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# COCOA PRIVATE SECTOR ENGAGEMENT IN LAND-RELATED ISSUES IN THE SAMBIRANO VALLEY, MADAGASCAR

Madagascar is one of the focal countries of the cocoa rehabilitation initiative carried out by the Swiss Secretariat for Economic Affairs (SECO). The Climate Resilient Cocoa Landscapes in Madagascar (CRCL) project is implemented by the HELVETAS Swiss Intercooperation consortium (an independent Swiss entity working in 30 countries around the world), Valrhona, Millot, Earthworm Foundation, Center for Development and Environment, Lindt & Sprüngli, Ramanandraibe Exportation (Rama Ex) and Société Anonyme au Capital de MGA (SCIM). The consortium also includes two subcontracting entities: the Centre for Development and Environment (CDE) and the Earthworm Foundation. The expected outcome of the project is that public, private, and community entities sustainably manage cocoa landscapes in Ambanja District and the Sambirano River Valley, thereby ensuring essential environmental service provision. Private sector companies in the cocoa sector (as well as vanilla and other cash crops) are potentially important drivers of change to reduce pressure on natural resources and biodiversity.

In July 2020, Helvetas organized a workshop at the level of the 15 municipalities, the inter-municipal level, and the level of the Sambirano River basin with the participation of many stakeholders such as municipalities, women's associations, young people, cocoa producers, and traders. Several areas of interest emerged during these consultative meetings, such as conservation, exploitation of forest products, agriculture, livestock, and fishing, large commercial farms, domestic water services, service providers (including trade, tourism, and transport), social services (health, education, security) and the land sector.

PHOTO: FELIX BEZANDRY

Within the land sector, the problems raised included the cost of land services being too expensive (topographic and state district, and land counter), the non-existence of land-related offices, forced land grabbing, lack of awareness of laws governing land, influence peddling and corruption, and the existence of indigenous reserves whose ownership is not clear to local residents. The participants noted that most of the fertile land belongs to the old companies or colonial concessions, leaving only small plots of land for the local population, which continues to grow. Competition over land is considerable and especially accentuated by the non-existence of proof of ownership (title, land certificate) for the heirs of former owners or land resulting from purchases (e.g., settlers). During the consultations, women's perspectives on access to land were not evident. To address these challenges, the CRCL consortium enlisted technical assistance from the USAID Integrated Land Resources Governance project.

## **HISTORY OF THE PRIVATE SECTOR IN THE SAMBIRANO VALLEY**

The Sambirano River Valley is part of Ambanja District in the Diana Region. The history of the district is characterized by successive waves of migrants who have been searching for land for centuries. Initial waves of migration came from conquests of land around the sixteenth and seventeenth century towards the north coming from Boina and Androana. The sale of Nosy Be and the plains of Sambirano by King Sakalava Tsialana of Nosy Faly to France in 1841-1842 favored the arrival of slaves, “Makoa,” from Africa who worked in French concessions for cash crops. The installation of an ethnic Merina Governor in Ambohimarina under Ranavalona III led to the arrival of a large number of Merina, Betsileo, and Antemoro in Ambato and the peninsula of Ampasindava. At the beginning of the twentieth century, the establishment of large companies such as the Nossibéenne Compagnie Industrielle Agricole (CNIA) and the Millot company marked the arrival of populations from Androy, additional Betsileo from the southeast, and other ethnic groups from the northern part of Majunga to work in coffee and aromatic plant concessions. The colonizers also encouraged migration to Sambirano by taking repressive measures such as levying taxes on individuals, instituting community service, and prohibiting the residence of persons who had committed offenses in their home areas.

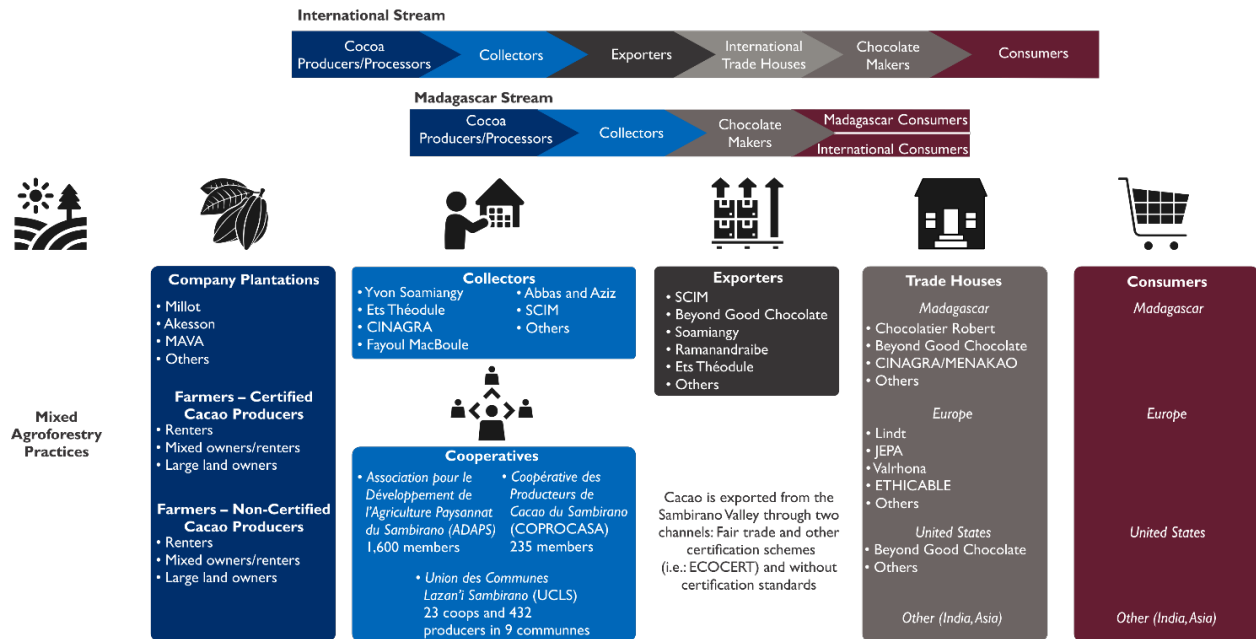
After 1960 and Madagascar’s independence, the new government favored the export economy by introducing the cocoa tree, which continued to encourage the arrival of migrants from other regions. The failure of institutional structures from 1972 onwards also reinforced migration and haphazard occupation of space. Many migrants were also passing through Ambanja to conquer the area of Ampanasina (Haute Ramena). The establishment of the cocoa economy, which began during the colonial era, still bears these traces to this day through a complex structure of productive relationships and the export of this wealth.

## **STRUCTURE OF THE COCOA SECTOR IN THE SAMBIRANO**

The structure of the cocoa sector in the Sambirano Valley that is presented in the diagram below (Figure 1) reflects not only the continuous presence of large companies active in production and export (i.e., Millot, Akesson, MAVA) but also the presence of large producers who are linked to export companies from Madagascar and abroad. Second, there is a wide range of producers with small plots (Matchon, 2016). Unfortunately, there is still no available data for land ownership because information from local land use plans (PLOF) and mapping is not always up to date or readily available.

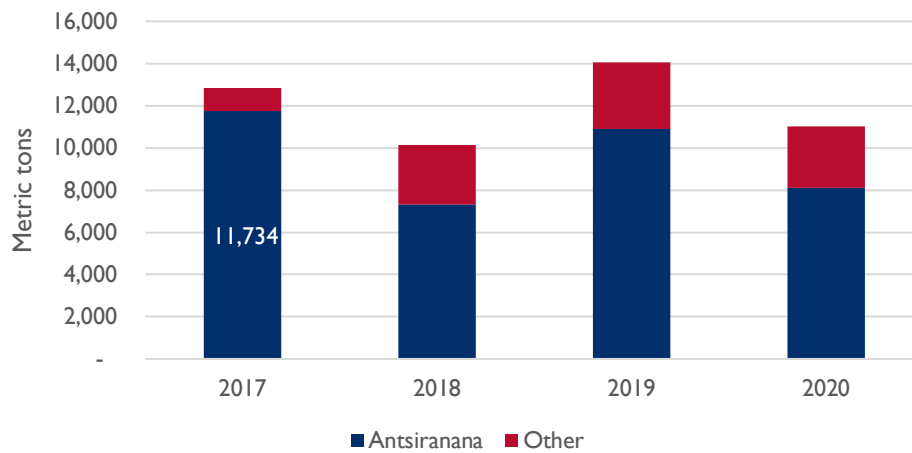
## FIGURE 1: STRUCTURE OF THE COCOA SECTOR

### Cacao Commodity Chain in the Sambirano Valley (Ambanja District) of Madagascar



The graph below (Figure 2) shows the amount of cocoa exported by Madagascar over the past four years, as well as the share from the Diana region (CNC, 2021).

## FIGURE 2: COCOA EXPORTS 2017-2020



This production comes from cocoa farms managed by private companies but also from cooperatives and producers of different sizes. Data on the total area of cocoa plantations in the valley is not known but are available for some companies (e.g. Théodule 100ha, MAVA 1700ha, Akesson 600ha).

According to the observations made by USAID ILRG, it is useful to divide land access within the cocoa sector in the Ambanja District into 3 categories because each category has land issues specific to their situation.

## **CATEGORY I: LAND INHERITANCE THROUGH COMPANIES SINCE COLONIAL TIMES**

During the pre-colonial and colonial periods, settlers stripped the Sakalava populations of their lands. The sale of Nosy Be and the plains of Sambirano by the Sakalava king Tsialana of Nosy Faly to France in 1841-1842 accelerated settlers' control of fertile lands. Subsequently, the colonial state regularized the land situation of these colonial occupants. In the aftermath of the annexation, the colonial power instituted the registration regime (decree of 04-12-1911) on the basis of the system of Act Torrens. Nearly 45% of the Sambirano delta has been acquired in this way (Koerner, 2001; Rafehimanana, 2013; Rafehimanana, R. A., & Ramamonjisoa, 2013; Riziky, 1993).

This land seizure, however, worried the administration, which feared the discontent of the Sakalava Bemazava. To avoid the resistance of this population, the administration decided not to grant any more concessions in Lower Sambirano because the surroundings of Ambanja were already well-occupied; therefore, Middle Sambirano was the only colonizable region. In 1925, the colonial administration recommended delimitating two functional areas: perimeters of colonization and the indigenous reserves.

The indigenous reserves concept started in Algeria during the 1840s and was replicated in New Caledonia in the 1860s (Merle, 1998). The concept was that settled inhabitants could have land use rights, but ownership remained with the state. Reservations were places set aside for workers associated with concessions to settle, self-sustain, and produce cocoa and herbs outside of the concessions' management.

The indigenous reserves are distributed as follows in the District of Ambanja: in Lower Sambirano, 12 indigenous reserves and only three colonization lots were delimited; on the other hand, in the Middle Sambirano, which goes from Ambanja Centre through Ambalavelona to the surroundings of Antsakoamanondro, 10 reserves of around 750 hectares each, or 7,500 hectares, against 11 colonization lots of 120 hectares, or 1,220 hectares (Rafehimanana, 2013) were delimited. Colonial ambitions presupposed massive imports of labor, which contributed to ethnic mixing and the constitution of a people rich in diversity. But this also included the settlement of foreigners (vahiny) who came from India, China, and the neighboring islands. For this reason, the people of the Sambirano Valley share a rich culture and ethnic diversity with alliances reinforced by marriages (Sharp, 1996).

In the socialist republic, the Malagasy state had taken land from some settlers and nationalized others. This has resulted in addressing many land relics from the past. Some companies redistributed much of their land to former workers; CNIA ceded almost half of its land before 1976 under pressure from the socialist regime, while SOMIA and Millot ceded up to a third of their estates to peasants (Rafehimanana, 2013). Land distribution seems to have been inequitable, evidenced by the large areas occupied by plantations - Akesson, Millot, and rich city dwellers (Merina and others). These land rights are clear and formalized by land titles, but this information is difficult to access because the land services do not allow inspection by third parties without authorization from high levels, and the archives are poorly organized. Even today, the land issues that are present in the Sambirano Valley are linked to its colonial history, but they are not unique to this region. Similar situations can be found in other localities (for example, in the southwest of Menabe with tobacco cultivation, the land of former settlers with the coffee sector, vanilla, and others in Mananjary and Manakara etc.).

Large corporations operating in the Sambirano Valley had acquired and passed on land since colonial times through alliances with large families in the area (Sharp, 1996). These companies protected their interests even during the socialist era of the Second Republic. They lost a significant amount of land through dispossession by the state, but in general, their properties are titled. Up to the present, many

former colonial concessions have been dismembered and exploited by the descendants of the settlers or bought by large corporations. Some companies ceded the land to the ex-workers. However, in many cases, these agreements are/were strictly verbal. At the same time, many of the companies still struggle for securitization of “their property,” believing their claims to be continuous as their presence goes back several generations and that some documents exist (list of ex-workers with the area ceded, deed of transfer, etc.).

## **CATEGORY 2: INHERITANCE OF COMPANIES THAT BROKE APART DURING THE SECOND REPUBLIC**

During the Second Republic, the Malagasy state expropriated land from the settlers and privatized some, like the Nossibéenne Company of Agricultural Industry (CNIA). When the state abandoned the CNIA, it privatized the property by selling the titled land to other companies. Malagasy companies and other influential people bought the land. The effects of the dismemberment of the CNIA continue to this day because we see disputes around the promises of sale to the workers, which remain untreated for reasons of settlement of the transfer (purchase). During the USAID ILRG team’s field visit in September 2020, the various interviews raised the existence of a list already established over time with the area corresponding to each beneficiary. The workers believe that these lands are rightfully theirs given the length of time they have held their position. These ex-workers do not feel safe on the land they occupy. When MAVA bought CNIA, the liquidator wanted to regularize and clarify the land situation, but the producers did not show their files (the list issued by CNIA) for fear that their “right” would be taken away. These ex-workers say that their files or papers were all destroyed by Cyclone Gafilo (USAID ILRG mission, September 2020). There are no longer supporting documents showing that these plots belong to them, so the situation between the two parties remains worrying. During the USAID ILRG team’s visit, the ex-workers showed a photocopy of the list that allocates the land to them.

## **CATEGORY 3: “NEWCOMER” COMPANIES**

Nowadays, there is a set of “newcomers” who seek to obtain raw cocoa to sell on the national and international markets. These entrepreneurs are not necessarily looking to buy land, but some are still large operators (Matchon, (2016)). Some large operators have the ability to sell directly to exporters, as do cooperatives. Companies such as SCIM, Beyond Good Chocolate, Bioland, and Ramanandraibe Export buy cocoa through contracts from many “small” producers. Exporters cooperate closely with producers, but these links are confidential because there is strong and tough competition between exporters to keep “their” associated producers. Despite the fact that some of these companies have purchased assets from long-standing companies, these companies represent new investments to support cocoa marketing, cocoa processing in Madagascar, and the export of good quality products. In general, they do not have land, but they have links with cooperatives, large and small producers, and collectors. To keep these good relations and maintain links with producers, exporters support them through seasonal credits, installation of agroforestry systems, support for local development, premium endowment, and construction of bridges to ensure the transport of raw cocoa, etc.

## **LAND ISSUES**

According to studies carried out by the USAID ILRG team in September 2020, land issues around natural resources exist everywhere, but the most critical issue is how to resolve land conflicts without resorting to violence or the detriment of the concerned parties. In the Sambirano Valley, we see that



there are two types of land issues – latent conflicts and open conflicts. These conflicts could occur on indigenous reserves and in areas of colonization assigned to foreigners.

**LATENT CONFLICTS:** These are mainly intra-family tensions and disputes around the sale of family land sanctioned by informal acts of sale without the knowledge of family members. For example, inheritance is very problematic because the one who is the most authoritarian (or eldest) often wants to be the only heir, or everyone wants to have a larger share than the others because often he/she bore all the expenses when their parents were alive. Another kind of dispute is related to development. Since slash-and-burn farming is practiced, family members may try to extend the operation until they are on land owned by another neighbor. Everyone talks about the history of their occupation, but no one wants to give in. There is also the case of tenants who are long-term occupants of the land and do not want to leave. Often, these issues are resolved by fokontany administrators because traditional chiefs do not have much authority given the presence of so many ethnic groups and, therefore, a lack of traditional centers of power.

**OPEN CONFLICTS:** These are mostly conflicts related to land boundaries which occur before the authorities. These conflicts occur around contiguous grounds, each claiming the old alignment that existed in the ancestors' time. Then there are the challenges of legal procedures, which sometimes happen when the demarcation of plots is not accepted during the Concerted State Operations (ODOC) carried out by the land services of the Ministry of Planning and Land Services (MATSF). In the absence of the neighbors of said parcel during the process, the applicant tries to increase their area. The neighbor then revokes their consent. Also, open conflicts result from family members carrying out double or triple sales of the same land.

Most cocoa companies that own the land appear to face ongoing land insecurity. They still feel disadvantaged and perceive that their investment is not secure. Third parties or former workers of the companies infiltrate their land by starting to grow banana trees, rice, and vegetable products to demonstrate development and, therefore, a certain legal control. One company admitted that of 600 ha, 200 ha of their land is squatted upon. For another company, only about 800 ha remain of the 7,000 ha core plantation (USAID ILRG mission, November 2021). Companies have tried to find solutions at the local level, but they complain that local authorities (Mayors and Deputies) only consider the social side of their constituents and do not want to interfere in the search for solutions. The frequency of change at the authority level hinders the resolution of problems because the handover rarely details land conflicts.

Faced with this permanent insecurity and to be able to keep their assets, some companies have set up internal measures to protect their investment, such as the permanent presence of a surveyor to monitor company fields. Another company has recruited numerous guards. Given the aim of increasing production, one company complained about the lack of remaining cultivable area in the Sambirano Valley and was prospecting for land in other municipalities or regions to expand its exploitation.

Some steps have been taken at the District Chief of Ambanja level to resolve land insecurity of large companies and smallholders, but no resolution has been found. Since land cases have not been resolved locally, they are often referred to the Court of First Instance in Ambanja. But the slowness of the processing of files at the court level (2-3 years at least) does not help the situation because while waiting for a decision, there is recidivism of the occupants and also the appearance of new occupants (Site visit, USAID ILRG, 2021). Faced with these situations, companies aim to recover their land in different ways.

Two companies demonstrate the complexity of the situation. One of them is aware of the complexity of the eviction of illegal occupants but is considering a settlement option between the two parties. In this situation, the company still pays the property tax on its property at the municipal level. It plans to recruit a surveyor to inventory the squatted fields, and then negotiate with the illegal occupants (for example, with the purchase of cocoa at conventional prices). Another company even started negotiations with the illegal occupants to recover its assets. In Alto Sambirano, more than 200 people have agreed to be compensated, return the occupied lands, and leave the titled lands permanently in the company's name. In Lower Sambirano, because of negotiations between the company and the squatters, the latter would have to sell the fresh beans to the company in order to stay. An agreement was signed between the two parties but was never respected.

## **THE PRIVATE SECTOR AND THEIR PERSPECTIVES ON LAND SECURITY IN THE SAMBIRANO VALLEY**

During the consultations organized by the ad hoc committees responsible for informing and educating Sambirano Basin Management Committee (COGEBS) members on the land situation, the proposal that emerged was to support training the population on the various procedures to secure land, financing land security projects in the valley to regularize the concerns of all actors to achieve a secure and peaceful investment. During talks with some company officials at a meeting jointly organized between COGEBS and the USAID ILRG project in October 2021, private cocoa companies demonstrated their willingness to contribute to the costs of the land regularization procedure for producers who work with them. There are those who want to mobilize the premiums allocated to producers in the event of compliance with standards to finance concrete and sustainable projects such as land security.

Despite this commitment, little follow-through has occurred. According to a discussion with a private sector official in Ambanja, the current cocoa price dictates the relationship between farmers and the private cocoa sector. Small- and medium-sized producers do not seem to have commercial loyalty to cocoa exporters. Companies are, therefore, reluctant to financially support producers in regularizing their land because if a competitor offers a higher purchase price, all producers who have worked with a company for a long time will sell to the highest bidder, resulting in feelings of betrayal. Finally, one particular manager of a company would like to strengthen links between producers and exporters through a form of exclusive contracts. If this proceeds, the assumption of costs related to the ODOC procedure by the company will be gradually removed from the purchase price of cocoa.

## **CONCLUSIONS AND RECOMMENDATIONS**

Through the initiatives of the Helvetas CRCL project and with the technical support of the USAID ILRG project, these bodies worked closely with the advisory structure of the COGEBS. At the start of this activity, it was necessary to focus the interventions of the USAID ILRG project in Madagascar on the former indigenous reserves titled on behalf of the Malagasy State. An ODOC process was carried out in 2022 (first phase). The second phase is planned for 2023. Several lessons were learned in the first phase of ODOC, and recommendations were made by stakeholders through a stocktaking workshop (February 2023). These are:

**IMPROVING COMMUNICATION:** Focal points should be set up between the actors within the municipalities who will serve as interlocutors for the team of the Service de l'Opération Domaniale Concertée et du Cadastre (SODOCC) in the transmission of information and support for the

organization of field visits for the next ODOC campaign (expected between April and December 2023). The focal points should be supported through the organization of training sessions with a grouping in the Upper Sambirano and in the lower Sambirano. The training should focus on the status of land, the regularization of the status of former indigenous reserves by ODOC, and the responsibilities of stakeholders around the strengthening of communication links of focal points in the communes and with SODOC. COGEBs will be able to communicate about land through radio broadcasts.

**CONTINUATION OF EFFORTS ON GENDER INCLUSION:** After the efforts undertaken by the USAID Madagascar team to support the establishment of 15 women leaders, one per commune (i.e., training on women’s right to land and tenure security, the participation of their representatives in the exchange visit to the Analamanga and Itasy Regions), tangible results were observed regarding the active participation of women in land tenure security. In phase I of ODOC, the rate of women applying for land titles is high (about 70%, according to the SODOCC team) due to the rush of women owners seizing this opportunity after knowing their rights.

The effort should be monitored through the support of the new Sambirano women’s platform on land (training on land, inheritance law, women and access to land and land security) and should support the participation of representatives in the general assembly of the Solidarité des Inanvenants sur land (SIF). This platform is integrated into the union of associations called the FIVEDISAB Association (Fikambanana Vehivavy Distrika Sambirano Bemazava).

**SUPPORT TO COGEBs:** Several initiatives should continue to strengthen the capacity of this consultation and decision-making structure for better coordination of actors, including the mobilization of partners to financially support producers for the payment of costs related to the procedure, establishment of periodic feedback meetings and sharing progress between the concerned actors.

**LOGISTICAL SUPPORT TO SODOCC:** Logistical support should be further strengthened to speed up the file processing. Provide specific support, such as the loan or the purchase of a generator that will allow work in the municipalities directly after fieldwork. This should enable the processing of cases.

**ORGANIZE THE MOBILIZATION OF THE PRIVATE SECTOR:** Invest in actions that mobilize the private sector partners in the Sambirano. This could be done by meeting with each company's manager, participating in their meetings, and organizing field visits to see the impact of ODOC initiatives on landholders. The mobilization of cooperatives is necessary to facilitate information sharing on the costs of the efforts.

**ADDRESS ISSUES RAISED BY THE COCOA COUNCIL (CNC) AND THE GOVERNOR:** Prepare an advocacy paper on producers’ needs to cover procedural costs. Organize advocacy meetings at different levels: at the Governor’s level on the revision of regional taxes, at the level of private export sectors in return for support for producers who work with these private sectors, and at the level of the Cocoa Council to mobilize funds for participation in the land security of producers in the valley. Despite previous initiatives, the Cocoa Council appears to have funds available through the payment of patronage, but there is no accountability to invest locally in the cocoa sector. Explore the possibility of accessing funding from the Regional Cocoa Council.

**STRENGTHENING THE PROVISION OF INFORMATION:** The construction of a land commune database on land allocation during the various ODOC operations, most of which come from former indigenous reserves, is important for evaluating the efforts already undertaken and planning what



remains to be regularized, as well as to appreciate the scale of the indigenous reserves in relation to the extent of the Sambirano Valley. This is essential to know exactly how many titles have been issued since the regularization procedures (classic land registration or ODOC) in the former indigenous reserves. It is urgent to have an up-to-date Land Information System (LIS) specific to indigenous reserves (applications being processed, titles issued). Admittedly, this information could be incorporated into the PLOFs of the Ambanja District, which are being updated for MATSF with the support of the current World Bank-financed CASEF program.

**LOCAL OBSERVATORY ON FORESTRY:** Several initiatives have been launched over the last two years to promote land tenure security in the Sambirano Valley. There is a need to document the social, economic, and environmental impacts of these interventions. For example, it is necessary to assess the impact of the transfer and sale of state land from the ODOC campaigns. Questions arise, such as: who benefits from the operation (cocoa farmers, urban households, rural households, vulnerable households, wealthy households), what type of land is secured (rice fields, cash crops, habitats), what time of secure public infrastructure exists, how to analyze conflicts during the operation, etc.

The USAID ILRG project aimed to inform the private sector, especially abroad, about the land realities of the Sambirano Valley. USAID's intention was to promote support for the private cocoa sector to strengthen land tenure security in the Sambirano Valley Basin and promote investment and good environmental governance. At the international level, cocoa-importing companies continue to encourage the recognition, clarification, and registration of land rights. Proof of this interest is the continuation of the Climate Resilient Cocoa Landscapes in Madagascar (CRCL) project for another five years, with funding from the Secretariat for Economic Affairs of Switzerland (SECO) and significant participation from Swiss chocolate companies. For various reasons mentioned in this note, the national private sector has not made significant investments to support land tenure security in the Sambirano Valley. A certain wait-and-see attitude has been created by the private sector due to their long and often bitter history vis-à-vis state initiatives. Secondly, a support mechanism enabling the private sector to contribute to land tenure security is not yet well articulated despite the efforts undertaken by some large companies and dialogues that were established through USAID ILRG's engagement. Ultimately, the objectives of integrating the private sector into land security initiatives are mixed.

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