, and organization of the convocation of concerned users during field work (demarcation, field visits, etc.). No title can be issued on disputed land. Objections should be written and filed at the *fokontany*, commune or directly with the SODOCC team.

At the time of this report, land titles issued by the ODOC could be picked up at the district land administration office in Ambanja. About 500 titles are estimated to be ready. The issuance of these titles should greatly encourage those occupying the ex-indigenous reserves and other state lands to participate in the second ODOC campaign and pay the necessary titling fees. Once local stakeholders see that some individuals are benefiting, the likelihood of broader participation increases. The MATSF at the time of this report had not yet spelled out the details for implementing the second annual campaign.

THE ROLE OF THE COGEBES IN LAND DOCUMENTATION

Land tenure is a key priority for the COGEBES. To address it, the members of the COGEBES asked ILRG to train them on the status of land and the modes of securing land, the issue of gender and access to land, and the situation and common issues surrounding land in the Sambirano Valley. This was done with the aim of facilitating COGEBES' involvement in advocacy and monitoring land documentation work in the valley (ODOC). These expectations were realized in 2022 through training the Executive Committee and the General Assembly of COGEBES, study tours in the Analamanga and Itasy Regions, and an advocacy mission addressing key land and environment themes. COGEBES should continue to monitor the operations of various partners noted above. Participation of COGEBES in this activity will increase their local legitimacy and demonstrate the value of basin-focused coordination.

STRENGTHENING WOMEN'S RIGHTS TO LAND

The training programs led by the USAID ILRG Madagascar on land rights included components on women's constitutional rights to land. Two women representatives of each commune participated in trainings, field visits, and an advocacy mission to Antananarivo. A consultant hired by ILRG to carry out an inventory of associations in the District of Ambanja identified over 600 rural associations of which 99 were determined to be the best organized and most dynamic. In collaboration with the COGEBs and these women participants, it was recommended during a workshop in Ambanja that future land rights advocacy be targeted to the *Fikambanan'ny Vehivavy District Sambirano Bemazava* (FIVEDISAB). ILRG assisted the FIVEDISAB to update its registration application to the District of Ambanja and the Region of Antsiranana and then linked it up with the *Solidarité des Intervenants sur le Foncier* (SIF). A protocol agreement with SIF will strengthen future advocacy for women's land rights in the Sambirano valley.

REINFORCING DECENTRALIZATION

The goal is to promote the balanced development of the watershed in order to enhance economic potential, to satisfy social and collective needs, and to protect the environment and biodiversity. Land transactions are increasingly frequent; to meet demand, decentralization of land administration must be incentivized vis-à-vis the regional authorities, who must be managed by their respective national counterparts to avoid abuses and lapses. Ensuring the strict application of the extant laws with continuous capacity building for the local authorities could help. For the management of untitled private property, this means the creation or revitalization of land offices (training of the communal team, land office agents, local consultation committees (SLCs), equipment, creation or implementation of Local Land Use Plans (PLOFs), etc.). However, the land status described in the PLOF could highlight the inequitable situation of land distribution between large and small landholders. This could cause concern among some stakeholders.

RESTARTING PROPERTY TAXATION PLANNING AND COLLECTION

To ensure the financial health of the communes, the land administration offices could play an important role in the revival of land taxation through a census of parcels, the compilation of a land and tax database through the PLOF, the issuing of tax notices, and by supporting and monitoring collection. In addition to its role in land management, the office could be a communal technical service that manages building permits, land use planning, and management of the commune's assets. The establishment of a development plan based on the PLOF is essential for the rational, sustainable, multi-actor management of natural resources⁵.

During the July 2022 study tour funded by ILRG USAID, three mayors of communes in the Sambirano Valley (Antranokarany, Ambodimanga Ramena and Antsakoamanondro) were able to exchange ideas with mayors from the Analamanga (Mahavelona and Antanetibe Mahazaza) and Itasy (Arivonimamo II and Morarano) regions, which have experience in the revival of local taxation (property tax on land and property tax on built-up areas) and land use. The mayors were able to learn from the experiences of the other communes on the process of developing as a *schéma d'aménagement communal* (SAC) and a *plan d'aménagement local sécurisé et simplifié* (PALOSS) and on the design and implementation of a strategy to revive local taxation.

EXPAND COMMUNICATION AND OUTREACH ON LAND TENURE SECURITY

Most producers consulted by ILRG in the early stages of the ODOC were not sufficiently familiar with the process of securing land (the steps to follow, the services involved, and the cost). Farmers need to

⁵ Namely, the Helvetas and Earthworm Foundation initiative informed by the High Conservation Value and High Carbon Stock assessment.

know the status of their land and their land tenure needs to be clear and secure to take advantage of potential benefits related to payments for ecosystem services (PES), REDD+, or other incentives to be implemented by the private sector and the state.

For example, the management of untitled private properties is complicated because the majority of land offices are not functional for various reasons and the CASEF project will only carry out the mass land certification operation in three communes. A question therefore arises concerning the management of this land status: Is land registration, with its inherent complexity, the only way to regularize the situation? Are there other ways of securing the land at a lower cost to the beneficiaries?

In the case of former indigenous reserves titled in the name of the State, the success of an ODOC is reflected in the rate of participation in the operation. Outreach is thus an important part of supporting occupants of former indigenous reservations who want to formalize their land. Outreach messages should be specific to the operation (as there is a risk involved with occupying unsecured land). For both types of land status related to the state domain and untitled private property, conflicts and disputes could considerably slow down the process, so a prior awareness campaign and the establishment of a conflict resolution system before formalization efforts begin are also important.

Capacity building among civil society organizations on land status types, tenure security, the land situation in the Sambirano Valley, the complexity of the relationship between gender and land, and the importance of a management plan is essential so that the populations can represent and advocate for themselves for the improvement of land tenure security in the valley. To fulfill this role, linkages with national civil society organizations are important. USAID ILRG will also work in 2023 to affiliate local women's associations with the national organization Solidarité des Intervenants sur le Foncier (SIF).

Land administration services and their partners should contribute to reflections on existing local arrangements between landowners and producers who are not secure in their land tenure, on protection tools that allow producers to escape situations of land insecurity, and on the difficult reconciliation between statutory and customary land tenure security via the local authorities. The *fokontany* chiefs and other actors at the village level currently play a major role in land management (i.e., approval of deeds of sale and consent, approval of *tavy* applications, approval of migrant settlement applications, etc.). There is an important role for COGEBES, as well as government and customary leaders to collaborate on identifying the land administration priorities and to collaborate on common objectives. This is however, easier said than done.

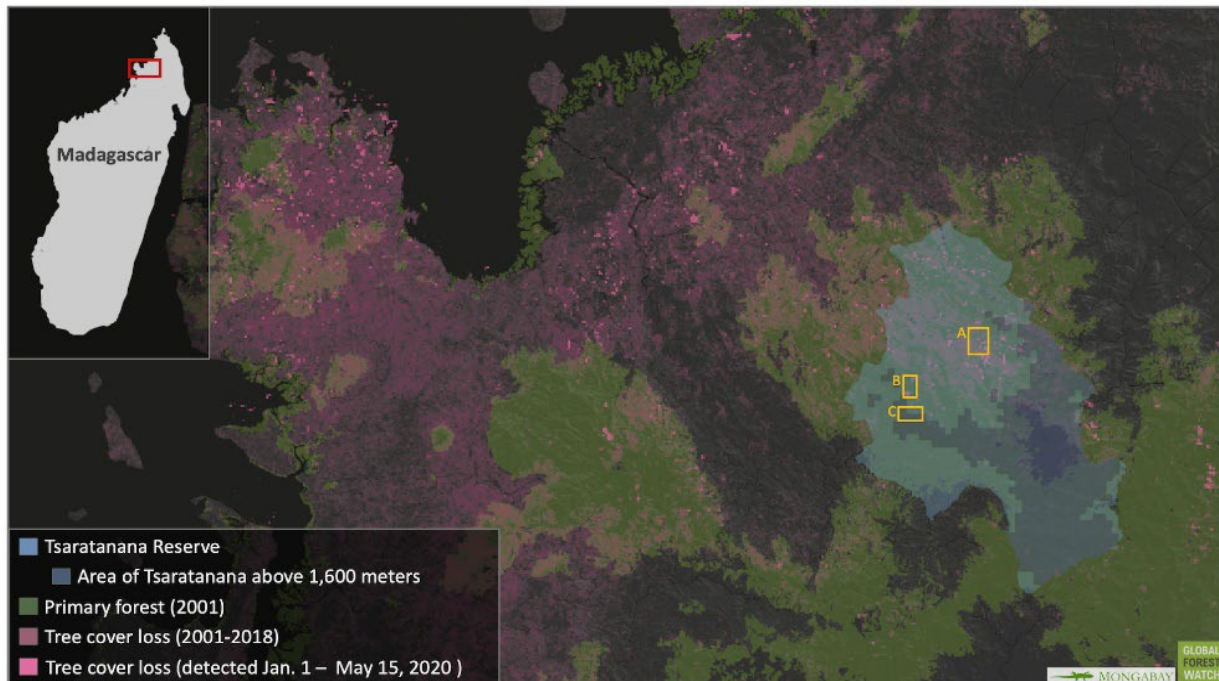
MIGRATION IN AND AROUND PROTECTED AREAS

Some protected areas appear to have significant migrant encampments, as in the case of the Tsaratanana and Manongarivo Protected Areas (Gauthier and Goodman, 2003; Muttenter, 2006). Further research and social dialogue will be needed to fully document the migration process and the factors that push and pull people to settle. The phenomenon of migration is not new to Madagascar, but it is of greater magnitude today (MAGMA Consortium, 2018). Academic literature and ILRG's research highlight the intense deforestation due to clearing by migrants in the lower elevations on the western part of the Tsaratanana Protected Area (Carver, 2020; Earthworm Foundation, 2020).

Satellite imagery clearly demonstrates the presence of pockets of large-scale cultivation (Figure 3). The boundaries of the Protected Areas are no longer respected, according to witnesses. The installation of migrants seems to be facilitated by *fokontany* chiefs and the communes, who provide documents facilitating their settlement for various reasons. The *fokontany* chiefs say that they no longer know the boundaries of the Protected Areas due to the loss of knowledge from high turnover elected officials and the pace of illegal occupation of the territory.

The conversion of forest to agriculture in the Protected Areas poses many land issues. Indeed, the territories are jumbled and overlap spatially and temporally because of the successive waves of settlement from diverse populations. This situation is not unique to Ambanja District. It also occurs in other parts of the country where there are overlaps between customary territories that are not recognized by the state and administrative territories managed by local authorities or state forestry agencies. The integration of these customary and state territories is usually relatively amicable.

FIGURE 3. MIGRATION IN TSARATANANA PROTECT AREA (SQUARES SHOW VERIFIED MIGRANT PRESENCE)



Democratic elections, proximity, and power-sharing, at least at the commune level, contribute to this amicability. The relationship between rural communities and the state forestry agencies is less clear, given their relatively conflictual past. However, at the end of the 1990s, the participation of local populations in the management of forest resources was institutionalized by the GELOSE law (around community forest management). This GELOSE law represented an attempt to harmonize the management of customary territories and state forest land through the transfer of forest resource management from the state to local communities. Despite many discrepancies in the effective implementation of this mode of governance, at least 896 management transfer contracts have been recorded nationally (Lohanivo, 2013:1). The Galoko Kalobinono community forest in Ambanja District, which is supported by the PLAE, is a good example of the initiatives taken to encourage good forest management and reforestation.

The unclear boundary and uncertain land tenure arrangements within Tsaratanana and Manongarivo Protected Areas are latent sources of conflict. The protected area boundaries are often not well known by the populations (Aubert, Rambinintsaotra, and Razafarijaona, 2013). Several questions and avenues for reflection arise. Should migration be slowed in the protected areas, and if so, how? Or should migration be accepted as inevitable, but more work done with local populations to promote sustainable agricultural methods by encouraging the regeneration of deforested areas? Can conditions be imposed on migrants settled in the protected areas, setting out the terms of land use by threatening them with expulsion if they do not respect the settlement terms? Does the Zone of Controlled Use (ZUC)

around the Montagne d'Ambre Protected Area Complex create adequate incentives and conditionalities to facilitate the adoption of environmentally friendly agricultural or forest restoration practices? The range of approaches and practices described in the literature (Halloway, 2003) have been introduced and practiced in the Sambirano Valley by the private sector in cocoa production and rural development projects. More reflection is needed on the incentives and corrective measures to be put in place by protected area managers, but also by the state at all levels.

In the future, the ODOC implementing team should carry out a pilot operation in a commune close to a Protected Area (HCV and HCS) to evaluate the cost, duration, and problems encountered (ie: land speculation, unanticipated entry of migrants into core areas). The state can add clauses to land titles that serve as land use commitments (e.g., environmental protection, non-transfer of the land by the beneficiary during a certain period, etc.) and especially for land within "Protection Zones" in a Protected Area. While enforcement requires localized political will, they can represent a codification and reminder of resource management responsibility. The clauses are different from one zone to another depending on the necessary protective actions, according to the degree of threat. The insertion of such clauses into the ODOC issued land titles or Land Certificates would most likely encourage the issuance of land titles in the other former indigenous reserves around protected areas and in the other regions of Madagascar. Thanks to the lessons learned from the first campaign carried out by the ministry to issue land titles in ex-indigenous reserves, during the second campaign in 2022-23 the MATSF team will closely involve protected area managers to ensure that no parcels will not be issued in the protected areas.

Several initiatives have been launched in the Sambirano Valley to clarify, formalize, and secure land rights. However, much remains to be done to secure the land rights of all people living in and using land in the Valley. The economic and social benefits are yet to be determined in the face of continuing deforestation pressures, and especially, those related to migration. The lessons learned and recommendations presented will, it is hoped, guide the implementation of the land tenure component of the newly established project implemented by the Swiss Helvetas Intercooperation, the Paysage Sambirano SECO 2023-2027 and may be useful to other stakeholders as they address these complex and difficult issues.

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ANNEX A: PARTNER SUPPORT FOR LAND SECURITY IN THE SAMBIRANO VALLEY

Project/ program	Financial partners	Commune(s)	Year (start-end)	Activities
CRCL (Climate Resilient Cocoa Landscape in Madagascar)	USAID/SECO/Valrhona/L&S	15 communes: <ul style="list-style-type: none"> ● Ambalahonko ● Ambanja ● Ambodimanga Ramena ● Ambohimarina ● Ambohimena ● Antsakoamanondro ● Ambohitrandriana ● Ankatafa ● Antranokarany ● Antsatsaka ● Bemaneviky ● Benavony ● Maevatanana ● Marotolana ● Marovato 	2020 – 2022	<p>Promote social dialogue and learning within current land tenure security projects (formal multi-scale platform created by Helvetas with a multi-stakeholder/multi-sector COGEBES).</p> <p>Synthesize considerations on land tenure, taking into account the different forms of access, use, occupation, planning, and ownership in establishing the COGEBES' vision for the development of watershed.</p> <p>Collect information on the realities of land tenure in the watershed, the status of land administration offices, initiatives to secure land tenure, and on-demand offer training for key actors.</p>
CASEF (Agricultural Growth and Land Tenure Security)	World Bank	8 communes: <ul style="list-style-type: none"> ● Ambanja ● Ambodimanga Ramena ● Ankingameloka ● Antsakoamanondro ● Bemanevika Haut Sambirano ● Djangoa ● Maevatanana ● Maherivaratra 	2021 – 2022	<p>Produce high-resolution satellite images in all communes, write PLOFs, revitalize 8 land offices (training, rehabilitation or construction of buildings, equipment, etc.)</p> <p>Establishment of a decentralized land management district (CIRAGFD) in the Ambanja DDST.</p>
PLAE V (Anti-Erosion Action Program)	KfW (German Development Bank)	4 communes: <ul style="list-style-type: none"> ● Ambodimanga Ramena ● Antsakoamanondro ● Maherivaratra ● Benavony 	2019 – 2022	<p>Creation of communal forests.</p> <p>Identification of land by the communes, verification of the land's status with the land agencies, reforestation by the commune, support for land registration for the</p>

Project/ program	Financial partners	Commune(s)	Year (start-end)	Activities
				commune, improved management of resource.
PIC (Integrated Growth Scheme)	World Bank	All Ambanja District communes except for Agnorontsagana	2016 – 2023	Implementation of Hetra 5 software for IFT/IFPB, computer equipment, updating of databases, support for collection of local taxes (duties and levies).