



**Integrating Land Governance into the Post-2015 Agenda
Harnessing Synergies for Implementation and Monitoring Impact**

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**ARE AGRIBUSINESS COMPANIES RESPONSIBLE FOR LAND GRABBING
IN CENTRAL AFRICA?**

**LAURÈNE FEINTRENIE¹, STÉPHANE AKOA², HÉLÈNE DESSARD³, ABOUBAKAR
HAYATOU IYABANO⁴, PHILIPPE KARPE^{1,2}, PATRICE LEVANG^{5,6}, LUDOVIC
MIARO III⁷, EUGÈNE NDONG NDOUTOUME⁸**

- (1) CIRAD – Forest ecosystems goods and services, Yaoundé, Cameroon
- (2) FPAE – Fondation Paul Ango Ela, Yaoundé, Cameroon
- (3) CIRAD – Forests ecosystems goods and services, Montpellier, France
- (4) IAMM, Master student, Montpellier, France
- (5) IRD – UMR GRED, Montpellier, France
- (6) CIFOR regional office, Yaoundé, Cameroon
- (7) WWF Central Africa Regional Office, Yaoundé, Cameroon
- (8) WWF Gabon office, Libreville, Gabon

laurene.feintrenie@cirad.fr

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Abstract

Land grabbing usually refers to the controversial acquisition of a piece of land. As such it is a social concept. It deals with social and cultural use of and access to land, and with land tenure, including customary and legal rights. If we accept this definition, land grabbing cannot apply to a piece of land free of legitimate claim. However, projects associated with large-scale deforestation are often qualified as land grabs, without any reference to the social characteristics of the land and the project. The concept has been used since 2000 to target foreign investments in developing countries in agriculture, forestry, mining or infrastructure sectors. Can large-scale land acquisitions be analyzed within the land grab framework? Several indicators were selected and applied to a large sample of agro-industrial concessions in Cameroon, Gabon, DRC and RC. These indicators include historical occupation of land, customary rights, legal land tenure status, Free Prior and Informed Consent. There have been several periods of important investments in Central Africa which have affected land tenure, access and use in various manners. But agribusiness companies are not the only stakeholders competing for land and national elites should not be overlooked.

Key Words:

Customary rights, development and conservation trade-offs, Free Prior and Informed Consent (FPIC), land tenure, livelihoods.

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INTRODUCTION

Central Africa hosts the second largest rainforest massif in the world after the Amazon (Mayaux *et al.* 1998), and is the natural habitat of a rich biodiversity. These forests have been relatively well preserved up to recent times, thanks to low demographic pressure, limited accessibility, poor infrastructure, low impact logging practices and rural exodus (Burgess *et al.* 2006; Megevand 2013). Large-scale investments in land are not new in the region, the first large-scale agro-industrial plantations dating back to colonial times (Feintrenie 2014). More recently, the rush for farmland and non-renewable natural resources such as metals or fossil fuels (oil and coal) has driven a flow of foreign investments to the region, where concessions have been negotiated by the national governments at an increasing speed since 2000 (Deininger *et al.* 2011; Anseeuw *et al.* 2012). As a consequence local people are in direct competition with other categories of actors to access land (Cotula *et al.* 2009).

Large scale land based investments in Central Africa include individual ownership of several hundred hectares of land up to agro-industrial plantations covering several hundred thousand hectares. Domestic and international companies as well as national elites invest in agricultural land to produce food crops including sugar cane and palm oil for the domestic market, or cash crops like rubber, cocoa or coffee for export. Some companies also invest in timber plantations for carbon sink purposes, targeting the international free carbon market, or for fuel-wood and charcoal production.

Land grabbing refers to the controversial acquisition of a large piece of land. The concept has been used since 2000 to qualify foreign investments in developing countries in agriculture, forestry, mining or infrastructure (like dam) sectors. Land grabbing, in a word to word definition is the action to seize land, or deliberately take hold of land. The verb ‘grab’, in the informal register, might also include a notion of quick consumption of something. In the case of land grabbing this notion would translate into unsustainable use of the land grabbed. The Food and Agriculture Organization of the United Nations (FAO) limits land grabbing to large-scale land acquisitions by foreign investors, and weakening food security in the host country (Cotula *et al.* 2009), considering large-scale land deals – whether purchase, lease or other – of more than 1000 ha. This definition doesn’t cover land acquisitions by domestic investors, be they companies, governments or individuals. It also only considers formal and legally recognized land deals, thus excluding informal or illegal occupation of land. At last it excludes land acquisitions of hundreds hectares, which are not insignificant at the village scale.

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In the present document, we will consider land grabbing in a broader definition, as the action to seize land that was legitimately occupied or used by a third party. We acknowledge that land uses are not always visible (long fallows in slash-and-burn systems or nomadic pastoralism, cultural or religious purposes, natural forests used for hunting and gathering) but are not less legitimate for this. We do not include scale in this definition, considering that losing a single hectare of land might be sufficient to endanger the livelihood of a farming family. We acknowledge that land acquisitions and specifically large-scale land acquisitions, do not always involve land grab.

Land grabbing is a social concept. It deals with social and cultural use of and access to land, and with land tenure, including customary and legal rights. If we accept this definition, land grabbing cannot apply to a piece of land free of legitimate claims. However, projects associated with large-scale deforestation are often qualified as land grabs, without any reference to the social characteristics of the land and the project. But the misuse of the concept might be counterproductive. Some projects must be condemned for their irresponsible environmental behaviour, others for their inequity, unfair deals proposed to local communities or even violence to keep control over the land. Fortunately, some agribusiness companies are actually acting responsibly to the benefit of numerous actors: the company of course, the State, and their employees. How can large-scale land acquisitions be evaluated within the land grab framework?

METHOD

In this study we analyse agribusiness companies with land lease or land ownership above 1000 ha in Cameroon, Gabon, Democratic Republic of Congo (DRC) and Republic of Congo (RC). Other categories of actors are involved in large-scale land acquisitions and might be suspected of land grab, such as cooperatives of foreign farmers (see Boche and Anseeuw 2013), companies from other sectors of activity (e.g. extractive mining), governments (to develop projects of public interest like infrastructure or conservation) or Non-Government Organization (claiming land for conservation or Carbon stock). We do not consider them in this paper, even though we acknowledge their importance in the global discussion on land grab.

Several indicators were selected and applied to agro-industrial plantations dating from 2000. These indicators include, but are not limited to, historical occupation of land, customary rights, legal land tenure status, Free Prior and Informed Consent (FPIC), shared book of requirements following FPIC signature, Environmental and Social Impact Assessments (ESIA).

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On a limited sample of industrial plantations dating from 2000, spatial analysis was used to observe land occupation prior to its allocation to an agribusiness company in and around agro-industrial concessions.

The analysis draws on scientific literature and media reports review and on field surveys conducted in 2012 and 2013 in the 4 countries where key stakeholders have been interviewed (representatives of the various ministries involved in large-scale land deals, managers of the private sector presently investing in land-based projects, plantation managers, NGOs, land and tenure experts, villagers nearby on-going land-based projects). Key documents were consulted and gathered during these surveys (legal documentation, FPIC, book of requirements, reports of Environmental and Social Impact Assessment).

RESULTS

LAND GRABBING

Land grabbing in the literature often refers to the ‘global rush for farmland’ that began in the early 2000 and was amplified after the 2007 and 2008 hikes of food prices (Deininger et al. 2011; Cotula et al. 2009; Cotula 2012). The phenomenon involves agribusiness companies, governments seeking food security for their people abroad, and private wealth funds looking for interesting returns through speculation on land (Boche and Anseeuw 2013).

Attribution of land to agribusiness activities answers to political strategies to diversify national economic resources (this is the case of Gabon), to populate national border areas and unify the population through agricultural development (e.g. Indonesia and Brazil), to boost the national economy and balance import-export of food products. This last objective is announced as a priority in national strategies of the countries of Central Africa (Cameroon, Gabon, RC, DRC).

Hall (2012) indicates the increasing participation of regional economic powers in large-scale farmland deals, with especially South Africa in Africa, and Brazil in Latin America. In Central Africa agribusiness companies are supported in majority by European, Asian and domestic financial capital (Feintrenie 2014). South Africa is only represented by a cooperative of South-African farmers in the Republic of Congo (see Boche and Anseeuw 2013 and Feintrenie 2014). More than half of the agribusiness companies installed in the Central African region have created local enterprises partly secured by domestic capital, most often from the hosting State (Feintrenie 2014), which is coherent with the analysis by Hall (2012). This fact illustrates the role of national governments in the development of industrial activities. Agribusiness

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companies need the support of governments for the establishment of an estate, not only at national level, but also locally (Hall 2011). Access to land is bound by the legal and customary ties of the national and local land tenure systems.

LAND TENURE

The legal land tenure regimes in Central Africa were inherited from the colonial period, and are based on the European models (summarized in table 1). In Cameroon and the RC, customary rights on land can be recognized through a process of entitlement to access individual land ownership. Only effectively occupied land is lawful (see Wily 2012 for Cameroon, quoting the Land Tenure Ordinance 1/1974 and the State Lands Ordinance 2/1974; see Law 10-2004 in the RC). Common lands under customary tenure system are not recognized in Cameroon. Co-ownership is recognized in the RC and in Cameroon. The process to acquire individual land tenure titles might be difficult, and is limited to 100 ha in the RC (but exceptions might be granted by the Minister of Land Affairs see Decree 2006-255 of 28th June 2006).

In Cameroon (see Mope Simo 2011), the RC as well as the DRC, customary chiefs are recognized by the official administration, and have great power over land. Customary chiefs are designated within a family accepted as the heir of authority over land, passed down through many generations, and based on the principle of primary occupation of the land. In DRC this inheritance follows either a matrilineal or a patrilineal transmission, depending on the ethnic groups. Masters of the land have the responsibility to manage the land for the common good of their people. They can grant access to a plot of land for a specific use to local people as well as to foreigners. For local people, customary land use right is transmissible by inheritance.

In the DRC land tenure is only secure if it is recognized by both the national legal land tenure system and the customary land tenure system. Both systems are legitimate and can lead to claims over land in court (see the DRC Constitution of 2006). This double land tenure system generates many conflicts, and discussion on land tenure reforms have been going on since the 2006 Constitution was put in place.

In Gabon, customary rights are recognized only as individual use rights (collective rights are not acknowledged), but the Gabonese State remains the ultimate land owner. The right to individual or common property is not recognized in the Gabonese legislation (Wily 2012). Individual land use rights can be entitled as ‘permits to occupy’. This is an inheritance from the colonial period that defined the

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State as the custodian of the land and recognized only the rights of use to individuals (Ndjimbi 2013). The reaffirmation of customary rights over land could only be done within the revision of the current regulations, based on an interpretation of international agreements or supranational laws.

	National Domain	Private domain	Public domain
Cameroon	1) National domain: including permanent forest domain	Private domain	Public domain: including non-permanent forest domain
	2) yes	yes	Inalienable
Gabon	1) Permanent State Domain: including productive state forests recorded (forests and forest reserves allocated to production)	Private domain: including the forestry rural area (land and forests whose enjoyment is reserved for village communities)	Public domain: including classified state forests with conservation value, and protected areas
	2) Only land use right	Only land use right	Exceptionally: land use right
Republic of Congo	1) Private domain: of the State, of decentralized collectivities, of public bodies	Private land patrimony	Public domain: including land and properties of public utility, natural and artificial
	2) Yes	Yes	Inalienable

Table 1: Main land tenure categories and their characteristics: 1) name in the national legislation, 2) can customary rights over land be claimed, be they individual or commons?

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ACCESS TO LAND LEASE FOR AGRIBUSINESS IN CENTRAL AFRICA

To be authorized to develop an industrial plantation, agribusiness companies are required to follow a step by step procedure. Agribusiness companies can be entitled land leases on the national domain, for renewable periods of 18 to 99 years. Figure 1 summarizes the procedure in Cameroon, which is representative of what is required in the other countries of the region. In Cameroon, land deals of more than 50 ha require a Presidential Decree. In the RC, this limit is at 100 ha. The procedure requires the consultation of representatives of the local population by the land titling committee.

At this stage, an ESIA is also required, to assess future impacts and submit proposals of mitigation or compensation to the local population and the regional authorities. Claims over land can be made to the committee. If proper land titles are owned by individuals, they can either sell their land to the State who further leases it to the company, or benefit from compensation. In rare cases they might be granted the right to keep their land for their own interest.

	ESIA	Regular assessment of ecological impacts	FPIC	Regular assessment of social impacts
Cameroon	Yes	Yes	No	No
Republic of Congo	Yes	Yes	No	No
Democratic Republic of Congo	Yes	No	No	No
Gabon	Yes	Yes	No	No

Table 2: Compulsory procedures for industrial plantations in Central Africa (source: Feintrenie 2014)

These national procedures have been developed by governments to limit risks of land grabbing and negative impacts on the environment and the population by large-scale land acquisitions. These usually involve ESIA conducted either by independent consultants or by public officers (or the two together), followed by operational plans of impact management (table 2). Most often these ESIA are reduced to their environmental part, social impact being reduced to some public consultations to register the participants’ comments on a presentation of the ESIA. Once the land lease is settled, laws require regular

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control (annual or biannual) of the impact on the environment by the responsible public service, which also check if the enterprise is standing by the commitments made in the management plan.

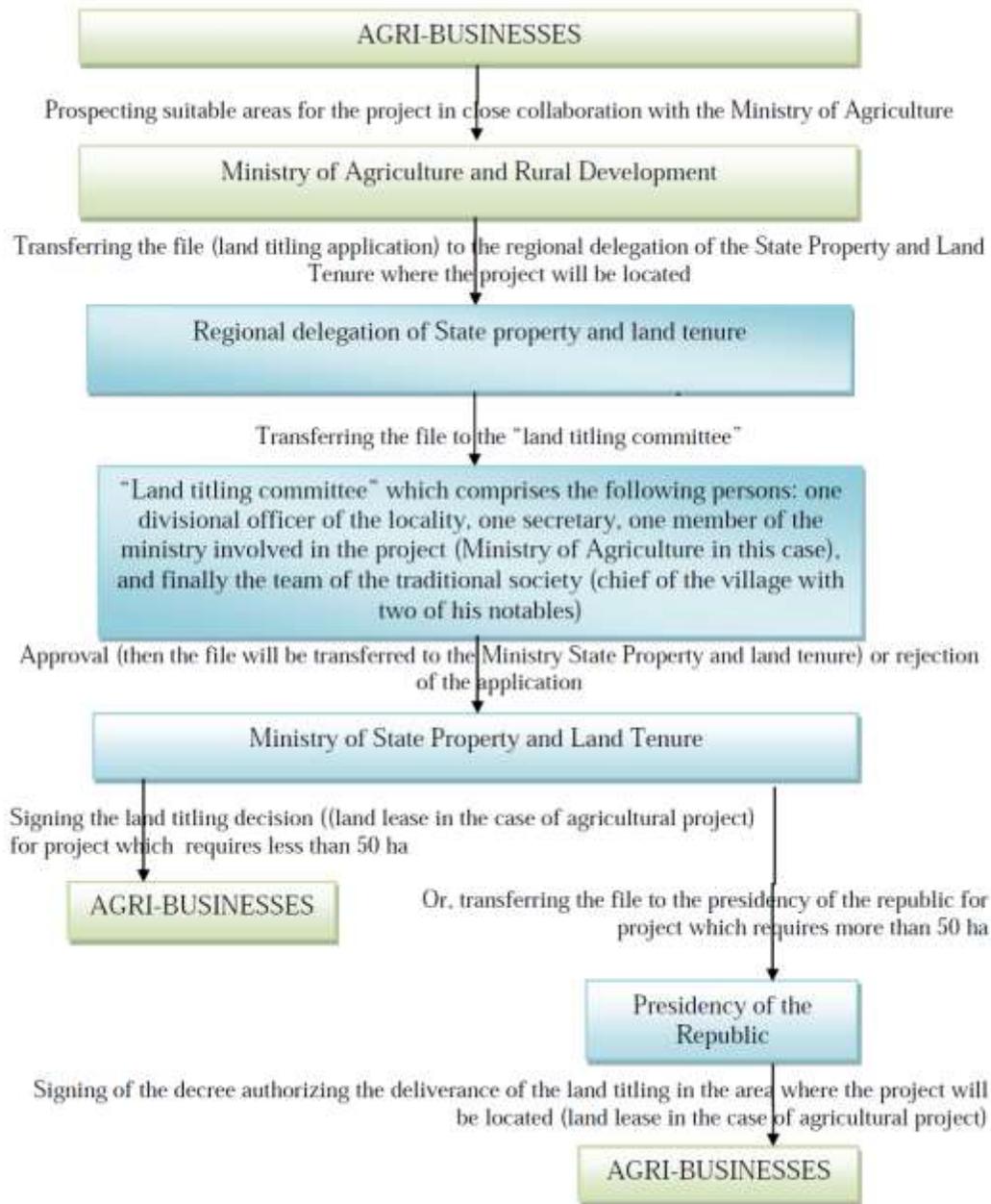


Figure 1: Process to be followed by agribusiness companies to acquire land leases in Cameroon (adapted from Iyabano 2013, based on MINDAF 2008)

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AGRIBUSINESS COMPANIES AND LAND GRABS IN CENTRAL AFRICA

Feintrenie (2014) relates the historical development of agro industrial plantations in Central Africa, and recent changes. The preferred agribusiness commodities in the region in 2013 are palm oil, rubber, banana (plantain and dessert), and sugar cane. Sugar cane is dominated by SOMDIAA, a subsidiary of the French Castel and Vilgrain group with three companies in Cameroon, the RC and Gabon. The Compagnie Sucrière du Kwilu, joint-venture between a Belgium company and the Congolese State, manages a fourth sugar cane plantation in the DRC. Most of the companies owning oil palm plantations also run rubber plantations, and some banana plantations (especially in Cameroon). Palm oil and rubber production are dominated by European funds (Socfin with the Socapalm/Safacam plantations in Cameroon and Brabanta in the DRC, affiliated to the French Bolloré group; the Group Blattner Elwyn in DRC, the Nocafex company in DRC; and SIAT in Gabon). Asian multinationals are present with Olam-International owning Olam-Gabon a joint-venture with the State, GMG investing in Gabon (shares of SIAT) and in Cameroon (Hevecam and Sud-Cameroun, two rubber companies), Siva in Cameroon (Biopalm), and Atama and Lexus Agric in the RC.

Land leases signed since 2008 concern larger areas than before (Feintrenie 2014) and mainly concern oil palm or rubber plantations. In the DRC land leases always rely on the sale of a public agricultural company, inheritance legacy that goes back to the 1910s. However land leases might involve expanding former plantations (this is the case for at least one plantation). This is also the case in the RC, where Eco-oil Energy acquired in November 2013 the public companies SanghaPalm and RNPC (Régie Nationale des Palmeraies du Congo) with a mandate to replant and expand oil palm plantations.

	Industrial plantations	New plantations since 2000	ESIA conducted after 2000	FPIC signed after 2000
Cameroon	18	3	1	0
RC	12	5	5	1
DRC	15	1	1	0
Gabon	12	4	3	3
Total	58	13	11	4

Table 3: Procedures followed by industrial plantations installed since 2000 in Central Africa (adapted from Feintrenie 2014)

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The largest land lease in the RC is the Atama plantation, which is developed on unclassified land and declassified forest, and not on any former plantation. In Cameroon, 3 new land leases have been granted since 2000, including the controversial case of Herakles Farms (SG-SOC). They target rubber and palm oil production. In Gabon, Olam is also developing new plantations, mostly on natural forests classified as degraded by the State. Table 3 indicates the number of new plantations that have benefited from prior ESIA and FPIC since 2000 at the time this paper is written (February 2014). It clearly shows that ESIA are more or less systematically conducted (some plantations in the table are counted as not having followed ESIA, but have announced under-going ESIA), but FPIC remains an exception. As FPIC is not required by law, it is up to the corporate responsibility policy of the company to decide to engage in this negotiation with the impacted population.

In Gabon, both Olam and SIAT (on the expansion of existing plantations) are following the Roundtable on Sustainable Palm Oil (RSPO) principles and criteria before planting oil palm, and also apply similar management to their rubber plantations. This approach includes to follow a FPIC negotiation process with all the impacted communities, and to locate High Conservation Value (HCV) areas in order to conserve them. As a result of the FPIC and HCV assessment Olam-Gabon has excluded part of the land proposed by the Gabonese government from the concession. This was facilitated by the prior agreement between Olam-Gabon and the State on the final surface area to be allocated to develop oil palm and rubber plantations (100 000 ha for each commodity), without prior decision on the location. This agreement means that taking into account demands of exclusion from potentially impacted villages, and conservation of HCV do not endanger the business plan of the company, as long as the total planted area is secured.

FPIC might also be useful while replanting former plantations. GBE encountered some social claims on land while replanting rubber in the Bas-Congo province of the DRC. To solve the problem and restore social peace, the company engaged into discussions with each village close to the plantations, under the district supervision. They reach agreements and signed protocols of agreement that include some commitments by the company regarding social help, annual customary presents to the chiefs, and most often restitution of a portion of land to the village. Only one village has opposed the process and went to court to claim the villagers' rights on the abandoned plantation. The villagers lost in court, and the case is still unsolved on the ground.

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	New plantations since 2000	Plantations checked	Land uses observed before 2000
Cameroon	3	3	1
RC	5	2	2
DRC	1	1	1
Gabon	4	2	1
Total	13	8	5

Table 4: Land uses observed before 2000 in the location of new agro-industrial plantations (source: field data collected in 2012 and 2013 and spatial analysis)

Table 4 summarizes some results from spatial analysis regarding agricultural plots or habitat prior to land allocation to an agribusiness company. The method used is quite simple: having the shape of the concession and its date of installation, we searched for satellite images of the area of the concession prior to this date. The human activities found on the image informed on the human presence prior to the land attribution for agribusiness purpose. This method is not appropriate for land uses like bush fallows in swidden systems or nomadic pastoralism, cultural or religious purpose, natural forests used for hunting and gathering. It is only one indicator that needs to be completed by historical surveys of land uses by local people.



Figure 2: Illustration of the research of human presence before 2000, example of the land lease of the Atama oil palm plantation in the Republic of Congo (source: Rainforest foundation 2013 and Google Earth)

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On the first satellite image (Figure 2) one can see the small town of Owando, just at the border of the Atama concession and the small village of Ombélé inside the concession. On the second picture dated June 2005, from the Google Earth archive images, one can see the Ombélé village and a laterite track. These images show that the land was occupied on some part of the concession allocated to Atama.

An agribusiness company can be blamed for land grabbing if there is acknowledged human presence or recognized non-visible land uses prior to the land allocation, no proper FPIC obtained, social claims clearly stated over the land during the ESIA and not taken into account. Based on this definition, there was a clear case of land grabbing in Cameroon by Herakles Farms in 2009, when about 73 000 ha were allocated for 99 years to the company by a convention signed with the Ministry of Economy and Land Settlement in 2009. The lease was downsized in 2013 to about 19 000 ha for 3 years renewable according to results.

Olam-Gabon and Atama were also accused of land grabbing (Rainforest foundation 2013). However, there is no proof so far that this was the case. Olam-Gabon has given back land to the villages where no agreement was reached during the FPIC process; these villages will not be impacted by the plantations of the company. Atama plantation is located in an area with very few villages. No proper FPIC process was followed, but public consultations were conducted and no statement of rejection of the project by the impacted population appeared in the ESIA reports. Villagers interviewed during the field visits in 2012 and 2014 were happy with the project from which they were expecting lots of employment. These two companies will for sure have an impact on natural forest and biodiversity, but this is not a matter of land grab.

LAND GRABBING BY ELITES

While the media's attention focusses on large scale land grabs, the widespread phenomenon of land acquisition by national elites has nearly been overlooked. In many developing countries, for the last 20 years urban elites have been reinvesting in agricultural activities in their village or area of origin. In Central Africa as a whole and especially in Cameroon, this move gained momentum in the early 1990s with the structural adjustment plans and the devaluation of the CFA Franc. As urban investments lost their attractiveness because of the crisis and as most agricultural commodity prices were plummeting, palm oil prices were experiencing a strong increase locally and worldwide. This prompted urban elites originating from the Cameroonian oil palm belt to massively invest in the development of the sector.

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According to a recent census of non-industrial oil palm plantations (Ngom *et al.* 2014), 10% of oil palm planters own two thirds of the total, which represents more than the area under agro-industrial plantations (60,000 ha). Most of these planters are urbanized elites with plantations of 10 ha up to a thousand hectare or more. The largest of these plantations is in the South Region, outside of the traditional oil palm belt. There, mostly high ranking civil servants developed large estates equipped with their own milling facility. The reasons usually put forward to justify such investment are economic: diversification of income, preparing for retirement, securing land ownership for the next generation.

This investment of elites in farmland does not systematically conclude in land grab as defined above. Elites might invest in free land, and respect the will of the local population, which are often family relatives. The specific case of elites with customary authority on land is more problematic. As it is described in the first part of this paper, customary land chiefs are responsible for the sustainable management of the village (or group) territory. They do not individually own the land, neither according to the legal tenure system nor to the customary one. Examples of land chiefs who seize the land under their responsibility for their own and private interest exist in all the countries of the region. Mope Simo (2011) analyzed some cases in Cameroun; the Novacel Company in DRC used land acquired through the use of this customary authority over land to land titles. Projects developed this way claim to be managed in the benefit of the local communities, create employment, develop and maintain public infrastructure, and provide social care (see Ndjogui and Levang, 2013). The same arguments used by agribusiness, forestry or extractives companies when their activities are put under question. Facts remain that the responsibilities of a land chief has been diverted for private interest, and that local people and future generations have lost access to customary lands. Customary chiefs are very powerful among their assignees, who rarely openly complain about them. They rely on their chiefs' decisions regarding land, with trust, or at least with the strong believe that they have a legitimate right to alienate customary land. The chiefs' responsibilities are proportional to the trust of their people.

DISCUSSION

HOW TO ASSESS LAND GRAB?

As stated above a case of land grabbing might be concluded if there is acknowledged human presence or recognized non-visible land uses prior to the land allocation, no proper FPIC followed, social claims clearly stated over the land during the ESIA and not taken into account when the limits in time and space

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of the land lease are defined. Thus, assessing a case of land grab means assessing prior land use or land occupation, assessing the realization and quality of ESIA and FPIC, and the way the claims of the impacted population or their refusal of the project have been considered, commitments taken by stakeholders and later on respected.

ESIA might easily be controlled through a second assessment by a neutral counter-part. FPIC is more difficult to assess subsequently, but the method applied and the time allocated to the process might be used as indicators of the quality of the FPIC.

It is difficult to conduct a proper FPIC process in remote areas and with populations who are not used to think on the long term and to formulate claims. It takes time to make sure people clearly understand what is at stake, what might be the impact at short, medium and long term, of an agribusiness plantation. Living 'lost' in a forest or open-space savannah, it is difficult to imagine that in 20 years, a small city might have grown to welcome the employees of the agribusiness company and their families (see projections of Atama and Olam-Gabon regarding employment in Feintrenie 2014). One might even dream of this city in the forest or savannah (see the Indonesian example of the Punan in Levang et al. 2005) not thinking of the competition on bush meat, land for food crops, and water that will come with it. Specific methods can be used to help this prospective exercise, such as the Participatory Prospective Analysis (Bourgeois and Jesus 2004).

Negotiations on compensations, or on the conditions of a partnership between local farmers and a company, are also not easy to moderate in a balance manner. Big numbers, interest rates, financial or accounting vocabulary as well as juridical terms, are unknown to most of family farmers and hunters and gatherers. It is easy to manipulate the population by using specialized terminology, or jargon, and get them lost. The moderator of discussions being paid either by the company or by the public authorities will do his/her best to reach an agreement. A proper FPIC needs to ensure that all the categories of impacted people feel free to speak, with no regards to their power relations (see Hall 2011 on the power relations at stake regarding control over land), which might require the use of specific methods and tools (such as role playing games). Regular control of environmental and social impacts and what is done to mitigate them must be conducted, to ensure the commitments taken by all the parties are respected.

Another major difficulty in assessing land grab cases might come from unclear land tenure system and the absence of a unique cadaster covering all the sectors of activities (agriculture, forestry, conservation, extractive mining, etc.). Where the status of a land is not clear, or is different within the customary and

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the legal tenure systems, it is difficult to estimate whether claims are legitimate or not. Customary claims are not always grounded; some local people or chiefs do not hesitate to invent new traditions and land uses if it can bring on higher compensations.

The last challenge is the consideration of timeframe. A lot of agribusiness companies are presently investing in replanting old plantations, which often date back to the colonial period, especially in the DRC where a lot of such plantations had been developed under the Belgium authority. These plantations have been by time public or private owned. Legally they are part of the Private State Domain. They have been abandoned for 10 to 40 years, and some of them have been harvested or converted to food crops by the local population, especially where the pressure on land has increased with the population. In the legal tenure system, they are the State property. But if the first land allocation has been done through land grab, should local people's claims on the land be considered as legitimate?

This legacy from the past is also a lesson for the future. If land allocation is legitimated and accepted by all the stakeholders at a moment in time, what does ensure it will be recognized by the future generations? In Indonesia, large-scale plantations that were developed within partnership schemes between companies and farmers presently face this issue of second and third generations. Land and employment are not sufficient to respond to the demand of children and grand-children of those who signed the deal. This situation can turn into violent conflicts over land.

The only manner to limit such situations is to develop a land use plan at national or provincial level, with work on strategic solutions to provide future generations with livelihoods opportunities. Prospective exercises should be conducted by public decision makers at a regular frequency, and the land use plan be revised to be adapted to scenarios of possible futures. A land use plan is also a good tool to prevent allocation of unscrupulous large land. It might be useful to include within the legal framework specific requirement to go to certain additional processes if a proposed land allocation is against the original land use plan.

ELITES AND LAND GRAB

The social prestige linked to the ownership of a large estate in his home village cannot be underestimated especially if the elite has political ambitions in his constituency. All elites claim that they are bringing development to their village, providing employment, and better lives for their brothers (Ndjogui and

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Levang, 2013). The local reality differs somehow from this idyllic vision. In Cameroon, absentee landlords face huge problems to find efficient and honest managers, local people usually refuse to work as day-labourers for the elite and most jobs are taken up by migrants. Resenting that their land was taken away (even if they were compensated) villagers don't hesitate to harvest the oil palm fruits for their own benefit. Embezzlement and theft are the rule. As a result very few estates prove economically viable. But this doesn't prevent more elites from entering the oil palm sector in Cameroon, an observation inciting to conclude that for high ranking civil servants money laundering comes before profitable business creation (Sevestre, 2013). However, locally the overall perception by villagers is rather positive, thanks to the elite the economic situation in the village has improved, new opportunities and infrastructures are available, and "we don't need to buy oil anymore".

Hall (2011) also reports land grabbing by smallholders in Asia, in answer to dynamics of expansion of cash crops during high prices periods. There also local elites use their positions of customary power, or their connection with state authority, to gain control over land (Hall 2011).

In villages where land used to have no economic value the coming of a project of plantation creates a new market, a land market. Some farmers might then become land brokers, buying land at low value, expecting the price to rise, they speculate on land in the same ways as wealth funds (personal observation in Indonesia in 2013). Hall (2011) analyzed this phenomenon also within migrants' communities, with migrant land brokers acquiring land to sell to the next wave of migrants.

Farmers do use their land sustainably if they are sure to keep their access to it, and to be able to hand it over to their children or heirs. Security of access to land is a condition to sustainable practices. Matrilineal systems of inheritance ensure a conservation of the patrimony through decisions to be taken in common with the assignees of lands and properties (this is the case of the Minangkabau group in West Sumatra province in Indonesia). But when the family links are broken up, the user of a land might be detached to his successor on this land, and might manage it in the most valuable way on the short term, rather than sustainably (case observed in the DRC, in the Plateaux Batéké). This phenomenon is amplified when dealing with commons and customary chief of common lands. The new generation of heirs of land chiefs in the DRC has often benefited from high education in cities, and might not feel close to their village. When this is the case, they might either disregard the legacy and leave the villagers to themselves, or consider using the land to serve their personal interest. Their predecessor might foresee this, and exploit the land in an intensive way during the time they have left.

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THE ROLE OF GOVERNMENTS REGARDING LAND GRAB BY AGRIBUSINESS COMPANIES

The lack of transparency on land allocation to agribusiness companies conducts to media reports of land deals that are not concluded, and sometimes with exaggerated figures. In the DRC, media reported a project of 1 million ha, that has actually been under discussion for 100 000 ha, ten times less. This deal was never signed. Similar cases are reported in all the countries. Feintrenie (2014) estimated to more than 1.8 million hectares the surface area that was supposed to be allocated to agribusiness companies but that did not concluded into the signature of a land lease in the four studied countries (Cameroon, Gabon, DRC and RC).

The governments of Central Africa are presently learning from experience. The wave of investors' demands for farmland since 2004 has taken them unprepared. They had to adapt their legislation, take decisions under pressure to avoid losing an economic opportunity to the benefit of their neighbors (Feintrenie 2013). In Cameroon, the fiasco of Herakles Farms stimulated the elaboration of a national strategy for the sustainable development of oil palm by the Ministry of Agriculture and Rural Development. This strategy is being developed with the support of a working group including all kind of stakeholders (representatives of Ministries, oil palm companies, oil palm smallholders, NGOs, civil society, academics). This approach and the discussions that have been generated among these participants to the working group, have led the Ministry to the decision to limit large-scale industrial plantations, and to favor smallholders' plantation development in the oil palm sector.

Inclusive schemes based on partnership between agribusiness companies and smallholders might be a good answer to economic development needs both at local and national scales. Examples abound of successful partnerships and farmers asking for them in very different contexts from Caribbean and Latin America (Borras et al. 2012), to Indonesia (Feintrenie et al. 2010), or Ukraine (Mamonova 2012). But the conditions of partnerships must be adapted to the local context, schemes that work in Indonesia might fell in Cameroon, as it has been shown for the Nucleus Estate and Smallholders type of partnership in the oil palm sector (Nkhongho et al 2014).

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The Land Observatory of Cameroon, coordinated by the Foundation Paul Ango Ela (FPAE) considers three factors that must be in place to avoid land grabbing in the process of land allocation:

1. The purpose of the demand must be clearly defined, economic sector, production, targets. Each purpose should enter a specific framework of evaluation by the public services, including evaluation of business plan, impacts, costs and benefits for the State and for the local population.
2. Each category of impacted population must be properly addressed by the ESIA and included in the FPIC process. Special care should be taken to make sure ethnic minorities and women had an actual possibility to participate in the process and freely express their opinions and claims.
3. Land tenure must follow clear rules, with inclusive cadaster.

International guidelines have been proposed to help the States managing investments in land and natural resources, such as the Voluntary Guidelines for Responsible Governance of tenure (FAO 2012) which *“are intended to contribute to the global and national efforts towards the eradication of hunger and poverty, based on the principles of sustainable development and with the recognition of the centrality of land to development by promoting secure tenure rights and equitable access to land, fisheries and forests.”*(FAO 2012).

The FAO also proposed Responsible Agricultural Investment (RAI) principles (FAO et al 2010). The OECD guidelines for multinational enterprises (OECD 2008) were amended on 25 May 2011 by the Declaration on International Investment and Multinational Enterprises (OECD-FAO 2011) to include the RAI principles. The International Finance Corporation also developed some performance standard in respect of land acquisition and involuntary resettlement (IFC 2006; IFC 2012). All these guidelines and principles might help Central African governments to put in place procedures to welcome and manage investments by agribusiness companies for the better of their countries and peoples.

In November 2013, the Pan-African Parliament and the Parliament of the Economic and Monetary Community of Central Africa (CEMAC) met in Malabo, Equatorial Guinea, in a parliamentary seminar on agricultural investments in Africa. In their final declaration they stated:

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“We do hereby request that: [...]

- 2. Member States improve transparency on the process of acquiring and distributing arable land;*
- 3. Member States include farmers, indigenous people and women, directly in decision making related to land transactions; [...]*
- 8. Member States promote transparent negotiation processes and access to contracts on land investments by publishing them in the official gazette.”*

This declaration supports the conclusion of our analysis, that transparency and participatory process of decision-making on the allocation of land are keys to avoid land grabbing and get the best from agricultural investments in farmland.

CONCLUSION

So far the only case of land grabbing by an agribusiness company in the four studied countries – Cameroon, Gabon, the RC and the DRC - that is not questionable is the Herakles-Farms plantation project in Cameroon. This conclusion does not mean that this is the only case of land grab, since we have not analyzed cases outside agribusiness companies. This result is a positive sign that show either that most of the agribusiness companies investing in the region have good social corporate responsibility policies or that the governments are careful in their land allocations to such companies, or maybe both.

Whatever the reason, there are still weaknesses in the land allocation procedures, such as the lack of unique cadaster in some countries, unclear and controversial land tenure systems that allow conflicts over land to rise and not be solved, absence of FPIC and of regular control of social impacts in the evaluation of agribusiness projects. Transparency of the land allocation process is also missing, and this might lead to land grabbing or unfair accusations of land grab. Several international guidelines exist that could support national government in the design of adequate procedure of land allocation.

If agribusiness companies in Central Africa have so far not participated much in land grabbing, they represent a threat to the environment where they are located large-scale land concessions in forested areas, and nearby protected areas. Besides the direct impact of deforestation, which might be limited in

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some cases to degraded forest, the demographic pressure that will be generated by their call for labor will threaten wild life, generate pollutions, and most probably provoke additional deforestation.

Agribusiness companies are not the only possible responsible of land grab. Elites are major actors in this domain as they invest in hundreds and thousands of hectares of farmland. They are less easy to control or even to observe, being broadly spread in the countries and benefiting from strong local social ties. They might use their customary authority or their closeness to public authorities to secure their access to land. They do not always look for direct profit but might secure land for a later stage, like their retirement.

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