Governance of land and water distribution for agricultural development and nature conservation in Africa

A report in the context of 'Choices and constraints for sustainable African food production systems' a programme of the Netherlands Environmental Assessment Agency (PBL).


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Acronyms

BIDCO	Bidco Oil Refineries Ltd
CBD	Convention on Biological Diversity
CEESP	IUCN Committee on Environment, Economic and Social Policy
CFA	Community Forestry Association
CGIAR	Consortium of International Agricultural Research Centres or Global Agricultural Research Partnership
EIA	Environmental Impact Assessment
EPO	Equatorial Palm Oil (Plantation)
E(S)IA	Environmental (Social) Impact Assessment
FAO	Food and Agriculture Organization
FDI	Forging Direct Investments
FLEGT	Forest Law Enforcement, Governance and Trade
FPIC	Free, Prior and Informed Consent
GVL	Golden Veroleum Liberia
IAASTD	International Assessment of Agricultural Knowledge, Science and Technology for Development
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
INESCR	International Covenant on Economic, Social and Cultural Rights
IUCN	World Conservation Union
KFS	Kenya Forest Service
KOPGA	Kalangala Oil Palm Growers Association (Uganda)
KOPGT	Kalangala Palm Oil Growers Trust (Uganda)
LAC	Liberia Agriculture Company
NACOFA	National Alliance of Community Forestry Associations (Kenya)
NGO	Non Governmental Organisation
NRMP	Natural Resources Management Project
OECD	Organisation for Economic Co-operation and Development
PLUP	Participatory Land Use Planning
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RSPO	Round Table on Sustainable Palm Oil
SAGCOT	Southern Agricultural Growth Corridor Tanzania
SGSOC	SG Sustainable Oils Cameroon (= Herakles Farms)
SEIA	Social and Environmental Impact Assessment
SSA	Sub-Sahara Africa
TARDA	Tana and Athi Rivers Development Authority
TDIP	Tana Delta Irrigation Project
UNDRIP	United Nations Declaration on the Rights of Indigenous People
UNEP	United Nations Environment Programme
WRUA	Water Resource Users Association
WWF	Worldwide Fund for Nature

Summary

The Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving – PBL) commissioned Both ENDS to submit a report analysing the effects of large-scale agricultural development and natural resource management projects in Sub-Sahara Africa in a context of land and water governance. This assignment, commissioned by PBL, was undertaken within PBL's larger research programme 'Choices and Constraints for sustainable African food systems'.

The report consists of a synthesis report and nine case studies – in five countries, namely: Kenya, Liberia, Tanzania, Cameroon, and Uganda - conducted by scientists and experts affiliated with NGOs working in the region. Based on the case studies findings, the synthesis report aims to answer the question *which strategies African local and national governments, international and local companies, and civil society organizations apply in distributing and trading land and water?*

To answer the overarching question in terms of priority setting and governance, five interrelated sub-questions guide the analysis, namely: (i) What are the respective governments' policies and perspectives on achieving development and how does this translate in land and water allocation? (ii) Which sectors and which actors benefit and why? (iii) What are the social-economic effects at local level? (iv) What are the effects on the environment? (v) What are the perceived remedies to address problems in the case studies?

The report elaborates on the socio-economic and environmental impacts of large agricultural and natural resources management projects described in the cases studies, and the way in which access to and management of natural resources is governed in the respective countries. This assessment is placed in the context of the international debate on how to achieve sustainable economic development in the rural tropics.

The discourse on development, agriculture, food security
All nine case studies describe ambitious development projects situated in fragile ecosystems that rapidly advance into traditional rural societies. Commercial agriculture is manifest in the case studies describing large-scale agro-commodity development in Kenya, Tanzania, Cameroon, Liberia, and Uganda. Foreign companies and investors, authorised by governments that offer concession licenses and host favourable conditions, drive these developments. Centralised nature conservation management regimes, often driven by external international funding institutions and/or international NGOs are manifest in the case studies from Cameroon and Kenya.

Without exception, all case studies indicate that governments, past and present, have enacted and signed on to a range of international and national legal provisions that offer strong guidance in most domains of environmental protection, human rights and good governance. All five countries pursue the goal of becoming a middle-income country, as clearly outlined in the countries' respective government visions. Socio-economic and ecological realities in Sub-Sahara Africa (SSA) are closely inter-twined with European and global politics and trade. Decisions made by national governments are to a large part the result of international negotiations, e.g. within the framework of free trade agreements, foreign debt, and investments.

A key question that arises when linking the macro to the micro perspective is: how to simultaneously achieve economic prosperity, now and in the future, while at the same time protect ecosystems and biodiversity, achieve food security, and promote the welfare of communities that depend on sustained access to local natural resources?

In answering this question, the report observes a strong bias towards large scale agro-industrial approaches in international agricultural development thinking. This observation is noteworthy since an abundance of international research reiterates that in Africa 90 percent of agricultural production is derived from small farms and that most potential for positive change – from a food security, livelihoods and agricultural economic growth perspective - rests with small-scale farmers. The case studies confirm findings of other international surveys that relatively very little investments are made to boost local small-scale production, enhance value addition and improve market access, extension services and local infrastructure and support environmental management at local and regional level.

Government policies and implementation

The case studies describe that in many instances government agencies are incapable to enhance community participation in decision-making processes that used to be the prerogative of government departments. An additional barrier to sustainability is that external financiers often lack commitment to ensure that the project implementing agencies follow the prescribed safeguard policies. While governments are keen to achieve higher economic growth rates, almost all case studies indicate that the same governments tend to water down or even ignore social and environmental safeguard policies as agreed in international agreements when these are perceived as an impediment to economic progress. E.g. some of the palm oil cases describe how in practice consultations are limited to seeking the consent of the local elite. Most case studies report or predict large-scale eviction – without due process – of local populations to create room for agricultural expansion or under the pretext of nature conservation. Case studies point to the fact that both in terms of legal wording and perceptions held by government officials community land - especially collective customary land - is perceived as '’unused land'’, '’wasteland’, "unoccupied land'’ or '’unexploited National Land". At the same time, the case studies also emphasize the urgent need to ameliorate living conditions and to create opportunities for the local population.

The case studies reiterate that there is no lack of strong policies in support of sustainable land and water management. The countries adopted key international and national legal provisions offering guidance for environmental protection, human rights and good governance. The key obstacle for implementing these policies seems to be lack of willingness or ability by governments to adhere to these policies. Within this vacuum, companies and implementing agencies can often just freely operate without limitations. In addition, governments face, on the one hand, the challenge of ameliorating living conditions, food security and livelihood opportunities of the rural population. On the other hand, their room for manoeuvre is limited, since they have to reckon with international trade, investment and fiscal agreements and debt rescheduling and socio-economic adjustment recipes demanded by external international financiers. Rural populations and the environment are wedged between these competing interests.

Stakeholders: coherence and responsibilities

Observations from the cases studies regarding stakeholders involvement are amongst others that effective participation of people and local communities in development projects such as described in all nine case studies requires high levels of transfer of power to local levels, with adequate mechanisms for the local population to have a say in matters. The case studies offer a number of explanations for inadequate government interventions, with reference to a number of concrete bottlenecks. Notwithstanding policies geared towards decentralized governance, virtually all case studies narrate that decision-making is still centralized in the capital cities with no or very weak consultation processes to meaningfully involve the local population.

Another conclusion is that the quality of development interventions is to a large extend determined by external agencies, such as financiers – and these agencies' ability and willingness to ensure their own safeguard policies are being adhered to and to prevent the creation of 'odious debts. Most case studies refer to Environmental (Social) Impact Assessment (E(S)IA) studies, Free, Prior and Informed Consent (FPIC) and other processes undertaken to assess social and environmental impacts and to ensure local populations are consulted. A recurrent obstacle narrated by many of the case studies is that those responsible for conducting an E(S)IA or FPIC tend to limit themselves to inform and consult members of the elite. It is then relevant to understand how local formal and traditional leaders have the ability, mandate and willingness to genuinely represent the interests of their constituencies.

From the case studies, a pattern emerges whereby external funders, international and bilateral donors as well as corporate investors themselves fail to take co-responsibility for adequate implementation, while some investors even violate their own safeguard policies. This in fact further encourages client country governments to dilute social-environmental safeguard policies when these are perceived as an impediment to economic progress. Host country governments compromise safeguards and even national and international law to accommodate (foreign) companies. At the same time, information flows to the local level concerning decision- making with regard to land and water allocation and local people's entitlements is mostly lacking.

Perspectives on livelihoods and food security

Bearing in mind the economic development ambitions of the five countries, it is a common feature that all governments give high priority to attracting foreign investors. Foreign Direct Investment (FDI) is seen as an engine to modernize agriculture and other sectors of the economy and boost

GDP growth. All agricultural development and conservation projects portrayed in the cases studies lean heavily on foreign investment. In most cases, multinational corporations are the main investors and play also an important role in implementation.

In search of an explanation why governments are prepared to take far-going measures to accommodate foreign companies, even to the extend of violating local populations' rights over land and water, the case studies describe recurring assumptions on which governments base their decisions, such as the following. FDI is a key engine to modernise agriculture and other sectors of the economy and to boost GDP. FDI and the presence of foreign companies trigger exports, create employment opportunities and fuel economic growth, with wealth creation also accruing to local communities. Adverse impacts of companies' operations – such as evictions – will be compensated by the development opportunities brought by these firms. Fourth, land concessions for large-scale agriculture offer a quick way to generate jobs. And lastly, the availability of 'un-utilised' land which can be handed over for large scale agricultural development projects.

As far that wealth is being generated by foreign investments, a number of case studies give examples why such capital flows do not trickle down to rural poor households. In a dual agricultural economy, we thus witness two paces of development, in a context of highly unequal power relations. Notwithstanding the objectives and preferences as expressed by policies of international agencies and bilateral and multilateral development banks, the case studies confirm the exasperation expressed by IFAD, namely that small-scale farmers by and large do hardly benefit from large-scale agricultural developments. There is general caution against over-estimating the labour demand of export-oriented agri-commodity production in general. Within the push for global markets and policies that favour economy of scales, small-scale farmers from poor countries remain disadvantaged because of high transaction costs, entry barriers and large power asymmetries. At the same time, large sections of the rural population, notably those with insecure tenure rights, such as marginal farmers which face eviction and indigenous forest dwelling peoples, tend to become the unnoticed victims of this development path as they loose access to ancestral land, their heritage and means of survival.

There is also a persistent paradox. First, the governments and international donors referred to in the case studies committed themselves to formal objectives to prioritise small-scale farming and ensure sustainability. However, the case studies describe that real-time, by-and-large, most measures and investments are geared towards industrial monoculture plantations and top-down conservation projects, without taking measures for sustainable, equitable allocation of (user) rights to land and water and local-regional food security. Secondly, official government policies reiterate commitment to decentralized governance. In practice, the cases explain how decision-making is centralised in the capital cities.

Natural resources management: impacts and trade-offs
The case studies invariably report such trade-offs lead to environmental degradation, with observations in the field confirming scientific and grey literature. The case studies make reference to displacement of local populations, extinguishment of local diversified land use systems, deforestation and water pollution. The case study countries' economic development aspirations, seem to take precedence over environmental protection. Emphasis on rapid GDP growth and the provision of land and water resources to cater to the needs of large-scale commercial agriculture and natural resources extraction feature high on the political agenda.

The case studies reiterate that effective participation of people and local communities and safeguarding their entitlements are a vital precondition for natural resources management and sustainable economic development. This requires: high levels of transfer of power and decision-making to local levels; adequate mechanisms for local populations to have a say in matters - e.g. in land use planning; systems of co-management of natural resources or management is de-facto fully entrusted to local communities; and safeguards and compliance with mandatory and voluntary regulatory frameworks are adhered to by government, companies and financiers. All case studies record, however, a lack of proper consultation and insecure tenure conditions, which marginalize large sections of the rural population. In fact nearly all cases describe large scale "expulsion" of rural people as a consequence of large scale agricultural development and top-down conservation interventions. Such displacement leads to additional ripple effects or indirect land use changes (ILUC) as local people are forced to clear new land for cultivation to eek out a living.

Remedies
The case studies collectively provide a range of relevant suggestions on how to remedy some of the problems encountered in the study sites, such as (i) empowerment of local communities and local NGOs, notably with regards to tenure, information and institutions; (ii) investments - public and private; and (iii) governance. Essential ingredients to empower local populations, also the most vulnerable sections, then include formal recognition and application of the principle of Free, Prior Informed Consent (FPIC), participatory land use planning in which community mapping plays a crucial role and the enhancement of local institutions - with guarantees that the interests of women and weaker sections of society are well presented.

In addition, important lessons can be drawn from pilots which are being undertaken to implement a "jurisdictional approach" – e.g. in Southeast Asia. A number of positive experiences can be gained from the FLEGT Voluntary Partnership Agreements currently under implementation in West Africa. At the same time, the case studies emphasise that the legal-regulatory frameworks in the case study countries often fall short to protect environmental and local social-economic and human rights interests. And hence it is essential that more collaborative efforts are undertaken to design robust grievances mechanisms and easily accessible facilities for conflict resolution to allow affected communities and other parties an avenue to voice concerns and seek redress.

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security give practical guidance to implement land governance, including legal recognition and allocation of tenure rights and duties, transfers and other changes to tenure rights and administration of tenure (including grievances). To ensure compliance with mandatory and voluntary rules and regulations, it is a precondition that (potential) conflicts over land and resources are drawn out of anonymity and resolved – e.g. through mediated assistance - before they polarise. It helps ensure more transparent, participatory and responsible agricultural development and nature conservation interventions.

1. Introduction

The Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving - PBL) commissioned Both ENDS to submit a report analysing the effects of large-scale agricultural development and natural resource management projects in Sub-Sahara Africa in a context of land and water governance. This assignment, commissioned by PBL, was undertaken within PBL's larger research programme 'Choices and constraints for sustainable African food production systems'.

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To answer the overarching question in terms of priority setting and governance, five interrelated sub-questions guide the analysis, namely:
1. What are the respective governments' policies and perspectives on achieving development and how does this translate in land and water allocation?
2. Which sectors and which actors benefit and why?
3. What are the social-economic effects at local level?
4. What are the effects on the environment?
5. What are the perceived remedies to address problems in the case studies?

In addition, nine case studies in Cameroon, Liberia, Uganda, Kenya and Tanzania have been commissioned to experts, most of whom being associated with local NGOs, partners of Both ENDS. In function of answering the central research question, the following underlying questions helped to guide the case studies:
- What are possible trade-offs between macro economies vs. local economies? And in that context, how sustainable is the use of natural resources (land, water) in the long term?
- What kinds of actions are taken by government and (foreign) companies to stimulate the sustainability of production/ resource management? How is monitoring and enforcement organized? How are social-environmental conflicts handled? Where does the judiciary come in to play a role? What actors are involved?
- How are the elements of politics of scale and public vs. private interests institutionally accommodated? How are the negotiations or at least the decision-making procedures arranged between different governments at different level (local – regional – national)? What coordination problems in public administration come to surface? And how does this affect management of land and water in the specific areas? Do local governments have a say at all? To what extent are corruption, illegal actions, transparency and accountability a factor?
- How do different positions in knowledge possession and expertise work out in negotiations between governments and private parties (both large and small)? For example, if a large multinational has made an assessment of the project area, is the government able to conduct its own assessment?

The synthesis report, while building on a rich existing body of literature, benefits from the information being surfaced through the case studies, which serve the purpose of adding, documented, real time examples from the field. They bring out the perspectives of different stakeholders, respectively: international financiers, companies, central and local government officials, NGOs, local community representatives and opinion leaders (e.g. traditional village chiefs, renowned journalists).

1.1. Structure of the report

Chapter 2. The discourse on development, agriculture, food security positions the case studies within the context of global agricultural commodity markets and the international discourse on best avenues to achieve economic development, food security and environmental sustainability. The global context is obviously relevant since the case studies describe conditions in countries whose economies are increasingly interwoven with the global market. And, as the studies illustrate, national development policies are to a large extend shaped in response to international corporate and financial institutions and donors' propositions and demands. In order to help answer the question which actors and which sectors benefit from formal governmental development policies and, subsequently, land allocation priorities, *Chapter 3. Government policies: policy frameworks for agriculture, livelihoods, food security and the environment* will focus on the sub-question: What are the respective governments' policies and perspectives on achieving development and how does this translate in land and water allocation? It positions the case studies in a national and international policy context. It describes institutional responsibilities and issues around conflicting mandates' coherence within the legal framework and enforcement – at national and levels of local administration.

Chapter 4. Stakeholders: coherence and responsibilities will focus on the sub-question: And which sectors and which actors benefit and why? It brings out perspectives of different stakeholders, such as subsistence farmers, village chiefs, politicians, civil servants and NGOs and company representatives. The stakeholders voice perceptions and experiences regarding actual and to be expected impacts – for the environment and local people's access to natural resources and social-economic benefits and services.

Chapter 5. Perspectives on livelihoods and food security will focus on the sub-question: What are the social-economic effects at local level? It categorizes the prevailing agricultural systems in the 5 countries. It describes the changes within the agricultural landscape recorded by the case studies. It places these agro-economic realities within the context of the legal cadres and enforcement measures governing land, food security and the environment.

Chapter 6. Natural resources management: impacts and trends will focus on the sub-question: what are the effects on the environment? It describes the environmental effects caused by the interventions driving natural resources management in the case studies.

Chapter 7. Remedies will focus on the sub-question: What are the perceived remedies to address problems in the case studies? It consists of prospects presented by the case studies and remedies for some of the prevailing barriers, which hinder sustainable use and more equitable distribution of the natural resource wealth in the five countries and more equitable distribution of the natural resource wealth in the five countries.

Finally, *chapter 8. Conclusions and reflections* will look back at the general question: Which strategies African local and national governments, international and local companies, and civil society organizations apply in distributing and trading land and water? It will offer some overall observations and policy recommendations.

For the purpose of this report the definition by the Brundtland Commission of the United Nations (March 20, 1987) is referred to: "*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs*".
To place this in context, the UN Open Working Group that worked on the development of the sustainable development goals (SDGs), which were announced in the Rio+20 document *The future we want* (September 2012), is relevant. It describes preconditions to achieve SDGs as follows: "*Poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development*". [1]

1.2. The nine case studies

As a first introduction to the case studies, it helps to briefly capture the specific issues described in the nine case narrations. Four case studies deal with large-scale introduction of monoculture palm oil plantation development. These are the Equatorial Palm Oil (EPO) plantations and the Golden Veroleum (GVL) plantations in Liberia, the Herakles plantations in Cameroon, and the BIDCO plantations on Kalangala Island in Lake Victoria, Uganda. The four narratives describe the social and environmental conflicts that accompany the expansion of these large plantations. Two other case studies, namely the Southern Agricultural Growth Corridor, Tanzania (SAGCOT) project in Tanzania and the Tana Delta Irrigation Project (TDIP) in Kenya, unravel the motives and drivers behind two - by all standards - very large agricultural development projects. And last, three case studies describe the problematic interface between centralized nature conservation management vis-à-vis the rights and livelihoods of local-indigenous people – respectively in the Boumba Bek National Park corridor, in the flood plains of the Waza Logone National Park in Cameroon and in the Cherangany Hills in Kenya.

[1] See: http://sustainabledevelopment.un.org/sdgsproposal

Figure 1: Location of the cases in Africa

2. The discourse on development, agriculture, food security

2.1. The case studies in short

All nine case studies describe ambitious development projects situated in fragile ecosystems that rapidly advance into traditional rural societies. Commercial agriculture is manifest in the case studies describing large-scale agro-commodity development such as sugar cane (Kenya, Tanzania), jatropha (Kenya) and rice cultivation (Cameroon, Tanzania and Kenya) and palm oil (Liberia, Cameroon and Uganda). Foreign companies and investors, authorised by governments that offer concession licenses and host favourable conditions, drive these developments. Centralised conservation management regimes, often driven by external international funding institutions and/or international NGOs (especially in Cameroon), are manifest in the case studies on Waza Logone, Boumba Bek (both Cameroon) and Cherangany Hills (Kenya).

The cases differ in terms of stages of implementation. Whereas the EPO plantation (Liberia) is well underway, the Herakles plantations (Cameroon) have only partially been developed (with an estimated 15 percent of the acquired land actually being planted), while also most of GVL's concessions in Liberia still need to be developed.

According to IFAD, the Kalangala palm oil development project (Uganda) is now in full operation[2]. This case brings to light the complexity of conditions on the ground. It also exemplifies how difficult it is to avoid a narrow black and white picture when it comes to describing the positive or negative impacts of a large scale development scheme. Therefore, at the beginning of this report, this case receives some elaborate attention. IFAD describes in its project progress review report that the initial project objectives had to be adapted – gearing the project more towards large-scale estate production and a failure to include poorer sections of society[3]. Piacenza concludes that the project has led to accumulation of land – with the estate company BIDCO and wealthier outgrowers; with notably women (single parent households) loosing access to land. To consider both historical background and gender conditions proof to be a precondition to understand the full social-economic and environmental impact of this project. [4]

Whereas IFAD states that environmental risk mitigation measures for Kalangala were successfully introduced, local and international NGOs expressed concern that the project has actually led to extensive deforestation and risk of water pollution. Piacenza indicates that accurate data on forest cover are difficult to obtain.[5] Deforestation issues accompanying the project, however, were a reason for the World Bank-IFC to withdraw. [6].Piazenza offers a nuanced picture by describing how during the beginning of the 20th century the Kalangala islands were plagued by the tse-tse fly and that the authorities evacuated the islands in order to allow for large scale spraying to kill the flies – an action which also led to forest loss. After the evacuation, spontaneous forest cover returned. The author also explains that only in the 1950s the people started to resettle on the islands along the shores, being primarily engaged in fishing. [7] Piazenza refers to the complexity of land tenure arrangements with absentee landlords and competing claims on land.[8]

Wilmar corporation, key implementing partner in the Kalangala palm oil development programme, explains that palm oil development has generated broad economic spin-off for the local economy, including agriculture, tourism and services. Wilmar[9] refers to the fact that since project initiation, Kalangala has moved from bottom of the list in terms of economic development (71 out of 76) to among the top 10 districts in Uganda.[10] Piazenza confirms this conclusion, indicating that before

[2] IFAD: Vegetable Oil Development Project – Phase 2. Supervision Report, October 2013.
[3] IFAD, March 2011. P. 32 and 34; & Piacenza, C., 2014. P. 12
[4] Palm oil was introduced to Bugala, one the Kalangala islands, in in 1980's.
[5] Piacenza, 2014, p. 11-12
[6] Personal communication World Bank-IFC, 18 November 2014
[7] Piazenza, 2014, p. 7.
[8] With (absentee) landlords (Mailo), tenants (Bibanja), the orinal inhabitants of the island (Basese) who returned in the 1950s and now represent a minority and migrants – mostly male labourers. See Piazenza, 2014, p. 7-7
[9] See: http://www.wilmar-international.com/wp-content/uploads/2013/12/Wilmar-Affirms-Commitment-to-Open-Transparent-and-Responsible-Practices.pdf
[10] This seems confirmed by other statistics, see for example: Where are the Poor? Mapping Patterns of Well-Being in Uganda: 1992 & 1999. By International Livestock Research Institute (ILRI) and the Uganda Bureau of Statistics (UBOS), 2003.

the introduction of palm oil little commercial agriculture was undertaken on Kalangala, with the economy merely depending on coastal fisheries on Lake Victoria.

In contrast, the SAGCOT case in Tanzania is still on the drawing table, although loan approval and investments contracts with foreign parties have been signed. The Tana Delta Irrigation Project in Kenya has already a long history of implementation, going back to the early 1980s when it was conceived by consultancy firm Royal Dutch Haskoning, funded by Dutch ODA. The Cherangany (Kenya), Boumba Bek and Waza Logone conservation programmes (both Cameroon), also have a long history of implementation.

The case studies attempt to provide a socio-economic and ecological cost-benefit analysis of these projects by extrapolating already recorded impacts. (The case studies are explicit in distinguishing between actual, documented, impacts and expected impacts). All case studies refer to socio-environmental impacts assessments conducted during preparatory phases of government sanctioning. Furthermore, in some instances reference is made to external reviews – such as by the World Bank Independent Inspection Panel in the case of Cherangany (Kenya), and the UN Special Rapporteur on the Right to Food regarding the Herakles case (Cameroon). Moreover, some projects are unlikely to reach completion – e.g. Herakles (largely due to problems faced within the company and fierce opposition by local communities).[11]

With the exception of SAGCOT (Tanzania), all cases describe social and environmental impacts – positive and negative – on the basis of real time experiences in the presence and the past. It is thereby thus important to bear in mind that not all the development projects have reached finalisation. In the case of SAGCOT, lessons are drawn from similar large agricultural corridor projects.[12] Bergius, the author of the SAGCOT case description, refers to detailed land surveys, social and ecological inventories, land development plans, and land acquisition proposals to launch SAGCOT, offering a basis for an assessment of estimated social-economic and environmental effects.

2.2. Policies on sustainable development

Without exception, all case studies indicate that governments, past and present, have enacted and signed on to a range of international and national legal provisions that offer strong guidance in most domains of environmental protection, human rights and good governance. The following table depicts the five case study countries' endorsement of key international environmental and human rights agreements as the UN Convention on Biological Diversity (CBD)[13], UN Convention to Combat Desertification (UNCCD)[14], UN Framework Convention on Climate Change (UNFCCC)[15], UN Declaration on the Rights of Indigenous Peoples (UNDRIP)[16], International Covenant on Economic, Social and Cultural Rights (INESCR) en the Convention on Wetlands (Ramsar).[17]

Table 1: Ratification/endorsement of international environmental and human rights conventions and declarations by case study countries

	Cameroon	Kenya	Liberia	Tanzania	Uganda	The Netherlands
CBD	Ratified 1994	Ratified 1994	Ratified 2000	Ratified 1996	Ratified 1993	Ratified 1994
UNCCD	Ratification 29/05/97	Ratification 24/06/97	Ratification 02/03/98	Ratification 19/06/97	Ratification 25/06/97	Ratification 27/06/95

http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/Uganda%20Poverty%20Atlas%20optimized%20.pdf

[11] See: http://finance.yahoo.com/news/life-death-master-universe-095900055.html

[12] See for example: IUCN, 2014: Sustainability and Inclusion Strategy for Growth Corridors in Africa (SUSTAIN-Africa). An IUCN Programme on Climate Resilient Water and Food Security Solutions for Sustainable and Inclusive Economic Growth, p. 2.

[13] The United Nations Convention on Biological Diversity is one of the Rio conventions en entered into force on 29 December 1993, which was 90 days after the 30th ratification. http://www.cbd.int

[14] The United Nations Convention to Combat Desertification entered into force on 26 December 1996, 90 days after the fiftieth instrument of Ratification or Accession was deposited. http://www.unccd.int

[15] The United Nations Framework Convention on Climate Change is one of the Rio conventions en entered into force in 1994. www.unfccc.int

[16] UN Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly on Thursday, 13 September 2007. http://undesadspd.org/indigenouspeoples/declarationontherightsofindigenouspeoples.aspx

[17] The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources http://www.ramsar.org

UNFCCC	Accession 2002	Accession 2005	Accession 2002	Accession 2002	Accession 2002	Ratified 2002
UNDRIP	Yes	Abstained	-	Yes	-	
INESCR	Yes	Yes	-	Yes	-	
Ramsar	Yes, 2006	Yes, 1999	Yes, 2003	Yes, 2000	Yes, 1988	

While all five countries are signatories to international environmental and human rights conventions, indicators such as: UNDP Human Development Index[18], UNDP Human Development reports: Change in forest area[19], Transparency International Corruption Perception Index[20], FAO State of Food Insecurity in the World[21], International Human Rights Rank Indicator[22], Environmental Performance Index[23] and World Bank Worldwide Governance Index[24] show that the countries are far from implementing these conventions.

Central governments are forced to reach decisions to immediately improve living conditions of the majority of the population, with large segments still facing serious under-nutrition and lacking the most basic needs such as safe water, healthcare, and absence of violence. Harsh, socio-economic and ecological realities on the ground are underlined by the following table which ranks the five countries' by key indicators for sustainable development, including levels of under-nourishment, prevalence of corruption, rate of deforestation and governance.

Table 2: Ranking case study countries on the basis of international indices for social-economic, human rights, governance and environmental conditions

	Cameroon	Kenya	Liberia	Tanzania	Uganda	Netherlands
UNDP Human Development Index, 2013 [The higher the value, the higher human development, total number of countries 187]	0.504 Rank 152	0.535 Rank 147	0.412 Rank 175	0.488 Rank 159	0.484 Rank 164	0.915 Rank 4
UNDP Human Development reports: Change in forest area, rate of deforestation, 1999-2012 [% Change in area under forest cover]	19% loss	6.8% loss	12.8% loss	20.4% loss	39.0% loss[25]	5.9% gain
Corruption Perceptions Index, 2013 [Scale of 0-100: The lower the value, the higher the country is perceived as corrupt, total number of countries 177]	Score 25 Rank 144	Score 27 Rank 136	Score 38 Rank 83	Score 33 Rank 111	Score 26 Rank 140	Score 83 Rank 8
Prevalence of undernourishment, 2011-2013 [Proportion of undernourished in total population]	13.3 %	25.8 %	28.6 %	33.0 %	30.1 %	N/A

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[18] The UNDP Human Development Index is a composite index measuring average achievement in three basic dimensions of human development - a long and healthy life, knowledge and a decent standard of living: http://hdr.undp.org/en/content/table-1-human-development-index-and-its-components

[19] UNDP Human Development Reports: http://hdr.undp.org/en/content/change-forest-area-19902011

[20] The Transparency International Corruption Perceptions Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean: http://www.transparency.org/cpi2013/results

[21] FAO 2013, The State of Food Insecurity in the World: http://www.fao.org/docrep/018/i3434e/i3434e.pdf

[22] International Human Rights Rank Indicator: http://www.ihrri.com/index.php?iso=CM

[23] The Environmental Performance Index (EPI) ranks how well countries perform on high-priority environmental issues in two broad policy areas: protection of human health from environmental harm and protection of ecosystems: http://epi.yale.edu/epi

[24] The World Bank Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators for 215 economies over the period 1996–2013, for six dimensions of governance: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, Control of Corruption. Governance is measured in percentile rank (0-100) that: indicates the rank of a given country among all countries in the world, 0 corresponds to lowest rank and 100 corresponds to highest rank: http://info.worldbank.org/governance/wgi/index.aspx#reports

[25] An estimated 4.9 million hectares of forest cover existed in Uganda in the early 1990s but this had decreased to 3.6 million hectares in 2005, an annual depletion rate of 2 percent. See: http://www.irinnews.org/report/70892/uganda-alarm-over-high-rate-of-deforestation

Ranking Human rights [Total number of countries 216]	174	131	110	145	197	N/A
Environmental performance, 2014 [Ranking where 1 is best performing country, total number of countries 178]	141	140	172	143	135	11
Governance: Voice and Accountability [0 corresponds to lowest rank and 100 corresponds to highest rank]	17 (2008) 18 (2013)	39 (2008) 41 (2013)	41 (2008) 31 (2013)	43 (2008) 42 (2013)	33 (2008) 31 (2013)	98 (2008) 97 (2013)
Governance: Government Effectiveness [0 corresponds to lowest rank and 100 corresponds to highest rank]	21 (2008) 21 (2013)	34 (2008) 37 (2013)	3 (2008) 4 (2013)	39 (2008) 29 (2013)	35 (2008) 33 (2013)	98 (2008) 97 (2013)
Governance: Rule of Law [0 corresponds to lowest rank and 100 corresponds to highest rank]	13 (2008) 15 (2013)	16 (2008) 28 (2013)	5 (2008) 19 (2013)	44 (2008) 39 (2013)	42 (2008) 44 (2013)	98 (2008) 97 (2013)

The case studies illustrate that local realities are to a large part determined by global trends such as the global demand for biomass – for food, fuel, fodder and fibre– which is expected to rise dramatically in the next decades[26]. In industry sectors, a transition is foreseen towards bio-based materials and energy, out of fossil, as feedstock – e.g. in the chemical industry, power plants, this alongside other renewables such as solar, hydro and geothermal for energy generation. By meeting demand, there is a real risk of more land degradation, loss of biodiversity and of overexploitation of the earth's resources - forests, wetlands, soils, fresh water and the marine environment. The FAO has extrapolated that by 2050 the demand for biomass will rise with 70%[27].

2.3. Local realities intertwined with global politics and trade

Socio-economic and ecological realities in Sub-Sahara Africa (SSA) are closely inter-twined with European and global politics and trade[28]. Decisions made by national governments of these African countries are to a large part the result of international negotiations, e.g. within the framework of free trade agreements, foreign debt, investment lending by international financial institutions such as the African Development Bank, European Investment Bank, World Bank, IFAD, national development banks, and foreign direct investments by multinational corporations.

This decade, the EU and its member states face the challenge of how to respond to the economic crisis and its aftermath, domestic issues such as un-employment, pensions, healthcare. migrants and serious security risks on its borders. At the same time, it will need to decide on strategies and measures to contribute to socio-political and economic stability and progress in non-OECD countries, notably in fragile states.[29] Pressing environmental concerns that may lead to the "expulsion" of large segments of society and related risks of increased extremism, armed conflict and humanitarian disasters need to be addressed, such as mitigating and adapting to climate change, biodiversity loss, water scarcity and desertification and associated social impacts.[30]

A key question that arises when linking the macro to the micro perspective is: how to simultaneously achieve economic prosperity, now and in the future, while at the same time protect ecosystems and biodiversity, achieve food security, and promote the welfare of communities that depend on sustained access to local natural resources? The question may appear superfluous but, as also the case studies testify, macro economic growth, expressed by rise in GDP, is the benchmark pursued by all national governments that seem to supersede all other objectives. All five countries pursue to the goal of becoming a middle-income country, as clearly outlined in the countries' respective Visions 2030.

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[26] EU Bio-economy Panel paper: Biomass Supply. Unlocking the EU's potential: towards sustainable and competitive supply of biomass, September 2014.
Millennium Ecosystem Assessment, 2005. Ecosystems and Human Well-being: Synthesis, 2005: p. 105-108 http://www.millenniumassessment.org/documents/document.356.aspx.pdf
[27] See: http://www.thebrokeronline.eu/Blogs/Towards-a-food-secure-world/Prioritizing-small-scale-farming
[28] See for example Lawson, S. Stolen goods: The EU's complicity in illegal tropical deforestation, Fern, 2015, p. 17-20. The report offers calculations estimating that the EU is the world's largest 'importer' of global deforestation due to it massive purchase of agro-commodities such as soy, palm oil and wood products.
[29] Prospects for a pro-active EU international sustainable development policy are bleak if one considers the new EU President's list of priorities, which lack any reference to the global world order beyond EU-US trade relations: See http://juncker.epp.eu/my-priorities
[30] See 'Groei leidt tot vernietiging', an interview with Saskia Stassen in NRC, 14 July 2014

2.4. Sparing or sharing?

When it comes to the question of how to reconcile the need to meet the rising demands for biomass – for food, fuel, fodder and fibre– and sustainable use and conservation of ecosystems, differences in approach come most sharply to the fore in what is commonly referred to as the 'sparing-sharing debate' – a debate which dominates the international discourse on the future of forest management and agricultural development.
The land-sparing approach advocates protecting intact ecosystems from agricultural expansion through an intensive, industrialised style of agricultural production that relies heavily on external inputs such as pesticides, fertilizers and technology. Parts of ecosystems are conserved or spared while other parts are more intensively used and where higher levels of productivity are put in the centre. Higher yields per hectare and animal, it is argued, reduce water use and require less land.[31] In contrast, the land-sharing approach favours integrating agriculture and biodiversity conservation, and environmentally friendly small-scale farming, in diversified, mosaic landscapes. [32] All land users, such as farmers, pastoralists, forest people are seen as important stakeholders in the sustainable use of ecosystems.

These two schools of thinking outline very different paths of rural development. International agencies such as World Bank, IFAD, FAO, UNEP, and the community of CGIAR institutions vary amongst themselves in their positioning in this important discourse and in fact, each by themselves issue very contradictory messages – an observation which is substantiated by reports by these same agencies and by various case study findings. For example, contradictions notably occur where such agencies' policy commitments regarding social- environmental sustainability and emphasis on biodiversity and agro-ecology are not adhered to when they enter into contractual agreements with their clients or counterparts, be it governments or the private sector on large-scale development projects that have far-going implications for land use systems, tenure arrangements and ecosystems. Strong differences in approaches towards the future of agriculture are also manifest within the CGIAR family. While the CGIAR group was the engine behind the green revolution (with many CGIAR institutes still continuing this avenue towards agricultural development), one can now witness individual CGIAR institutions taking a stronger stance away from green revolution technology and pursuing other, biodiversity centred, pathways. An example is Bioversity International, whose mission it is "to deliver scientific evidence, management practices and policy options to use and safeguard agricultural and tree biodiversity to attain sustainable global food and nutrition security." [33]

2.5. Bias towards agro-industrial in international agricultural development thinking

In 'The Governance of Large-scale Farmland Investments in Sub-Saharan Arica – a comparative analysis of the challenges' (2013) Schoneveld summarises the bias toward international agro-industrial development that centres around productivity, as follows: "Without exception, agricultural investments are touted by government for their potential to contribute to an array of official policy objectives; ranging from macro-economic objectives related to food security and foreign exchange earnings to poverty reduction objectives through market and technological spill-overs and employment generation[34]. This discourse is fed and nurtured by hegemonic multilaterals that view minimal state interference in agricultural (input) markets and agricultural FDI as integral to reinvigorating Africa's ailing agricultural sector. The much criticized World Bank Development Report 2008 Agriculture for Development elucidates this line of thinking; contending that the future of small-scale agriculture lies predominantly in global productive integration - facilitated, for example, by fostering linkages with large agribusiness." [35]

Also Dutch and EU trade and ODA policies and investment decisions are subjected to different messages as to how to achieve food security, ecological sustainability and sustainable economic

[31] Kusters, K. and Lammers, E. 2013. The future of forested landscapes and their communities. Both ENDS, Amsterdam, p. viii. http://richforests.org/fileadmin/publications/Rich_Forests_-_The_future_of_forested_landscapes_and_their_communities.pdf
[32] See for example publications by Bioversity International, a CGIAR institution: http://www.bioversityinternational.org/research-portfolio/agricultural-ecosystems/landscapes
[33] See: http://www.bioversityinternational.org
[34] Schoneveld, G.C. The Governance of Large-Scale Farmland Investments in Sub-Saharan Africa. A Comparative Analysis of the Challenges for Sustainability Delft, 2013, p. 196-197.
[35] World Bank 2007. World Development Report 2008. Agriculture for Development. See: http://siteresources.worldbank.org/INTWDR2008/Resources/WDR_00_book.pdf

progress – such as communicated by the 'share' and the 'spare' schools of thinking - and consequently show a recurrent lack of policy coherence. [36]

The growing global markets' demand for food and feedstock drive investments in large-scale production of sugar, palm oil and other lucrative crops in Sub-Sahara Africa.[37] The findings of the case studies coincide with international research that compares overall investments in large-scale agriculture versus small-scale farming (e.g. IAASTD)[38]. While some investors, such as World Bank-IFC and IFAD, maintain that they invest in small-scale farming – the case studies included in this report offer evidence *that investments, that are according to the programmes' objectives especially oriented at small-scale farmers, are in practice mostly geared towards industrial monoculture plantations*. This observation is noteworthy since an abundance of international research reiterates that in Africa 90% of agricultural production is derived from small farms and that most potential for positive change – from a food security, livelihoods and agricultural economic growth perspective -rests with small-scale farmers[39]. The case studies confirm findings of other international surveys that relatively very little investments are made to boost local small-scale production, enhance value addition and improve market access, extension services and local infrastructure and support environmental management at local and regional level[40]. In some contexts small farm size may be a barrier to investment; however, small farms are often among the most productive in terms of output per unit of land and energy. As yet they are often ignored by formal agricultural knowledge, science and technology[41].

This lack of prioritization of local livelihoods and access rights to natural resources is echoed by the international discussion on conservation and indigenous peoples[42]. Amongst others in response to widespread criticism from human rights organizations regarding global conservation policies and large-scale conservation projects funded by international financial institutions and donors, the international community introduced internationally binding human rights conventions and treaties such as the United Nations Declaration on Indigenous Peoples (UNDRIP)[43]. The World Conservation Union (IUCN) and Worldwide Fund for Nature (WWF) introduced policies concerning the rights of the rights communities in and around protected areas[44]. International conventions such as the Convention on Biological Diversity (CBD) and the Ramsar Convention offer concrete prescriptions and guidance regarding local-indigenous people's access rights. Discussions during the recent International Parks Congress[45] reiterate findings of extensive international research that the problem is not in the lack of strong policies but rather in a lack of willingness, or ability, of governments and local implementing parties – including some conservation organisations - to adhere to such policies. In many instances government agencies are incapable to enhance community participation in decision-making processes that used to be the prerogative of government departments[46].

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[36] See for example ECDPM's observations regarding the EU's 'Policy Coherence for Development' agenda: http://ecdpm.org/publications/eu-policy-coherence-food-security-aligning-parallel-agendas

[37] E.g. global demand for palm oil grows annually by 4-5 percent. See: http://www.palmoilandfood.eu/en/sustainable-palm-oil

[38] International Assessment of Agricultural Knowledge, Science and Technology for Development. Synthesis Report. Washington 2009. See: http://apps.unep.org/publications/pmtdocuments/-Agriculture%20at%20a%20 crossroads%20-%20Synthesis%20report-2009Agriculture_at_Crossroads_Synthesis_Report.pdf

[39] Spencer, D. 2002. The future of agriculture in sub-Saharan Africa and South Asia: W(h)ither the small farm? In Sustainable food security for all by 2020: Proc. Int. Conf. Bonn. 4-6 Sept. 2001. IFPRI, Washington DC. In IAASTD. Global report, p. 8.
Kesler, A., Ritsema, C. en Wolvekamp, P.S. Prioritising small-scale farming, Both ENDS/WUR, in The Broker: http://www.thebrokeronline.eu/Blogs/Towards-a-food-secure-world/Prioritizing-small-scale-farming

[40] See also: http://www.oxfam.org/sites/www.oxfam.org/files/bp-harnessing-agriculture-250909.pdf An overview of land constraint countries and dilemma's faced to boost agricultural production in Africa is provided in http://www.sciencedirect.com/science/article/pii/S0306919214000797

[41] IAASTD, 2009. p. 9

[42] This discussion is very well captured by the famous article by Mark Chapin "A Challenge to Conservationists", World Watch Institute, Excerpted from the November/December 2004 World Watch magazine. http://www.worldwatch.org/system/files/EP176A.pdf

[43] United Nations General Assembly, United Nations Declaration on Indigenous Peoples, 2007. Available from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

[44] IUCN, Cambridge (UK) and WWF International, Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies, 2000. See: https://portals.iucn.org/library/efiles/documents/PAG-004.pdf

[45] See for example Vidal, J. in The Guardian, 16 November, 2014. http://www.theguardian.com/world/2014/nov/16/kalahari-bushmen-evicted-wilderness

[46] Tana Delta case, Matiru V. And Yusuf, H., p. 21

An additional barrier to sustainability is that external financiers often lack commitment to ensure that the project implementing agencies follow the prescribed safeguard policies. Lack of accountability of implementing parties is increasingly a reason for concern – especially now that potentially large volumes of international funds will be disbursed through the climate investment funds and multilateral and bilateral development banks through their accredited Implementing Entities and National Designated Authorities.[47] The IUCN Committee on Environment, Economic and Social Policy (CEESP) has for many years expressed concern about financiers' preference for, high tech, large-scale projects above small-scale capacity building initiatives aimed at community empowerment and involvement in sustainable natural resources management[48]. These findings coincide with a recent report by the research group GRAIN on the Gates Foundation which reveals that most of the USD 3bn that the Bill & Melinda Gates Foundation has given to benefit hungry people in the world's poorest countries has been spent in the US, Britain and other Western countries, with only around 10% spent in Africa (of which only a meagre 4% came available for local NGOs). Analysis of grants made by the foundation shows that nearly half of the money awarded over the past decade went to global agriculture research networks, as well as organisations - including the World Bank and UN agencies - and groups, that work in Africa to promote hi-tech farming, according to the researchers[49]. [50]

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[47] Both ENDS, Natural Justice, Rich B., : Feasibility report on an independent, citizens based complaint review and referral mechanism at the Green Climate Fund (GCF). Briefing paper. Commissioned by Transparency international. June 2015.

[48] See also in Boumba Bek case, Silankor, S., p.10-11 and Cherangany Hills case, Kenrick, J., p.4. CEESP's critique of IUCN's sponsorship agreement with Future Harvest, reminding IUCN's membership of the drivers behind Future Harvest: The Future Harvest Foundation, was initiated by the Public Awareness and Resource Mobilisation Committee of CGIAR, and is now registered as NGO. Partners from the private sector include CropLife International, Sustainable Agriculture Initiative, Bayer CropScience AG as well as Syngenta Foundation for Sustainable Agriculture (an organisation established and funded by Syngenta). Agroecology versus Ecoagriculture: balancing food production and biodiversity conservation in the midst of social inequity, by Miguel A. Altieri. See: http://agroeco.org/wp-content/uploads/2011/02/ecoagvsagroeco.pdf

[49] Gates Foundation spends bulk of agriculture grants in rich countries. See: http://www.theguardian.com //global- development/2014/nov/04/bill-melinda-gates-foundation-grants-usa-uk-africa

[50] See also Schoneveld, G. C., The geographic and sectoral patterns of large-scale farmland investments in sub-Saharan Africa, Food Policy 48 (2014) 34–50, Elzevier.

3. Government policies: policy frameworks for agriculture, livelihoods, food security and the environment

This chapter focuses on the sub-question: What are the respective governments' policies and perspectives on achieving development and how does this translate in land and water allocation?

3.1. Translating international obligations to national policy implementation

"Biodiversity is the source of economic and ecological security of present and future generations. Thus, the current and future economic, social and ecological contributions of genes, species, and ecosystems make the conservation and sustainable use of biodiversity, not just a technical concern but a political imperative as well." (Government of Tanzania, 2009)[51]

As discussed in chapter 2, governments in the case studies have adopted a range of international and national legal provisions that offer strong guidance in most domains of environmental protection, human rights and good governance. The case studies offer fairly detailed insights in international and national legal frameworks and institutional arrangements which are designed to ensure that development interventions, by governments, private sector and people, do not compromise common goods such as ecosystems, food security and human rights – as enshrined in the constitutions of all five case study countries[52].

As some case studies argue, however, national governments' room for manoeuvre is to a large extend also determined by international trade, fiscal agreements, debt rescheduling and adjustment agreements which governments have to honour to avoid severe penalties. The obligations which countries assume when signing on to such commercial, monetary and legal framework agreements are often at loggerheads with the objectives of earlier mentioned international environmental and human rights conventions.

Post-war Liberia, which carries an international debt estimated at US$ 4.5 billion, is a case in point. President Sirleaf's government is keen to raise sufficient revenue to service its creditors and get the economy back on its feet. As the EPO case (Liberia) points out: the Agenda for Transformation, i.e. the medium term economic development strategy, stresses that "the concession economy will continue to be a major driver of economic growth in the short term". [53]

While governments are keen to achieve higher economic growth rates, almost all case studies indicate that same governments tend to water down or even ignore social and environmental safeguard policies when these are perceived as an impediment to economic progress. For example, most case studies narrate a lack of enforcement of safeguards in support of (customary) land rights protection. Only two of the five case study countries support the United Nations Declaration on the Rights of Indigenous People (UNDRIP), namely Cameroon and Tanzania[54]. The internationally accepted principle of Free, Prior and Informed Consent (FPIC) is not recognised or adhered to. An example is the EPO case (Liberia) where Silankor writes: "The communities, specifically in Jogbahn Clan and generally in District No. 4, rights to participation and Free, Prior and Informed Consent (FPIC) regarding the allocation of their land to LIBINC, under the renewal of the concession, were not respected." As a result, several villages in the Jogbahn Clan have continued to resist the expansion of the plantation since 2012. They contend that EPO began expansion on to their customary land without their consent, and that they do not wish for EPO to cultivate oil palm on their land[55].

3.2. Issues of enforcement of international and national regulations

All four palm oil related case studies describe how the law prescribes some sort of procedure for the consultation of the concerned local population. Such as in the case of Herakles, Cameroon: "[…]local land administration is vested in consultative boards that include traditional authorities.

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[51] Vice-President's office, Government of Tanzania: Fourth National Report on the Implementation of the Convention on Biological Diversity, July 2009, Preamble.

[52] See also: W.J.V. Vermeulen (UU) Y. Uitenboogaart (UU) L.D.L. Pesqueira (UU) J. Metselaar (UU) M.T.J. Kok (PBL) Roles of Governments in Multi-Actor Sustainable Supply Chain Governance Systems and the effectiveness of their interventions, PBL/Universiteit Utrecht, 2010.

[53] Government of Liberia, Agenda for Transformation: Steps Towards Liberia Rising 2030. See: http://mof.gov.lr/doc/AfT%20document-%20April%2015,%202013.pdf

[54] Guide to Free Prior and Informed Consent, OxfamAustralia, 2010, p. 30. https://www.culturalsurvival.org/sites/default/files/guidetofreepriorinformedconsent_0.pdf

[55] EPO case - Silankor, S., p. 7.

[…] The prefect appoints the consultative boards, which must consist of a number of local government officials, as well as the chief and two notables from the village or community where the land is situated. Where more than one community is concerned, one chief and two notables should be present from each of the different communities and villages affected. Among other things, the consultative board is responsible for selecting lands that are 'indispensable to village communities' and making recommendations on applications for concessions over National Land and other aspects of national land use, development and conflict resolution." [56] All palm oil cases than describe how in practice consultations are limited to seeking the consent of local formal officials.

As Kenrick (Cherangany case, Kenya) indicates "The most important legal frameworks governing the management of such natural resources in Kenya are the existing Forests Act of 2005 which forbids communities from living on their ancestral lands, and the Wildlife Act (passed December 2013) which prohibits their hunting and gathering and does not require the Government to seek their FPIC (Free, Prior and Informed Consent, as required by international law) when turning their land into 'Protected Areas'"[57].

With the exception of the Waza Logone case (Cameroon) and the Kalangala case (Uganda), all case studies report or predict large-scale eviction – without due process – of local populations. As for example the case studies on GVL (Liberia) and Herakles (SGSOC, Cameroon) explain, this is also a root cause of conflict within local communities and between communities – and as such a source of serious disharmony. The government and foreign firms operate on land which communities consider their customary land. Some case studies – e.g. Tana Delta (Kenya) and SAGCOT (Tanzania) – seem to suggest that the process of expulsion of local people engaged in small-scale farming, fisheries, animal husbandry and forest based gathering and hunting may appear less drastic than in the palm oil related cases. Yet, these cases all the same reflect an unavoidable side-effect of larger scale sized, high external input, farming, mechanization and concentration of land ownership (e.g. with Syngenta, one of the worlds' leading agri-businesses, as key partner and investor in SAGCOT). Whereas most cases describe massive shifts in land use and access to natural resources, SAGCOT surpasses all other cases by its sheer magnitude – covering one-third of the mainland of Tanzania.[58]

Case studies point to the fact that both in terms of legal wording and perceptions held by government officials community land - especially collective customary land - is perceived as unused land, wasteland or "[…]unoccupied or unexploited national Land" (Herakles case, Cameroon)[59].

3.3. Urgent challenges and competing claims over land and water

The case studies also emphasize the urgent need to ameliorate living conditions and to create economic opportunities for the local population. As the SAGCOT case (Tanzania) underlines: "more than 40 percent of the Tanzanian population lives in chronic food deficit regions where irregular rainfall causes repeated food shortages. […] 81 percent of the impoverished people who are often food insecure are in households where the main activity is agriculture". The narratives from Liberia and Kenya reiterate this notion. Kenya faces a persistent food crisis in parts of the country and experienced famines only recently[60].

At the same time, the SAGCOT case emphasises, however, that lack of proper consultation and insecure tenure conditions tend to marginalize rather than up-lift very large sections of the rural population. It explains the many risks which accompany large-scale development interventions pose for local land tenure, because of the top-down land acquisitions it implies. As Bergius argues "[…]the Village Land Act and the Land Act define General Land inconsistently. Whereas the former defines General Land as `all public land which is not reserved land or Village Land` the latter defines General Land as `all public land that is not Reserved Land or Village Land and includes un-occupied or unused Village Land`[…] These ambiguities make it possible to locate General Land

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[56] Herakles case - Silankor, S., p.5-6
[57] Kenrick, J., p. 3
[58] SAGCOT aims in the next 15-20 years to bring some 350,000 hectares into profitable production; to transition 10,000 small-scale farmers into commercial farming; to create 420,000 new employment opportunities; to lift 2 million people out of poverty; and to generate $1.2 billion in annual farming revenue by 2030. Under SAGCOT initial plans, roads, dams, irrigation systems, and expansion of high production commercial agriculture are planned.
[59] Silankor, S., p. 3.
[60] See: http://worldrelief.org/page.aspx?pid=2933

anywhere as long as that land is not used or occupied. This opens up for arbitrary interpretations of what is considered *unused* land even though such land may have important livelihood functions." And Bergius continues "[…] the vested trusteeship power over land empowers the president to transfer any area of Village Land to General Land for public interest. […] In other words, Village Land transfers that are likely to have a greater impact are ultimately moved beyond the control of those utilizing those lands. Indeed, these pitfalls inherent in the legislation provide openings for elites and authorities higher up to compromise village decision-making power. The final decision of Village Land transfers hence lies with the government"[61].

Within the context of the Tana Basin (Kenya), Matiru cs describe that "[…] the government could allocate land that was classified as either Government Land or Trust Land through a system of allotment, whereby an institution or individual could request to be allocated a piece of land, irrespective of whether or not it was currently occupied and after getting their letter of allotment, evict those on the land, who would then be classified as "squatters" despite the fact that in some cases they had occupied this land for generations."

And Matiru cs continue "Although the TDIP project started in the late 1980s, TARDA only applied to be allocated Trust Land in 1995, suggesting that the Regional Development Authority illegally set aside land for the irrigation project, including displacing the local communities and only later "regularized" this occupation. Several attempts to challenge this allocation by civil society organizations in court failed, because of technicalities and delays occasioned by TARDA". However, the authors also indicate that "[…] with the introduction of devolution, it will be now possible to challenge government decisions at various levels and using various mechanisms. For example, communities that have formed Water Resource Users Associations (WRUAs) and Community Forestry Associations (CFAs) and now better placed to challenge the actions of government corporations as compared to the past. A case to illustrate is the successful court case that the National Alliance of Community Forestry Associations (NACOFA) instituted and won in 2012 to challenge the allocation of forest concessions to key forests around the country to private sector entities by the Kenya Forests Service (KFS)"[62]. The question now is whether this precedent will enhance chances for the Sengwer people – whose eviction is described in the Cherangany case (Kenya) - to gain formally endorsed control over their ancestral lands[63]

In conclusion, the case studies reiterate that there is no lack of strong policies in support of sustainable land and water management. The countries adopted key international and national legal provisions offering guidance for environmental protection, human rights and good governance. The key obstacle for implementing these policies seems to be lack of willingness or ability by governments to adhere to these policies. Within this vacuum, companies and implementing agencies can often just freely operate without limitations.

In addition, governments face, on the one hand, the challenge of ameliorating living conditions, food security and livelihood opportunities of the rural population. On the other hand, their room for manoeuvre is limited, since they have to reckon with international trade, investment and fiscal agreements and debt rescheduling and socio-economic adjustment recipies demanded by external international financiers. Rural populations and the environment are wedged between these competing demands.

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[61] Bergius, M., p. 6-7.
[62] Matiru, V. cs, P. 18-19
[63] In this respect it is important to take heed of Kenrick's advice namely that "[…] The fact that the Community Forest Associations (CFAs) - that Finnish funding has helped promote - can be extraordinarily counterproductive. As we know from the extensive literature on commons regimes, unless a community has long term ownership rights to their resources then it is hard to take a long term sustainable approach to those same resources. The CFA approach is specifically designed to benefit communities "adjacent to government forest reserves". Those forest dwelling communities such as the Sengwer or the Ogiek of Mt Elgon are not 'forest adjacent' they are forest communities who have strong cultural, social and livelihood relations with their forests and wish to continue to maintain those forests. Kenrick, J., 2014. p. 8.

4. Stakeholders: coherence and responsibilities

This chapter focuses on the sub-question: Which sectors and which actors benefit and why?

4.1. Distribution of powers and avenues for participation

To achieve inclusive and ecologically-sustainable pathways, high levels of policy coordination and coherency are required, with much attention for operational implementation. Especially where it concerns matters off natural resources management, ecological sustainability and distribution of key resources such as water and land on which local peoples' livelihoods and well being depend, it demands sufficient degrees of decentralization of powers to ensure governments' responsiveness and accountability to the local populace. It is also a prerequisite for effective monitoring and law enforcement. The Waza Logone case (Cameroon) explains how responsibilities and mandates are distributed over different government departments that often work at cross-purposes.

Effective participation of people and local communities in development projects such as described in all 9 case studies requires high levels of transfer of power to local levels, with adequate mechanisms for the local population to have a say in matters. The case studies narrate, however, that only in very rare instances effective systems of co-management of natural resources exist, or examples where such management is de facto entrusted to local communities. This, whereas an abundance of research indicates that "traditional communities often protect forests and the environment efficiently and cheaply"[64]. The case studies offer a number of explanations for inadequate government interventions, with reference to a number of concrete bottlenecks:

4.2. Authorities at national and local level

Notwithstanding policies geared towards decentralized governance, virtually all case studies narrate that *decision-making is still centralized in the capital cities and information flows to local levels are lacking*. The Cherangany case (Kenya) might be considered an exception considering the far going decisions being taken by the local branch of the Kenyan Forest Service, such as the command to evict the Sengwer people. But even than it is safe to assume that headquarters in Nairobi sanctioned such decisions, in advance. Centralised decision-making does not seem to promote more inclusive processes of natural resources management.

As the SAGCOT case (Tanzania) explains, conditions of agriculture and ownership in Tanzania are often held by the state. Public consultation is required before it is privatized. The authors than point out that those local communities do not have much information about the SAGCOT initiative, which is perceived to lack in transparency. Public land and water will be more open to privatization and intensification of land use in future. The author beliefs this may not really benefit the small-scale farmers that have no means to invest in their land[65]. These concerns are widely shared. E.g. IUCN, referring to reviews on existing agricultural growth corridors[66], confirms there is reason for caution. It summarises the most common weaknesses encountered, which include: a lack of security of tenure and negotiating capacity for local communities over land use planning; a lack of strategies to minimise risks to small-scale farmers and herders from the commercialisation of agriculture, and traditional forms of cultivation and land use may become unviable, disrupting livelihoods especially for poorer people[67]. As both IUCN and Bergius underline, the challenge is to ensure effective partnerships among governments, civil society organisations, knowledge institutes, private sector investors and communities, and that outcomes for development would

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[64] See for example: Vidal, J.: "How the Kalahari bushmen and other tribes people are being evicted to make way for 'wilderness', The Guardian, 15 Nov. 2014, in which the author refers to research by the Centre for International Forestry Research, the World Bank and academics which confirms that traditional communities often protect forests and the environment efficiently and cheaply." http://www.theguardian.com/world/2014/nov/16/kalahari-bushmen-evicted-wilderness

[65] The authors also emphasize that SAGCOT is still in a preparatory and planning stage, and consequently the impacts on livelihoods, landscape and biodiversity, and the availability and access to water are as yet difficult to determine.

[66] IUCN, 2014. See also: http://iucn.org/about/work/programmes/economics/?14396/Sustainability-and-Inclusion-Strategy-for-Growth-Corridors-in-Africa-SUSTAIN-Africa

[67] Other risks identified are: • adverse effects on water use by communities or across sectors because of diversions, withdrawals or consumption of water, for example for irrigation, or pollution; • lack of opportunities for small-scale farmers to participate, because of lack of access to credit, farm inputs and technical assistance; • lack of focus on capacity building, learning and leadership development in local communities; • high risk premium for financial investors.

then combine sustainable and resilient ecosystem services to underpin long-term investment and livelihoods for local people and other tangible ecological and socio-economic benefits[68].

As earlier described, the Herakles case (Cameroon) adds important insights into the dynamics at local level, whereby local Chiefs often show themselves strong supporters of industrial plantations against the wishes of the community, or a majority within that community. Some local leaders have tangible vested interests – e.g. by being employed by the same company that seeks to expand its land bank in that region.

The GVL case (Liberia) explains why local government officials, such as the District Commissioner and Superintendent, which receive their political appointment directly from the President's cabinet, are unlikely to go against central government decisions such as approval of land acquisition permits for mining or palm oil companies. Hence, such official loyalties are geared towards Monrovia, Kampala or Douala rather than being responsive to concerns from local constituencies.

4.3. International financiers and their standards

The quality of development interventions is to a large extend determined by external agencies, such as financiers – and these agencies' ability and willingness to ensure their own safeguard policies are being adhered to and to prevent the creation of 'odious debts'[69].

In the Cherangany case (Kenya), the World Bank, as well as the Finnish government has been funding the Kenyan Forest Service (KFS). The study observes: "In this context it is important to note that although the World Bank currently has very good Indigenous People safeguards, and developed a very good Indigenous Peoples Planning Framework for the NRMP (Natural Resources Management Project), at the end of the day the impact of funding depends both on the management side of the [World] Bank which is driven by the need to get funding out, and that it depends on the quality of the implementing agency (in this case KFS) and the quality of the [World] Bank's analysis of this agency (something the Inspection Panel found was very inadequate)"[70]. The Cherangany case describes a situation whereby government personnel stationed in the field – notably staff of the Kenya Forest Service - are not instructed neither socialised to engage the most important local stakeholders, i.e. the Sengwer people. "One of the absolutely key reasons for this failure is that the World Bank, as well as the Finnish government have continued to see KFS as a 'weak' institution in need of strengthening through more finance, whereas it has proved to continue to be a very strong organization that continues to strongly pursue not only an enforcement and control approach but also, from the top down, an approach which sees forest as a means for making money as an institution and as individuals in the institution."[71].

Schoneveld reiterates the awkward position governments manoeuvre themselves in vis-à-vis foreign investors (such as palm oil companies, agri-businesses) and communities. "One of the primary factors underlying the limited investor regard for principles of social justice is the lack of

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[68] IUCN, 2014, p. 2.

[69] "Odious debts" debts incurred and used for ends which, to the knowledge of the creditors, are contrary to the interests of the nation, do not compromise the latter — in the case that the nation succeeds in getting rid of the government which incurs them — except to the extent that real advantages were obtained from these debts. The creditors have committed a hostile act with regard to the people; they can't therefore expect that a nation freed from a despotic power assume the "odious" debts, which are personal debts of that power. http://journal.probeinternational.org/odious-debts/ See also the book by Patricia Adams: "Odious Debts: Loose Lending, Corruption, and the Third World's Environmental Legacy." http://probeinternational.org/library/wp-content/uploads/2010/11/Odious-Debts.pdf As authors like Adams and others who plea for more attention for strong fiscal policies point out, a situation whereby regimes have access to relatively easy borrowing offered by external, international, financiers such as the World Bank, instead of merely relying on tax revenues from its own citizens, in fact undermines the accountability of such regime to its own populace, leads to foreign debt and, consequently, a selling out of natural resources by national governments to service these debts.

[70] The World Bank Inspection Panel Report (while not yet a public document) is very clear that:

(1) The Bank failed its own Indigenous Peoples OP 4.20 safeguard policy, including "because the proper steps to address the potential loss of customary rights were not taken as provided by the policy". In other words it has not safeguarded Sengwer rights to their lands; and

(2) The Bank was non-compliant with its safeguard policies because its project sustained the conditions for further evictions because it failed to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to eviction "before, during and after the conclusion of the NRMP". See also: http://www.theguardian.com/global-development/2014/sep/29/world-bank-kenya-forest-dwellers

[71] Kenrick, J. , 2014, p. 10

meaningful accountability mechanisms. The state is the only contractual counterpart of investors and in that capacity bears a number of responsibilities to investors. For example, […] it is the responsibility of the state to ensure that the land is free from encumbrance and all existing interests in land are dealt with before allocation"[72]

Schoneveld than argues that with investors being granted leases over land the un-resolved land conflicts are the burden of the government. He also confirms the findings by many of the case studies that investors are unwilling to accommodate discontented communities and would instead refer these to the government. And crucially, he also maintains that "Since leasehold contracts rarely detail any far-reaching commitments towards host communities and with government more inclined to hold investors accountable on the basis of economic, rather than, social performance, companies have few incentives to actively foster company-community relations"[73].

The case studies inescapably second Schoneveld's observation. There is a persistent pattern discernable of governments taking decisions and measures in support of large-scale land and water allocations – serving commercial interests of foreign enterprises, supposedly in line with national economic or ecological priorities - which affect the immediate and long term interests of the local populations. In some cases, the argument of safeguarding ecological values, such as maintaining water catchment functions (Cherangany case) or conserving wildlife (Boumba Bek case), is used to justify displacement of local, indigenous communities. In such situations, the costs to achieve governmental ambitions of reaching accelerated economic progress are transferred to the weakest actors of society and the environment. A phenomenon, which is clearly in contradiction with the earlier, quoted Brundtland definition of sustainable development.

Many argue that institutions such as the World Bank in fact often facilitate bad governance and large-scale corruption. A recent study even argues that one-third of funds disbursed by the World Bank ends up in circuits of corruption.[74]

4.4. Safeguards of financiers and realities in communities

Most case studies refer to Environmental (Social) Impact Assessment (E(S)IA) studies, Free, Prior and Informed Consent (FPIC) and other processes undertaken to assess social and environmental impacts and to ensure local populations are consulted. The case studies present a mixed bag of experiences concerning the quality of such processes and the degree in which E(S)IAs are actually taken heed of by the government and corporations concerned. A recurrent obstacle narrated by many of the case studies is that those responsible for conducting an E(S)IA or FPIC tend to limit themselves to inform and consult members of the elite. E.g. the Herakles case (Cameroon) describes a much common phenomenon whereby village chiefs agree to hand over community land for plantation development – without consulting their people.

The following citation is illustrative. The case study first describes the prescribed formal procedures and than confronts this with what transpired to have happened in reality. 'To develop National Land, a project proponent must first apply to the local office of the Ministry of Lands for a temporary concession ('concession provisoire') lasting five years or less. The application dossier must include an application form, a map of the land, the development plan and company details. The lands office must 'consult all appropriate parties' before sending the dossier to the local 'consultative board' ('commission consultative'). These legal requirements would be the same for Herakles Farms project. The prefect appoints the consultative boards, which must consist of a number of local government officials, as well as the chief and two notables from the village or community where the land is situated"[75] It is then relevant to understand how local formal and traditional leaders have the ability, mandate and willingness to genuinely represent the interests of their constituencies.

The Herakles case is illustrative of the dynamics, which one can encounter at local level. The authors narrate "[…] Nevertheless, the researchers observed that in several villages, those who are supposed to represent the community are ignoring the wishes of their people. Even though one of the elites and village chief, Chief Dr. Atem Ebako of Talangaye has thrown his weight behind the Herakles farm (SGSOC) industrial oil palm project, many of his subjects are opposed to it. Ebako has stated that he decides for his village and everybody must abide by his decisions. One

[72] Schoneveld, G.C., Delft 2013, p. 199
[73] Schoneveld, G.C., Delft 2013, p. 199
[74] See 'Foreclosing the Future. The World Bank and the Politics of Environmental Destruction.' by Bruce Rich, lawyer and internationally acclaimed author on The World Bank.
[75] Herakles case, Siakor, S. 2014, p 6

of the Chief's representatives, Eyong Richard, says chief Ebako has instructed villagers of Talangaye to speak to no one about the SGSOC project without his permission. Ebako has also ordered his subjects to avoid contact with environmental organizations such as Greenpeace and WWF[76]. A similar situation is occurring in Manyemen village where Chief Oben Nkongho supports the project while the vast majority of his subjects oppose it. He claims that after scouting in Europe and America for capital, investors told him that Cameroon was a corrupt country and thus would not invest there. According to Chief Oben, SGSOC has come to fill that investment gap. He underscored that if the communities were paid for carbon credits, then he would be satisfied and would turn away from SGSOC[77]. Ayong village also suffers a similar fate under its chief Lordson Asek, who is a Community Development Officer (CDO) for SGSOC and supports the project while a majority of the community is opposed to it[78]. It is a global phenomenon that governments acquire land – which local people claim they are entitled to by formal law or/and customary law - with reference to *eminent domain*: the power of the government to take private property and convert it into public use[79].

4.5. The "implementation gap"

From the case studies, a pattern emerges whereby external funders – EU, World Bank[80], IFAD, bilateral donors as well as corporate investors - themselves fail to take co-responsibility for adequate implementation. One may argue that doing otherwise implies a transgression into the sphere of sovereignty of the host country. But, what this stand can lead to is described by the Cherangany case (Kenya): "Subsequent to the President's intervention in November 2013, and despite a High Court injunction secured by the Sengwer at Eldoret High Court in March 2013 (and still 'in force') forbidding their eviction from their lands, in January 2014 KFS began a process of forcefully evicting and burning all Sengwer homes in the Embobut forest and glades, forcing the thousands of Sengwer living there off their ancestral lands."

The Ugandan NGO NAPE, expressing concern about the Kalangala project in Uganda refers to the gap between the exchange of project proposals between investors and clients on paper versus the realities of implementation on the ground as follows: "[…] While IFAD has been considered to be a reliable and professional knowledge organization in different parts of the world, in Uganda these good practices seem to have been suppressed by the local dynamics in the country where political interference, corruption, violation of human rights and poor implementation of laws is rife. It is therefore not surprising that what may have been a good project to them on paper translated into a bad project during implementation[81]. This final conclusion is not shared by others, including WILMAR corporation, who argue that palm oil development has in fact acted as a positive catalyst to unleash economic development for Bugali island and the larger region – as referred to in the introductionary chapter of this report. Economic and demographic statistics show a rapid increase in population, inlux of investments, better transport connections with the mainland and the emergence of other business, notably in the tourism industry. See also further on in paragraph 5.2. which describes the wider social and economic implications of the palm oil sector in Africa.

In the case of Cherangany (Kenya), the Independent Inspection Panel of the World Bank confirms what we would like to coin a serious "implementation gap: More attention should have been given from the outset to identify risks for affected people and adequately mitigate for such risks as required by Bank Policies on Environmental Assessment, Project Appraisal, Indigenous Peoples, and Involuntary Resettlement"[82].

In conclusion, nearly all case studies describe how international financiers, e.g. EU, World Bank, IFAD, bilateral donors as well as corporate investors, themselves often fail to take co-responsibility

[76] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013.

[77] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013.

[78] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013.

[79] See http://www.law.cornell.edu/wex/eminent_domain

[80] A number of case studies describe how the World Bank is a key investor in large-scale palm oil plantation development (Kalangala, Uganda – but the World Bank withdrew its support in the 1990s), forest management (Cherangany, Kenya), and large-scale commercial farming (SAGCOT, Tanzania).

[81] Piacenza, 2014, p. 11-12

[82] Management report and recommendation in response to the inspection Panel Investigation report Kenya natural Resources management Project (IDA Credit No. 42770): p. 11-12 http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/07/10/000442464_20140710100909/Rendered/PDF/893690INVR0P0900IPN0Request0RQ01302.pdf

for adequate implementation, whereas some investors even violate their own safeguard policies. This in fact further encourages client country governments to dilute social-environmental safeguard policies when these are perceived as an impediment to economic progress. Host country governments compromise safeguards and even national and international law to accommodate (foreign) companies. At the same time, information flows to the local level concerning decision-making with regard to land and water allocation and local people's entitlements is mostly lacking. Those responsible for conducting E(S)IA or FPIC often limit themselves to consult members of the local elite.

These observations bring us back to the central question asked at the beginning of this report, namely: Which strategies African local and national governments, international and local companies, and civil society organizations apply in distributing and trading land and water? The next two Chapters will elaborate on the socio-economic and environmental impacts of large agricultural and natural resources management projects.

5. Perspectives on livelihoods and food security

This chapter focuses on the sub-question what are the social-economic effects at local level?

5.1. Typologies of farming systems and other forms of land use

To further analyse the case study outcomes, it helps to distinguish between different typologies of agriculture and other land uses[83]. In the following table we categorize the different land use systems identified in the respective case studies. This typology, derived from Bill Vorley[84], places emphasis on distinguishing between farming systems, based on scale, market linkages and access to land. It serves the purpose of this report in that it helps to pinpoint the dynamics in rural societies which face the advance of externally introduced large-scale development projects and their impact on local households. Vorley distinguishes between 5 "Rural Worlds".

- Rural World 1: large-scale commercial agricultural households and enterprises, linked into national, regional and global markets
- Rural World 2: traditional landholders and enterprises, not internationally competitive - mixed cropping farmers, diversified livelihood
- Rural World 3: subsistence agricultural households and micro-enterprises, includes pastoralists, fisher-folk, indigenous groups, limited access to assets; diversified livelihoods
- Rural World 4: landless rural households and micro-enterprises
- Rural World 5: chronically poor rural households, many no longer economically

Table 4: Categorizing types of agriculture and other forms of land use per case

	Case/ country	Rural World 1	Rural World 2	Rural World 3	Rural World 4	Rural World 5
1	Herakles Farms, Cameroon Concession: 73,086 ha; population: 19,000	Palm oil plantations -	Cocoa, other cash crops	Majority of households fall in this category	Evictions since commencement of plantation development; little absorption of local labour force	Risk of growing number of households entering this category; evictions have started with little or no compensation offered to affected people
2	Golden Veroleum palm oil concessions, Liberia 1st concession phase 33.000 ha, population: 8.000 people; 2nd concession Phase 74.000 ha, population: 20.000 people[85]	Palm oil plantations		Shifting agriculture, hunting, gathering and fishing in forest and wetland areas; some cash crop farming; rubber, coconut, fruit	Some employment offered by plantations, but working conditions are reported to be poor (labourers can easily be dismissed and work is so hard that many indicate they can not continue for long)	Risk of growing number of households entering this category. Evictions have already started; forest and other means of existence are being destroyed.[86]

[83] Numerous frameworks for such categorization have been developed. For example, IFAD offers a very detailed sub- division of farming systems by region, dominant crops and bio-physical and climatic conditions.

[84] Vorley, B. Sustaining Agriculture: Policy, Governance, and the Future of Family-based Farming. A Synthesis Report of the Collaborative Research Project 'Policies that work for Sustainable Agriculture and Regenerating Rural Livelihoods', IIED, 2002, p. 11-13. http://pubs.iied.org/pdfs/9175IIED.pdf

[85] Paul de Wit (2012), Land Inventory and Land Management Planning in Sinoe County, Land Commission of Liberia, Prepared with the support of EU Project FED/2011/270957. See: http://eeas.europa.eu/delegations/liberia/documents/press_corner/20130916_02.pdf

[86] See for example: http://www.rspo.org/members/complaints/status-of-complaints/view/24

3	Equatorial Palm Oil plantations, Liberia: Concession: 13,962 ha; population: 30,454 – with an estimated 5,000 people directly affected. Basse tribe is native to area - influx of migrants from other tribes:	Palm oil plantations	Small-scale palm oil, rubber;	Cassava, plantain, etc.; fisheries; hunting; collection forest produce, including palm oil from the wild; Majority of population involved in subsistence farming	Out-migration due to landlessness result of evictions for palm oil plantation development – started already in 1960's, now to intensify	Since many villages and hamlets get enclosed by palm oil plantations, with limited job opportunities offered, a large number of households are expected to out-migrate
4	Kalangala Islands, Uganda 6.200 ha under BIDCO nucleus estate; 3.000 ha out-growers (small-scale farmers), of which 800 ha productive. Population: 60.000 people (Kalangala District; 1.600 palm oil small-scale farmers) [87]	Palm oil plantations	A new class of palm oil small holders or outgrowers has emerged – with palm oil providing a potentially good source of income.	Predominantly fisheries, subsistence farming, hunting, life- stock; some have taken up palm oil as small holders.	Palm oil plantation hires predominantly migrant labourers; however increase of income raising and job opportunities in other (off-farm) sectors generated by palm oil project.	Some islanders, notably women may face is risk of marginalisation/ outmigration – lacking access to land and employment; there are concerns about water pollution from pesticide run off.
5	Tana Delta irrigation project, Kenya Area covered: 12.000 ha (planned), Population: 105.363	Large-scale irrigation project to boost commercial farming: sugar cane, rice, jatropha; e.g. mechanised irrigated estate sized rice farming	Medium size commercial ranches	Livestock rearing; subsistence farming; some irrigated - cash crop farming (Together constitutes 82.2% of the household income)	Most local people lack formal land tenure titles; many depend on remaining communal land adjacent to ranches - for animal husbandry; pastoralism, fresh water fishery	
6	Cherangany Hills, Kenya Area: 95.000 ha. Population: 30.000 (Sengwer)	State controlled forest and watershed management	Pressures from no- indigenous entrepreneurs and farmers that encroach upon land of Sengwer.	Sengwer indigenous people, traditionally depend on hunter-gathering; small-scale subsistence farming, 13.500 facing eviction[88]		Indigenous people forced off their land, with destroyed homesteads and access denied to forest lands; evicted people move back to their land
7	Boumba Bek-NKI Park complex, Cameroon Protected area: 648,600 ha; Population: 110,000	Mining, logging, infrastructure, park management	Limited cash crop farming	Indigenous Baka rely on hunting-gathering and some farming	Problems of evictions affect both Baka and Bantu	Risk of out migration due to disappearing livelihoods opportunities and collapse of local fabric

[87] According to Kalangala Palm Oil Growers Trust (KOPGT), 2013. http://www.wilmar-international.com/wp-content/uploads/2013/12/Wilmar-Affirms-Commitment-to-Open-Transparent-and-Responsible-Practices.pdf

[88] Survival International: Sengwer, Marakwet and other inhabitants of the Embobut Forest are being told to move by authorities, March 2013. http://www.survivalinternational.org/news.rss

8	Kilimo Kwanza and the SAGCOT programme, Tanzania Covers one- third of Tanzania land mass – with 350.000 ha planned for development 8.8 million people with 2 million people	Sugar cane, rice, soy, maize, wheat,	A minority of households engage rely on pure commercial cash crop farming	Majority of rural households depends on subsistence farming	Large number of farmers expected to become con-tract labourers on SAGCOT supported commercial farms	Landlessness expected to increase in the face of SAGCOT, since most farmers lack formal land title.
9	Waza Logone floodplane, Cameroon: 8,293 km2; population: 215,400 people	Park management	Rice farming	Fisheries	Employment in park management and tourism	

With the exception of the Waza Logone case (Cameroon), all case studies describe, or predict, a dynamic whereby large groups of local subsistence and cash crop farmers (and hunter-gatherers, such as the Sengwer (Kenya) and Baka (Cameroon) shift from "Rural World" 2 or 3 to "Rural World" 4 or 5. After being evicted from their land to make space for large-scale agricultural development or conservation zoning, some local farmers, forest dwelling people and those dependent on livestock rearing, become landless labourers; of which some may find employment with large plantation companies. Based on recorded demographic dynamics being observed around these development projects and based on lessons learned from similar interventions in these countries, the case study authors forecast further out-migration – e.g. to urban centres.

As the four palm oil related case studies indicate, relatively few people find alternative livelihood opportunities; either as small-scale palm oil growers or as labourers on the palm oil estates (since the companies hire predominantly migrant workers)[89]. Moreover, such jobs appear to offer little security. These developments notably affect the younger generations who, with no opportunities left, migrate to cities; something that in turn undermines the social fabric of the communities (besides to adding to additional burdens on the already over-populated towns and cities).

These findings are underpinned by the research of IFAD on poor rural people and poverty: "The disappointing rate at which agriculture has helped small-scale farmers fight their way out of poverty has also been attributed to an unbalanced development agenda. Development policy has historically been biased against agriculture in favour of other sectors, and within the agriculture sector it has focused on large-scale farming businesses, mimicking the investment strategies of developed countries and not taking into account the different realities and investment needs of small-scale farmers"[90].

5.2. External actors and local communities

As earlier described, the international discourse on how to tackle the multiple challenges of food security often diverges around the 'sparing- sharing debate'. The case studies expose contradictions in the perceptions of foreign investors, corporations, authorities and people. For example, the Kalangala case (Uganda) describes a World Bank-IFC (first phases) and IFAD funded palm oil plantation development project on forested islands in Lake Victoria, Uganda. This venture, led by the world's largest palm oil trading corporation Wilmar[91], involves a large-scale plantation and palm oil smallholder/outgrowers projects.

[89] As earlier mentioned and confirmed by IFAD's interim evaluation report of the Kalangala scheme. IFAD, 2011, p. 32

[90] International Fund for Agricultural Development: Smallholders, food security, and the environment. Enabling poor rural people to overcome poverty, Rome, 2013, p. 13. http://www.unep.org/pdf/SmallholderReport_WEB.pdf

[91] Wilmar is the world's largest trader in palm oil and a leading palm oil producer (239.000 ha). In 2013 Wilmar adopted a sustainable palm oil policy committing itself to No Deforestation, No Peat, No Exploitation. This includes full transparency about all its (approximately 880) suppliers. See: http://www.wilmar-international.com/sustainability/approach-strategy/ Wilmar is a member of the Round Table on Sustainable Palm Oil (RSPO).

Bearing in mind the economic development ambitions of the five countries, referred to in Chapter 2, with their emphasis on quick economic growth, it is a common feature that all governments give high priority to attracting foreign investors. FDI is seen as an engine to modernize agriculture and other sectors of the economy and boost GDP growth. As argued, this strategy makes countries very dependent on external players, such as multinational agri-businesses and multilateral banks. All agricultural development and conservation projects portrayed in the cases studies lean heavily on foreign investment and thus on their visions on and assumptions behind sustainable development. In most cases, multinational corporations[92] are the main investors and play also an important role in implementation.

Relevant in that perspective is what Piacenza writes when she summarizes two opposing perceptions of the costs and benefits of the BIDCO palm oil project as follows: "Two competing narratives frame the Kalangala oil palm project (Uganda). These narratives reflect two opposing views on the new land rush. On the one hand, the Government of Uganda and IFAD consider the project a positive model that is productive and able to achieve the strategic goal of eradicating poverty through the transformation of peasant farming into a commercial and modern one. This narrative stresses that the market opportunity created for farmers through the small-scale farmer project and the jobs available in the plantations create local development. Actually, the original design of the project contained several pro-poor measures that have been dropped during its implementation, in order to meet the economic requirements of BIDCO, the main investor in the Kalangala oil palm project[93].[94][95].

In a blog, Andrew M. Mwenda, managing editor of Uganda's news magazine The Independent[96], gives his views on the Kalangala situation. He argues: "East Africa imports about 1.2. Million tons of vegetable oil per year at a cost of US$ 1,5 billion a year of which about US$ 300 million is transport costs". He continues to calculate that Uganda would need 70.000 ha to become self-sufficient in vegetable oil. Extrapolating production figures (at 18-20 tons of fresh fruit bunch per year, which is optimistic), he calculates that this would create jobs for 12.000 people on nucleus estates and 60.000 jobs for out growers[97] (small-scale farmers). In his view Uganda may even become a major exporter (requiring 300.000 ha). Realism enters his plea when he writes: "The real challenge is to transform our farmers from subsistence agriculture to commercial farming. However, the existing way of life may be precarious but certain; so better the devil you know than the angel you don't. Farmers will go commercial once they have met their subsistence needs. Subsistence farming involves farming many crops as an insurance against the risk of them failing. The farmer will plant cassava, rice, maize, matooke, and beans. […] Commercial agriculture calls for mono-cropping. […] It promises very high yields and a huge return in money. But it can also be very risky. Should natural disasters destroy the crop or the vagaries of the market depress prices, farmers will be devastated. Peasant rationality therefore emphasizes low but steady yields against expectations of high yields at the risk of an equally high potential for failure."

Piacenza suggests an additional dimension by offering a gender lens; she finds that the analysis reveals the development of a new territory, dominated by an oil palm economy, governed by formalized land property relations, and strong patterns of male migration. In this context, the original pro-poor measures of the Kalangala oil palm project (Uganda) as envisaged by IFAD cs have been minimised, and only men and women farmers that controlled land prior to the

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[92] In the case of Kalangala, Uganda, there is joint venture formed between a Uganda state enterprise and Asia's leading agribusiness group Wilmar. See: http://www.bul.co.ug/about-us/bidco-uganda.html

[93] BIDCO is the Ugandan subsidiary company of Wilmar International Ltd.

[94] Piacenza, P., Negotiating gendered property relations over land: oil palm expansion in Kalangala district, Uganda. Paper presented at the International Conference on Global Land Grabbing II Oct. 17-19, 2012, p. 3. http://www.cornell-landproject.org/download/landgrab2012pIbidemapers/Piacenzar.pdf

[95] Various national and international NGOs classify the Kalangala oil palm project as a case of land grabbing that has made arable land inaccessible to the local population of Bugala. The NGOs that hold this view focus their concerns on the 6.500 ha of plantations that expanded at the expenses of previous forest coverage and arable land. Their concerns are also embedded in a broader global agenda whose pillars include concepts like local economies, food sovereignty and access to communal natural resources by indigenous peoples. Thus, the oil palm expansion in Kalangala represents a scenario where "the local communities lose" and the interest of corporate capital wins". The NGO GRAIN presents an overview of the key countries involved in large scale land grab. See: http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs

[96] Independent.co.ug Sunday, June 17th, 2012. See http://independent.co.ug/andrewmwenda/?p=388

[97] There seems to be confusion about the actual amount of land available for outgrowers. The outgrowers Federations insist that the project provides opportunities for 1,600 outgrowers, of which 500 women, covering some 3,000 ha. Whereas the BIDCO Uganda estate manager mentions 1,000 ha for outgrowers.

investments have success stories to tell[98]. This observation coincides with critical reflections expressed by many academics and NGOs who see a clear pattern unfolding whereby international funding exacerbates rather than bridges the divide between have's and have not's. As Dietz concludes: "The current emphasis in aid agencies on 'visible success' (with key words like 'effectiveness' and 'impact') increases the chance that development agencies will focus on the locally rich and already successful, and fail to commit themselves to the poor or the ultra poor."[99]

The gender dimension is not strongly highlighted in the case studies, with the exception of the Kalangala case (Uganda)[100] and to some extend the SAGCOT case (Tanzania). Where a gender lens is employed, however, more specific information comes to surface about distribution of land and water and the impacts of environmental changes at household level. For example, as Piacenza observes: "Among those not able to benefit from oil palm women are the most prevalent. Furthermore, these women are even further marginalized when men's power is reinforced by increases in cash- income. Their negotiating power within the household is undermined by the reduced access to forest and arable land, and the lack of viable off-farm labour alternatives […]" Piacenza argues that there is what she calls "a common gender blindness" and a lack of gender sensitive analysis where large land deals are concerned[101]. This neglect of the gender dimension is all the more remarkable if one considers that FAO estimates that women make up almost 50 percent of the agricultural labour force in sub-Saharan Africa, an increase from about 45 percent in 1980.[102]

One can conclude that by considering "the local community" as a "unitary corpus" there is the inherent risk of overlooking how land development projects impact differently on men and women and on boys and girls[103]. Not appreciating the heterogeneity within communities is an important obstacle to safeguard more equitable distribution of land and water resources under pressure of externally introduced (or, as some may argue, imposed) development projects.

The SAGCOT (Tanzania) and Tana Delta irrigation project (Kenya) cases describe that, notwithstanding public statements on how these projects will promote small-scale farming, in practice investments, technical inputs and extension services and land allocation packages are arranged in such manner that predominantly the more effluent, larger, farmers and big firms benefit. These realities described in the case studies are in stark contrast to the World Bank and IFAD propagating the prioritization of small farmer led, ecologically sound, sustainable agriculture.

The World Bank Group undertook a palm oil sector wide assessment and formulated a new strategy – following a self imposed moratorium on lending in the sector in response to mounting criticism on the effects of its support to palm oil plantation development. In its strategy it promises to focus on regulatory and governance reforms; responsible private investments; improved benefit sharing with small-scale farmers and communities; and development and widespread adoption of environmentally and socially sustainable standards and codes of practice[104].

5.3. Ambitions and dilemmas of governments

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[98] Piacenza, P., 2012, p. 1.

[99] Dietz, T. Silverlining Africa. From images of doom and gloom to glimmers of hope. From places to avoid to places to enjoy. Inaugural address, Leiden University & African Studies Centre, p.11, January 14th 2011. http://www.padev.nl/other_output/Dietz_2011_Silverling_Africa.pdf

[100] Wilmar opened a 'Sustainability dashboard' providing more deteiled information on its operations and policies, including a list of grievances received and an update of actions taken. See: http://www.wilmar-international.com/sustainability/dashboard/

[101] Piacenza, P., 2012, p. 1.

[102] SOFA Team and Doss, C. The role of women in agriculture. ESA Working Paper No. 11-02, FAO, March 2011, p. 3. Moreover, the report reiterates that ''…the time-use studies that collected the relevant data confirm the popular perception that women overwhelmingly provide the greatest proportion of household time spent on food processing and preparation. If these aspects of food preparation are included, women's labour share could well exceed 60 percent in many African countries.'' p. 11. http://www.fao.org/docrep/013/am307e/am307e00.pdf

[103] Piacenza, P., 2012, p. 1.

[104] A World Bank study looking at the rural poor in Africa highlights the heterogeneity of situations facing rural households (World Bank 2010). Food insecurity persists for the poorest households and household investment capacities are extremely limited. The study finds that adaptation strategies must include diversification of activities and incomes. Although the study identifies important roles for non-farm activities (wage labor and self-employment), on-farm activities continue to provide the main share of household incomes.
http://www.ifc.org/wps/wcm/connect/industry_ext_content/ifc_external_corporate_site/industries/agribusiness/sectors/fats+and+oils/ifc+in+the+palm+oil+sector

In search of an explanation why governments are prepared to take far-going measures to accommodate foreign companies, even to the extend of violating local populations' rights over land and water, a number of case studies describe recurring assumptions on which governments base their decisions, namely:

- First, Foreign Direct Investment (FDI) is a key engine to modernise agriculture and other sectors of the economy and to boost GDP.
- Secondly, FDI and the presence of foreign companies trigger exports, create employment opportunities and fuel economic growth, with wealth creation also accruing to local communities.
- Third, adverse impacts of companies' operations – such as evictions – will be compensated by the development opportunities brought by these firms. Fourth, land concessions for large-scale agriculture offer a quick way to generate jobs. And lastly, the availability of 'un-utilised' land which can be handed over for large scale agricultural development projects.

In order to understand the above-observed bias, it helps to refer back to the context in which government policies are formulated and implemented. The Cherangany, Tana Delta (both Kenya) and Herakles-SGSOC (Cameroon) case studies refer to the formal government's visioning policies of Kenya, Cameroon and Tanzania respectively, outlining the countries ambitions to reach the status of middle-income level countries by 2030[105].

All the case study countries show an agriculture based dual economy, with two distinct – and not inter-connected – sectors: a concessional sector of foreign owned companies (plantations, mining, timber) that generate the main part of the countries' GDP and which is heavily export oriented; and a subsistence sector[106].109 In some instances there is a confluence, as in the case of Cameroon where the Waza Logone National Park generates income from international tourism, which partially accrues to local entrepreneurs in the service industry. The Waza Logone example is important in that it also describes how the economic importance of tourism is a strong motive for the government to invest in and help safeguard the regions' ecological integrity.

In the various countries covered by the case studies, national governments' dilemma's on how to reconcile the objective of economic growth and financial-monetary stability with rural people's rights and livelihoods come to the fore. As the co-authors of the Herakles-SGSOC case argue: "Another obstacle is the belief that foreign direct investment is inherently virtuous and necessary for economic development. […] The government acts as though the need to attract foreign direct investment justifies the suppression of any and all potential impediments to foreign direct investment, and FPIC is often perceived as a major obstacle to investment"[107] In most case descriptions, governments choose for capitalizing upon natural resources catering to the demand for land, cheap labour and global demand for raw materials such as sugar and palm oil. To attract foreign parties and invite foreign direct investors, which without exception are multinational corporations and large international financiers, governments agree with the introduction of large-scale monoculture plantation development (which in the case of Cameroon goes accompanied by logging and mining).

5.4. Implications of the ambitions and dilemmas of governments

As far that wealth is being generated by foreign investments, a number of case studies give examples why such capital flows do not trickle down to rural poor households. The four case studies describing palm oil plantation development provide accurate accounts of how governments' decisions in relation to issuance of permits to plantation companies and land tenure effect rural populations and the health of the ecosystem.

In a dual agricultural economy, we thus witness two paces of development, in a context of highly unequal power relations. As described in the case studies such as GVL and EPO (Liberia) and Herakles (Cameroon), companies argue they obtained leases over the land in conformity with

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[105] Formulated in the countries' respective Vision 2030. E.g. see: http://na.unep.net/atlas/datlas/sites/default/files/unepsiouxfalls/atlasbook_1135/Kenya_Screen_Chapter1.pdf

[106] Holt, D. and Littlewood, D. (2014). Chapter 12: The informal economy as a route to market in sub-Saharan Africa – observations amongst Kenyan informal economy entrepreneurs In S. Nwanko and K. Ibeh (Eds.) The Routledge Companion to Business in Africa, Routledge p. 198-217. ISSN 978-0-415-63545-5. P. 1. http://www.academia.edu/9491160/The_informal_economy_as_a_route_to_market_in_sub-Saharan_Africa_observations_amongst_Kenyan_informal_economy_entrepreneurs

[107] Achobang, C.F., et al: SG Sustainable palm Oils Cameroon PLC (SGSOC) in South West Cameroon, in Conflict or Consent, 2013, p. 364

prevailing legal provisions and due process. However, as Amanor warns: "[…] recent tenure reforms recognise rights of people to transact lands that they hold under customary tenure. People are under pressure to sell these lands to investors when there is little support for their livelihoods, which may result in distress sales. Alternatively, investors may offer them what appears as a good price, only to later capture super-profits by repackaging and reselling the land. How do you determine what a good price for land is when land markets are relatively recent? Consequently significant areas of customary land become privatised and transacted outside of the village economy. This may result in land shortage for subsequent generations"[108].

Notwithstanding the objectives and preferences as expressed by policies of international agencies such as IFAD, bilateral and multilateral development banks, the case studies confirm the exasperation expressed by IFAD[109], namely that small farmers by and large do hardly benefit from large-scale agricultural developments. Moreover, with the exception of the Waza Logone case (Cameroon), the case studies indicate that the promise of increased employment opportunities is not being met.

There is general caution against over-estimating the labour demand of export-oriented agri-commodity production in general. It is estimated that a mere 15-20 percent of the rural population in the global South derive a livelihood from taking part in international supply chains.[110] In other words international markets offer limited capacity to offer rural producers a source of income and consequently many will depend on subsistence agriculture and local markets. As IFAD's observes: "[…] agricultural produce markets have changed at the global level. Global and, in some cases, regional value chains are becoming more integrated, often with growing centralization of control by a relatively small number of firms. The map of global trade in agriculture also has been changing, with some fast-rising economies playing a growing role. Within the push for global markets and policies that favour economy of scales, small-scale farmers from poor countries remain disadvantaged because of high transaction costs, entry barriers and large power asymmetries. However, some global value chains can offer important opportunities to small-scale farmers and poor rural people working in other links in the chains."[111]

At the same time, large sections of the rural population, notably those with insecure tenure rights, such as marginal farmers which face eviction, and indigenous forest dwelling peoples such as the Baka (Cameroon) and Sengwer (Kenya), tend to become the unnoticed victims of this development path as they loose access to ancestral land, their heritage and means of survival. These socio-economic "expulsion" effects are closely intertwined with government sanctioned environmental clearances to convert forest and wetlands into cropland. The Herakles study – narrating Cameroonian President Bya's promise to local communities to offer land compensation by opening up parcels of the Korup National Park for conversion to farm land for those displaced by the Herakles palm oil plantations - is a vivid example.

The four palm oil related case studies and the SAGCOT (Tanzania), Tana Delta and Cherangany (both Kenya) cases describe in detail how Social and Environmental Impact Assessments (SEIAs) are being conducted, as prescribed by the law in the five countries. The case studies Cherangany (Kenya) and Kalangala (Uganda) conclude, however, that the quality of the SEIAs is either weak or the SEIAs are thorough enough but are being largely ignored by the government authorities (mostly at central government level) granting permission for land development. Lomax describes the problems encountered with SEIAs in the GVL case (Liberia) as follows. "Liberia's Environmental Protection Laws require a social and environmental impact assessment procedure, which contains stages where public participation must take place prior to the award of the requisite EPA permit. Unfortunately, communities are largely unaware of the permitting process, and the EPA invariably rubber stamps the findings of the consultant contracted by the company to assess environmental and social impacts, even where communities and NGOs have registered serious concerns"[112].

In conclusion, there is a persistent paradox. First, the governments and international donors in the case studies committed themselves to formal objectives to prioritise small-scale farming and

[108] Kusters, K. and Lammers, E. 2013, p. 89
[109] IFAD, UNEP: Smallholders, food security, and the environment (2013) http://www.ifad.org/climate/resources/smallholders_report.pdf
[110] Bill Vorley (IIED) during the conference Seas of Change. Inclusive Business Models Business for Impact in Smallholder Chains. February, 2014 Amsterdam, NL
[111] In: Rural Poverty Development Report 2011. New realities, new challenges: new opportunities for tomorrow's generation, IFAD, 2010, p. 142. http://www.ifad.org/rpr2011/report/e/rpr2011.pdf
[112] Lomax, T., 2014, p. 11.

ensure sustainability. However, most case studies describe that real-time by-and-large measures and investments are predominantly geared towards industrial monoculture plantations and top-down conservation projects, without taking actions for sustainable, equitable allocation of (user) rights to land and water and local-regional food security. Secondly, official government policies reiterate commitment to decentralized governance. In practice, the cases explain how decision-making tends to be centralised in the capital cities.

6. Natural resources management: impacts and trade-offs

This chapter focuses on sub-question: what are the effects on the environment?

6.1. Impacts on ecosystems

To following table provides, in summary, a rough indication of estimated environmental impacts of the large-scale agricultural and natural resources management development projects described in the case study sites.

Table 3. Environmental conditions and trends in case study sites - data derived from case studies

	Case - country	**Most prominent natural resources**	**Threats and trends**
1	Herakles Farms, Cameroon	Concession situated in proximity to Korup National Park, Rumpi Hills, Mount Bakossi – all protected areas under Cameroonian law. The project area also includes significant forest areas with commercially viable timber species. According to company's (ESIA) project area encompasses High Conservation Value Forests (HCVFs) "including primary forests, vegetation on steep and sacred sites as well as agricultural land used by villages".	According to its ESIA, Herakles Farms planned to clear and plant oil palm on 60,000 of the 73,086 hectares concession area during the lifespan of the project. In addition there are areas it needs for setting up the refinery, nursery, road network within the concession and workers quarters Evidence of extensive clear felling of commercial timber, large-scale forestland clearance and conversion to oil palm plantation.
2	Golden Veroleum palm oil concessions, Liberia	GVL's total concession is 350,000 hectares. It contains large areas of forest – varying in size and quality – alongside areas of degraded forestland and current or fallow croplands, as well as rivers, swamps and other wetlands. Areas of the GVL concession area are rich in significant mammalian species, including Chimpanzee, with reports that some areas are as ecologically rich as the nearby Sapo National Park (Liberia's only national park).	Palm oil concession development: GVL's engaged consultants identified high conservation value areas, including areas of forest containing high carbon stocks. These areas are then 'ring-fenced' as no-go areas for the company. Concern: this process has direct implications for communities, since the company by avoiding high quality forest targets degraded forest areas, which is often where community shifting crop lands, villages, tree crops etc. are located. If the company claims these areas, the communities then have little choice but to make room for food crops in the environmentally significant forest areas, and the environmental impact of the project remains destructive.
3	Equatorial Palm Oil plantations, Liberia	The area is a mosaic of fragmented secondary forest, agriculture land, wetlands, and human settlements. The Liberia Agriculture Company (LAC), the second largest rubber plantation in Liberia, is to the immediate north of the EPO concession area. The secondary forests in the southern part of the LAC concession are linked to the secondary forest in the northern part of the EPO concession. Together, this extended patch of secondary forest is the only viable natural habitat for different plant and animal species in the area.	The 13,962 hectares oil palm plantation will affect the area's remaining (secondary) forest, impacting on flora and fauna and the village populations living adjacent to these forests who loose access to this reservoir of basic needs (fuel, fodder, fruits, medical plants, etc.).

4	Kalangala Islands, Uganda	Kalangala district - Bugala island (29.000 ha), where BIDCO has established oil palm plantations - is water locked, located in Lake Victoria, catchment for the Nile River. The landscape in the project area is comprised of wetlands, natural forests, farmland and oil palm plantations. Wetlands endowed with flora and fauna, such as Different species of snakes, which include Python sebal[113].	Natural forests have been degraded or removed by logging, charcoal production, and plantation development. BIDCO developed a 6.500 ha nucleus estate and while approx. 2.500-3.500 ha in is under development by out growers – palm oil development covers one-third of the island's surface. See also Chapter 1.[114] Concerns rose about increasing risk of soil erosion, pesticides run-off leading to pollution of ground water, fresh water and Lake Victoria. The regulations of the National Environment Management Authority (NEMA) indicate that development should be located outside the 200-metre zone of the lake. Allegations have been made that BIDCO and out growers violated these regulations[115]. IFAD states that the project meets environmental safeguards.[116]
5	Tana Delta irrigation project, Kenya	Tana River catchment hosts a wide range of wetland-associated ecosystem services, including recession agriculture, irrigation, fishing, dry-season pasture, wetland plants and animals used as food, medicine and thatching materials, reeds, clay and sand, bathing, swimming and cultural practices. It also provides for river transport, especially for farm and fisheries produce and is an important security barrier against armed raids, which is enhanced by the presence of crocodiles and hippopotamuses. TDIP's core is to bring 12.000 ha under irrigated cultivation (of which 2.000 ha is currently in production), with emphasis on commercial farming: notably rice, as well as sugar cane, (jatropha: stalled) - mechanised estate farming.	Threats of the TDIP are biodiversity loss (wildlife especially primates, agro-diversity), deforestation and loss of vegetation cover. New planned developments impacting on the Tana river regime include the 485.000 ha Galana/ Kulalu Ranch Food Security Project (ranch farming (maize, sugarcane, beef, game animals, horticulture/fruit, dairy farming). Kenyan environmental groups have opposed the Sh250 billion irrigation project; the groups argue that the irrigation project will destroy habitat for wild animals[117].

[113] Bafirawala, M. and Nsimbi, F. Kalangala District Wetland Inventory Report, National Wetlands Programme Ministry of Water, Lands and Environment, Government of Uganda, 2001.
[114] Wilmar argues that 'Altogether, three environmental impact assessments (EIA) were conducted separately by the World Bank, the Ministry of Agriculture together with Bidco Uganda and the IFAD. The former two were conducted before the project commenced; and the last after the project took off. All three EIAs clearly indicated that there was no significant biodiversity value in the project area.' See: http://www.wilmar-international.com/wp-content/uploads/2013/12/Wilmar-Affirms-Commitment-to-Open-Transparent-and-Responsible-Practices.pdf
[115] http://www.newvision.co.ug/news/641795-oil-palm-growing-threatens-buggala-island-forest-cover.html
[116] IFAD, 2013
[117] See e.g: http://www.hortinews.co.ke/article?id=683#sthash.JMbbuvdI.dpuf

6	Cherangany Hills, Kenya	The Hills (95.600 ha) are important biodiversity hotspots, harbouring several forest types and regionally threatened species such as the Lammergeyer, African Crown Eagle, Red Chested Owlet, Sitatunga and Thick Billed Honey Guide. Several Ecosystems depend on water originating from it, including: Lake Victoria (Shared by Kenya, Uganda and Tanzania), Lake Turkana and Saiwa Swamp National Park. The watershed of Cherangany Hills forms major conservation areas, which include: Saiwa Swamp National Park (known for Sitatunga, an endangered antelope species), South Turkana National Reserve, Rimoi Game Reserve and Kerio Valley National Reserves. Officially defined as one of Kenya's "Water Towers"[118], with its streams feeding into Lake Victoria and Lake Turkana.	The Cherangany Hills' ecology, which witnesses severe deforestation during the colonial era, suffered new onslaughts when from 1992 onwards thousands of hectares of land were excised through illegal alterations of forest boundaries and irregular allocation of the land to non- Sengwer. The largest excision areas extended over the top of the Cherangany Escarpment (Eastern Cherangany Forest Reserve), impacting tremendously on water resources and altering the flow regime of major rivers feeding Lake Victoria and Lake Turkana, a trend threatening the stability of the lakes‟ ecosystem. Portions that remained were converted into Agricultural Development Corporations (ADC) farms. In the 90s the ADC farms were further allocated to politically influential communities and individuals leaving Sengwer peoples landless and aliens in their own territory. Recent, new forced evictions and displacements of Sengwer Indigenous Peoples.
7	Boumba Bek-NKI Parks complex, Cameroon	The Boumba Bek-Nki National Parks complex forms part of a sequence of protected areas in South-east Cameroon, covering 648,600 ha[119]. Boumba Bek hosts semi-evergreen lowland rainforest, along with several patches of closed-canopy evergreen forest, small areas of seasonally flooded forest, swamp-forest, and grassy savannahs. It biodiversity includes chimpanzees, forest antelope, Nile crocodiles, and forest elephants.	Mining, logging, infrastructure development and palm oil plantations, accompanied by commercial poaching to feed migrant workers in these industries[120], pose an imminent threat to the ecology of Boumba- Bek complex.
8	Kilimo Kwanza and the SAGCOT programme, Tanzania	SAGCOT is to cover one-third of Tanzania, overlapping largely with the Rufiji Basin, which contains over 100 Forest Reserves that are important for the sustainability of vital, but fragile, land and water resources. The ministry of agriculture identified 900,000 ha. of potential land for investment in the corridor. Over the 1990-2008 timeframe, the Udzungwa Mountain degradation of natural forest and woodland areas increased from a rate of 65 ha to 228 ha per year. It is warned that SAGCOT may intensify this negative trend.	The SAGCOT impact assessment envisages increased demand for water as a result of large-scale irrigation projects associated with the establishment of new plantations. This will potentially undermine wetlands and other aquatic ecosystems, as well as increasing competition with downstream water users. It also warns against increased pollution of waterways due to expected intensified use of agro-chemicals and expansion of agro-processing industries. Increased competition for land likely to be facilitated by SAGCOT may increase pressure on vulnerable land areas, such as forests and their biodiversity. Strategic and Regional Environmental and Social Impact Assessment for SAGCOT acknowledge that there are significant risks associated with the expected acceleration of agribusiness investments and more intensive farming methods on natural habitats within an area considered to be of very high biodiversity value.

[118] The Five Water Towers are the main water catchments for nearly all the main Kenyan rivers. Besides the Cherangany Hills these are Mount Kenya, the Aberdare Range, the Mau Complex and Mount Elgon.

[119] It comprises the country's largest protected area and is part of the TRIDOM corridor: the Tri-national Dja-Odzala-Minkebe landscape, situated in the Congo Basin forest eco-region; the world's second largest expanse of rainforest: 14.6 million hectares of forest.

[120] Randolph, S. and Stiles, D. , Elephant Meat Trade in Central Africa, Cameroon Case Study IUCN, 2011 https://portals.iucn.org/library/efiles/documents/SSC-OP-045-001.pdf

9	Waza Logone floodplane, Cameroon	Waza Logone (800.000 ha) in the Extreme-North province of Cameroon, and part of the larger Chad basin, includes two National Parks: Waza Logone (1.700.000 ha) and Kalamaloe (45.000 ha)'. The Waza Logone floodplain, which is mainly populated by grasses, includes some forested patches or islands, is a Man-and-Biosphere Reserve. It hosts a large number of mammals and birds that depend on the annual inundation of the floodplain: Elephants, Kobs, Roan antelopes, Red-fonted gazelles, Giraffes, Lions, Jackals, Hyenas, Reebuck, and several primate species; offers important refuge for resident and migratory birds - some 379 bird species identified; fish populations. Pastures (in buffer zone) are intensively used by pastoralists; highly productive breeding ground for fish, which are harvested intensively each year.	Waza Logone, its biodiversity and local communities' livelihoods depending on the floodplain face three threats: (I) hydrological disturbances[121] upsetting its flora and fauna. Any changes in its fragile ecology affects fish stocks, its mammals, birdlife and its pastures that sustain large numbers of livestock during the dry season. Measures are taken to improve hydrological conditions of the wetland, e.g. by the opening of seasonal watercourses connecting the Logone river to the Logomatya river; Human-life stock pressure and over fishing; Changing climatic conditions: less and irregular rainfall, potentially leading to more conflicts between communities and human-wildlife conflict as water, land and pasture will become scarce. Mitigating are measures being taken, but require more coordination.

From this table a number of observations and conclusions can be drawn. Without exception, the case sites harbour relevant ecosystems - wetlands, forest - and biodiversity. In some instances the sites even host rare, endemic, species – e.g. Boumba Bek-Nki National Parks complex (Cameroon) offers refuge to some of the highest densities of forest elephants of any nation[122]. SAGCOT (Tanzania) is a special case in that it covers one-third of the country's landmass, encompassing an estimated hundred forest reserves. Some of the sites, like Waza Logone (Cameroon), Tana Delta and Cherangany Hills (both Kenya), perform indispensable functions as catchments and determine the resilience of ecosystems and livelihoods of large populations downstream.

In this light, any intervention, which may negatively affect the environmental integrity of these areas, deserves the strictest scrutiny. This is where the case studies offer important insights. They describe trade-offs made by governments in order to open up land and water resources to allow for commercial cash crop production (annual crops - e.g. Tana Delta, Kenya), SAGCOT, Tanzania)- or plantation crops such as palm oil); sometimes in combination with mining, logging and infrastructure development (Boumba Bek, Cameroon).

6.2. Trade-offs

The case studies invariably report such trade-offs lead to environmental degradation, with observations in the field confirming scientific and grey literature. The case studies make reference to displacement of local populations, extinguishment of local diversified land use systems, deforestation and water pollution. An exception is perhaps Waza Logone (Cameroon) where the government is committed to preserve the intactness of the ecosystem. However the floodplains' ecosystem suffers from water extraction and instances of over fishing by the local population and high livestock densities, and lack of synchronisation between government departments.

The Cherangany case (Kenya) is special in the sense that it questions the way in which the government itself manages this vast catchment that seems to undermine its ecological functions[123]. The Cherangany Hills still witness forest loss, alongside the eviction of the Hills' traditional inhabitants. Kenrick explains that this is largely the result of what he describes as: "[…]the institutional culture of the KFS (Kenyan Forest Service) which is focused on extracting benefits for individuals in, and the institution of, KFS itself'[124].

The case study countries' economic development aspirations, seem to take precedence over environmental protection. Emphasis on rapid GDP growth and the provision of land and water resources to cater to the needs of large-scale commercial agriculture and natural resources

[121] Lot, P. (Ed.) The return of the water. Restoring the Waza Logone floodplain in Cameroon, IUCN, 2005 https://portals.iucn.org/library/sites/library/files/documents/WTL-030.pdf

[122] See: http://www.iucnredlist.org/details/12392/0

[123] Cherangany Hills is one of the flagships within Kenya's Vision 2030, as part of the Vision's four "Pillars". See: http://www.vision2030.go.ke/index.php/pillars/index/social

[124] Kenrick also indicates how "[…] set of institutional and legal arrangements […] which also provides the means for the dominant elements of adjacent communities, and dominant elements in the wider society including KFS, to extract maximum resources from forests without any consideration for their long term well being. Kenrick, J. , 2014, p. 8

extraction feature high on the political agenda[125]. The case studies describe how safeguard policies and measures are set aside or manipulated to offer green light for land acquisition and development.

Some case studies describe such processes in detail. The case of Kalangala (Uganda) reports that altogether, three Environmental Impact Assessments (EIAs) were conducted separately by the World Bank, the Ministry of Agriculture together with BIDCO Uganda and IFAD. The former two were conducted before the project commenced; and the last after the project took off. All three EIAs clearly indicated that there was no significant biodiversity value in the project area. IFAD maintains environmental risk mitigation measures were in place[126]. Piacenza, however, refers to forest cover statistics which confirm concerns expressed by NGOs that acquisition of land for the nucleus estate (enlarged from 1.000 ha to 6.500 ha) and the out growers lands (3.500 ha) involved clearing of extensive forest land[127]. The author, however also refers to the fact that much of this forest was re-growth after the island's population was evacuated for the tse-tse spraying campaign.

It is an accumulation of many of these development projects in the five case study countries which over the past decades have contributed to massive forest loss – as depicted in table 1 with UN recorded country specific deforestation rates, soil erosion, and loss of biodiversity and fresh water resources.

In conclusion, most case studies reiterate, that effective participation of people and local communities and safeguarding their entitlements are a vital precondition for natural resources management and sustainable economic development. As the authors of the case studies Boumba Bek (Cameroon), Cheranganay, Kenya) confirm: "Traditional communities often protect forests and the environment efficiently and cheaply"[128] This requires:

- high levels of transfer of power and decision-making to local level;
- adequate mechanisms for local populations to have a say in matters, e.g. land use planning;
- systems of co-management of natural resources or management is de-facto fully entrusted to local communities; and
- safeguards and compliance with mandatory and voluntary regulatory frameworks are adhered to by government, companies and financiers.

All case studies record, however, a lack of proper consultation and insecure tenure conditions which marginalize large sections of the rural population. In fact nearly all cases describe large scale "expulsion" of rural people as a consequence of large scale agricultural development and top-down conservation interventions. Such displacement leads to additional ripple effects or indirect land use changes (ILUC) as local people are forced to clear new land for cultivation to eek out a living.

[125] As an expression of such aspirations, see for example the blog of Zitto Zuberi Kabwe, Member of Parliament , Tanzania. See: http://zittokabwe.wordpress.com/2011/11/14/imagining-tanzania-5th-largest-economy-in-africa-and-largest-in-eac-by-2025/
As confidential memo describes the situation in Uganda as follows: "[…] Ugandan law contains a variety of legal statutes aimed at protecting biodiversity and natural resources, but national and local governments are not able and/or willing to adequately enforce these regulations. President Museveni's decision to give away parts of protected forest reserves to foreign investors in early 2007 sparked public and parliamentary protests, but indicates a willingness on Museveni's part to sacrifice environmental preservation to further his plan for economic development. " Source: http://www.wikileaks.org/plusd/cables/07KAMPALA1187_a.html

[126] IFAD, 2011, p. 35.

[127] Piacenza refers to the following recordings of land use change on the island: "According to VODP data from the Monitoring and Evaluation department of the program, in 2004 private forest in Kalangala accounted for 10,800 ha, while in 2010 this area decreased to 7,200 ha . In fact, the KDLG reports a smaller area in 2010: just 3,190 ha of private forest. This amount is likely to be significantly reduced going forward given that most of the farmers joined oil palm production in the later stages of the project, and they cleared their land from forest to prepare the soil for oil palms." She then also refers to a serious information gap: "As pointed out by a local officer of the National Forest Authority (NFA), there are no resources to map the forest beyond the reserves." Piacenza, C., 2014, p. 13-14. The author describes that the project has imposed a monoculture plantation on nearly one third of the island's surface.

[128] World Parks Congress, 2014. See: Vidal, J. in The Guardian, 16 November, 2014.

7. Remedies

This chapter will focus on the sub-question: What are the perceived remedies to address problems in the case studies? The case studies collectively provide a range of relevant suggestions on how to remedy some of the problems. The case study authors emphasize the need for avenues to enhance governance and stakeholder participation in monitoring, decision making and accountability processes. Secondly, they reiterate the need to redirect investment in other modes and scales, of land and water use for development and environmental conservation. These last three paragraphs outline some opportunities and summarise key recommendations to help achieve positive change.

7.1. Empowerment local communities & local NGOs: Tenure, Information, Institutions

The authors of several case studies argue that capacity building of local communities and their organisations, as well as assistance with mapping of their ancestral domains are proven to be effective and essential ingredients to help ensure land use planning adheres to national and international standards.

Amongst others the Boumba Bek case (Cameroon) emphasizes the need to empower local communities and local NGOs. It is to enable them to be better equipped to effectively voice their concerns, opposition or demands. It requires pro-active preparations in processes whereby communities are being approached by external agencies – be it from government or private industry – to ensure that communities reach well informed decisions, free from pressure and manipulations; a key lesson to be drawn from all the palm oil case studies. Free, Prior Informed Consent (FPIC) is a precondition in order that community rights and interests are adequately represented and fully included in decision-making processes. In this context, the Boumba Bek case describes how a new alliance is emerging between conservation organisations and indigenous communities to protect the region's forests. One concludes that if the Baka communities' customary lands can be protected, then this will help slow down the pace of infrastructure and mining development that threatens millions of hectares of forests across the region.

More information sharing and other forms of capacity building support are essential thereto – requiring dedicated funds, expertise, skill sharing and outreach. Participatory Land Use Planning (PLUP) and Community Mapping are vital tools, proven for their effectiveness. As the Boumba Bek case explains, it empowers communities, creates clarity for all parties concerned and helps avoid overlapping land claims and conflict. Community mapping is also a requirement under RSPO[129]. All case studies remind us that eventually the products and services resulting from these large-scale interventions enter the international market place - whether as palm oil, sugar or tourism. Arguably, both the private sector and producer and consumer governments have a prime responsibility to prevent, mitigate and correct negative social-economic and environmental impacts.

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security that were developed and adopted by the UN Committee on World Food Security in May 2012 (and are encouraged by G20, Rio+20, the United Nations General Assembly and the Francophone Assembly of Parliamentarians) give practical guidance to implement land governance, including FPIC and participatory land use planning[130].

7.2. Investments - public and private

All palm oil related cases have in common that they narrate a dominant palm oil industry model which depends on economies of scale based on cheap land and labour. The GVL, EPO and Herakles cases describe land deals which generate little government revenue, employment and benefits. Hence, Siankor cs and Lomax observe that if a fraction of the investments made available for the monoculture estates were to be channelled into small and medium enterprises, farm extension services, market and credit facilities and basic infrastructure this would boost the local-regional economy.

The GVL case (Liberia) concludes: "Policy-makers appear to be prioritising the increased revenue and job creation, when in fact increasing incomes may be more easily (and much more

[129] See: Community mapping for responsible palm oil http://www.bothends.org/uploaded_files/document/03_07_13_RSPO_infobrief.pdf

[130] More on the CFS Voluntary Guidelines, see http://www.fao.org/nr/tenure/voluntary-guidelines/en/

sustainably) achieved if taxable incomes from rural self-employment can be boosted by better access to markets (including through improved transport links), value-addition to products produced or the exploration of new/under-developed cash-crops/products and other rural development possibilities that maintain and build on existing community resilience and sustainable land and natural resource use."

Within the context of the Kalangala case, we refer to the situation that West and Central African countries face a very large import bill to meet domestic demand for vegetable oil. It is beyond this study to analyse what share of the palm oil produced by EP, Herakles, Kalangala and GVL enter the domestic/regional markets and what is being exported to overseas destinations. It is, however, interesting to note that according to experts from the region itself, most rural consumers prefer the taste of the palm oil harvested from wild grown varieties[131], whereas the (hybrid) varieties grown on the estates and by small-scale farmers referred to in the case studies appeal to the palate of urban consumers.[132] Another given to reckon with is that global demand for palm oil increases with 4-5 percent per annum, with an estimated 25 percent market increase between now and 2020.[133] To meet demand, the palm oil sector will claim more land, unless drastic per hectare yield optimisation can be achieved – notably by small holders who on average produce suboptimal.[134] An estimated 40 percent of global palm oil is produced by small holders. There is thus an enormous opportunity to reduce additional pressure on land by reaching out to small holders. With better inputs, credit and organisational and technical support small holders can potentially more than double production per hectare.

In a context of population growth, growing domestic demand for food items, jobs and income, the question remains in what manner more can be done to process, distribute and market a larger variety of food products in-country, notably in he rural areas. This also calls for financial injections in basic infrastructure to boost the local-regional economy. It also implies a redirection of investments and R&D. It calls for more attention for local know-how, skill sharing, outreach and building up or strengthening of local institutions – notably producer groups. It requires dedicated and tailored local funding mechanisms. It implies that bilateral, multilateral and commercial financiers and shareholders honour social-environmental safeguard policies and ensure they are strictly adhered to. The latter requires a stronger involvement of actors downstream the supply chains, allowing primary producers and of-farm enterprises to engage in value addition and gain access to markets for their produce. It is therefore that IFAD emphasises that "While domestic modern markets are likely to offer greater, broader and more stable opportunities for smallholder producers in most cases, this does not constitute the rule. Smallholders need to be in a better position to identify the costs and benefits of participating in modern and/or traditional, domestic and/or international markets on a case-by-case basis, and to respond accordingly." [135]

To avoid social and environmental costs are externalised and passed on the weaker sections of society, future generations and the environment, better mechanisms need to be in place to ensure that all parties in the supply chain, including consumers, absorb the extra costs required to achieve sustainable production of agri-commodities. Some argue that certification of production ensures more conscious production and therefore leads to cost reduction (of external inputs like agrochemicals) and hence will compensate for the additional costs incurred by primary producers. This may partially be true, but it is also an argument of convenience used by parties further down the supply chain – notably the multinational brands and retail. Addressing cost and price transparency is still the big elephant in the room one is not supposed to discuss. However, bearing in mind the destructive effects of 'consumer goods price wars' instigated by large retail chains, it is essential that governments let go of their laissez faire stand and take some minimum regulatory measures (e.g. anti-dumping and fiscal).

The CFS Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forest give practical guidance to implement land governance, including guidance for investments and how to handle the transfer of land (user) rights[136].

7.3. Governance

[131] During the colonial era, Europeans introduced the West African palm oil in Southeast Asia.
[132] Personnel comment Silas Siankor, SDI, Liberia.
[133] RSPO Impact Report 2014, presented during RSPO European Round Table June 2015. The Netherlands.
[134] See: www.rspo.org
[135] IFAD, 2010, p. 142-143.
[136] Chapter 4 is on Transfers and other changes to tenure rights and duties and paragraph 12 specifically on Inverstments, see http://www.fao.org/nr/tenure/voluntary-guidelines/en/

As mentioned in the beginning of this report, the international community – the EU and its member states in particular- have an important stake in pursuing sustainable pathways in counterpart countries in Sub-Sahara Africa. This calls for more direct involvement and support for stronger regulatory frameworks in these counterpart countries. It requires that bilateral donors and shareholders in multilateral and national development banks ensure safeguard policies are more strictly adhered to. Business-to-business roundtables such as RSPO and Bon Sucro have a role to play[137] – first, to ensure member companies to comply with key requirements such as FPIC and High Conservation Value Forests[138], and secondly to collaborate with producing country governments to promote integrated sustainable agro-commodity production – e.g. via jurisdictional approaches[139] and a landscape angle.

It is also in the long-term interest of both companies and governments that the issuance of land permits is done in compliance with national and international laws and agreements. Oftentimes companies are bound by the permitting authorities to "develop" the land within stringent time-lines, facing withdrawal of the license if the companies fails to meet the deadlines. Time pressure hinders the company to comply with FPIC and procedures regarding new plantings (such as the New Planting Procedure under RSPO) and take measures to protect ecological values, such as high conservation value areas (HCV). Moreover, governments which seek to attract foreign investors will benefit from being a able to proof that the rule of law prevails. Public controversy about a government's inability or unwillingness to regulate expansion of the agri-commodity sector or nature conservation projects may have very negative repercussions as it will affect the perception of international financiers about a country's investment climate. Liberia faced such perception issues following public outcry about the social and ecological impacts of large scale palm oil plantation development. The Liberian government responses by taking a step back and re-assessing its land code in relation to customary land rights.

Countries or sub-national regions (e.g. provinces, districts, sous-prefectures) can also benefit from profiling themselves as 'sustainable" – e.g. by gaining preferential treatment by commercial investors which pursue strong CSR policies.

As the Herakles (Cameroon) and GVL (Liberia) cases exemplify, there is increasing pressure from the public and down-stream supply chain players (e.g. retail, banks, traders) for sustainable – zero-deforestation and conflict-free products. Within round tables such as RSPO and collaborative frameworks dealing with REDD+ and FLEGT[140], there is growing consensus that in order to address local challenges, such as safeguarding local land and access rights and environmental protection, it is necessary to go beyond certification of individual production units such as sugar and palm oil estates. It calls for agreements with government at appropriate administrative levels; especially at the level where concession permits are being granted - e.g. at district, sous-prefecture or central government such as in the case of large-scale development projects such as GVL or Herakles.

In conclusion, essential ingredients to empower local populations, also the most vulnerable sections, include formal recognition and application of the principle of Free, Prior Informed Consent (FPIC), participatory land use planning in which community mapping plays a crucial role and the enhancement of local institutions - with guarantees that the interests of women and weaker sections of society are well presented.

In addition, important lessons can be drawn from pilots which are being undertaken to implement such a "jurisdictional approach" – e.g. in Southeast Asia. A number of positive experiences can be gained from the FLEGT Voluntary Partnership Agreements currently under implementation in West Africa also. At the same time, the case studies emphasise that the legal-regulatory framework in the case study countries often fall short to protect environmental and local social-economic and

[137] Van Oorschot, M., M. Kok, J. Brons, S. van der Esch, J. Janse, T. Rood, E. Vixseboxse, H. Wilting & W. ter Vermeulen Sustainability of international Dutch supply chains. Progress, effects and perspectives PBL Netherlands Environmental Assessment Agency, The Hague, 2014: p. 62. http://www.pbl.nl/sites/default/files/cms/publicaties/PBL_2014_Sustainability%20of%20international%20Dutch%20supply%20chains_1289.pdf

[138] This also calls for drastic changes in companies internal corporate culture, with improvements in communication to enable de facto adherence to sustainability norms at all levels, from CEO to plantation manager. As, however, a senior manager of a leading palm oil company remarked, ''many are still in a state of denial''.

[139] See for example: http://www.cifor.org/forestsasia/agenda-item/monday-may-5th/discussion-forums-2/governance-jurisdictional-approaches-green-development-importance-challenges-opportunities/

[140] REDD+: The United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries. FLEGT: Forest Law Enforcement, Governance and Trade

human rights interests. And hence it is essential that more collaborative efforts are undertaken to design robust grievances mechanisms and easily accessible facilities for conflict resolution to allow affected communities and other parties an avenue to voice concerns and seek redress. Recent developments around the EPO and GVL cases hint at possible constructive conflict mediation trajectories in which the company and the communities will try and jointly seek agreements to resolve the land disputes and related conflicts. In April 2015 the RSPO Complaints Panel ruled that GVL is to enter into dialogue with affected communities and other concerned parties to seek a amicable solution to the conflict, thereby outlining a number of required steps.[141]

The CFS Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forest give practical guidance to implement land governance, including legal recognition and allocation of tenure rights and duties, transfers and other changes to tenure rights and administration of tenure (including grievances)[142].

To ensure compliance with mandatory and voluntary rules and regulations, it is a precondition that such (potential) conflicts are drawn out of anonymity before they polarise. It helps ensure more transparent, participatory and responsible agricultural development and nature conservation interventions[143].

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[141] See http://www.rspo.org/members/complaints/status-of-complaints/view/24 document: 22-apr-2015-pre-.-dec_.-cp_.pdf The RSPO Complaints Panel states: ''1. GVL demonstrating that it is applying the concession agreement in a legitimate way and compliant with the RSPO P&C; 2. Open and transparent discussions between GVL and the affected communities together with the Civil Society Organizations (CSO) on how the FPIC was obtained in each of the complaint; 3. The setting up of a local Dispute Settlement Facility by RSPO which will attempt to resolve the specific complaints against GVL in an impartial and transparent manner and with the benefit of understanding local conditions in Liberia; 4. GVL should involve CSOs in new development areas; starting from ground zero, right up to the signing of the final Memorandum of Understanding (MOU) with the community.''

[142] See http://www.fao.org/nr/tenure/voluntary-guidelines/en/

[143] Majail, J., Wolvekamp, P.S. and Gould, D.:"RSPO Dispute Settlement Facility in relation to Grievances Procedure and RSPO's Certification System"http://www.bothends.org/uploaded_files/inlineitem/01_Julia_Majail_Paul_wolvekamp_David_Gould_Plenary_.pdf See also: The Ecosystem Alliance's call for Action. http://www.ecosystem-alliance.org

8. Conclusions and reflections

8.1. Conclusions

We commenced this report with the overarching question *"which strategies African local and national governments, international and local companies, and civil society organizations apply in distributing and trading land and water?"* A notion which permeates all case study narratives is that of all governments seeking to achieve economic growth by prioritising the attraction of foreign direct investment and, thereto, accommodating foreign companies through meeting the latter's demand for land, water, other natural resources (e.g. forest, minerals) and infrastructure.

The formal rational driving such governmental agenda is based on the assumption that FDI and foreign companies generate employment opportunities and state revenues from rents, licensing and increased export. Reading through the case studies a picture unfolds itself showing how governments are often prepared to bend the rules or supersede social-environmental legal provisions in order to offer an enabling environment to attract foreign business. This, the case studies describe in detail, affects the quality and integrity of governance of the countries' natural resources with serious negative implications for environmental values, the interests of – large sections of - the local population and arguably the countries' ability to achieve sustainable economic development.

At the outset, this report reiterates the enormous challenges country governments in Sub-Saharan Africa (SSA) face in dealing with very pressing humanitarian, political and economic conditions in their own countries and the region. Post-war Liberia is a case in point. These governments feel tremendous pressures to catalyse economic development to allow their populations to escape from the poverty trap. This brings them to use – rightly or wrongly - the argument of 'national interest' and 'eminent domain' to claim and vacate land and exploit and lease out natural resources to attract investors and fuel economic development. On top of that, the prevailing international financial, fiscal and trade regime still works against sustainable development in these countries, as various reports by the African Union, the World Bank, OECD and expertise centres illustrate.[144] Rural populations and the environment are wedged between these competing demands.

One overarching conclusion is that in the rush for economic growth, large scale agricultural and natural resources development in SSA is insufficiently regulated by the hosting governments and international financiers; this notwithstanding existing national and international safeguard policies. E.g. the EU, World Bank, IFAD, bilateral donors as well as corporate investors are found to fail to take co-responsibility for adequate implementation, while some of these investors even violate their own regulations. This in turn discourages hosting country governments to hold on to social and environmental regulations when these are seen as hindering rapid economic development.

At the same time, the case studies notice that local populations and civil society are often not informed, consulted and meaningfully engaged in the design and execution of development schemes. This cocktail of failings comes with a cost - which is notably paid for by the environment, the weaker sections of the rural population in SSA and society at large if we consider for example the climatic implications of deforestation.

Reflecting on the future of agriculture in the study countries, the cases highlight a persistent paradox. On the one hand one can witness governments and international donors committing to prioritise small-scale farming and sustainability. On the other hand the case studies narrate investors' and governments' favouring large scale mono-culture plantations and top-down natural resources development which lack adherence to the basic principle of free prior and informed consent of the local populations.

The case studies also illustrate how difficult it is to assess local-regional impacts of international trade and investment arrangements; especially since many effects manifest themselves in remote corners, in anonymity - where local populations lack voice and visibility. To inform and adapt policies and interventions requires good feedback loops. It implies foremost a genuine outreach to these local parties: e.g. local-indigenous communities, women and girls, labourers and

[144] See for example figures presented by Golbal Financial Integrity: http://www.gfintegrity.org/press-release/new-study-crime-corruption-tax-evasion-drained-a-record-us991-2-billion-in-illicit-financial-flows-from-developing-economies-in-2012/

intermediary organisations such as CSOs, local women groups and cooperatives. The case studies reiterate that effective participation of local communities and safeguarding their entitlements are a vital precondition for natural resources management and sustainable economic development. This calls most of all for the application of the principle of Free, Prior Informed Consent (FPIC), participatory land use planning in which community mapping plays a crucial role and the enhancement of local institutions - with guarantees that the interests of women and weaker sections of society are well presented. This, in combination with regulating economic development interventions in rural areas, including the expansion of the plantation sector, offers a menu of possibilities to protect the environment on which the majority of the population still directly depends for its day-to-day livelihood and survival.

These observations also contain a message to the EU and its member states. The EU's consumption of agricultural commodities – such as sugar, palm oil and cocoa – leaves a enormous social-ecological and climatic footprint. The European Union has been found to be the world's largest driver of deforestation.[145] And hence, the European Union is arguably challenged to change its rules of investment, trade and consumption. Bearing in mind that many of the commodities discussed in the case studies end up on the EU market, the concerns and suggestions to remedy land and water governance offer convincing evidence why and how the EU and its members states can help address these challenges. This should include the implementation of an earlier commitment to adopt an EU Action on Deforestation and revision of the Renewable Energy Directive (REDD) to ensure stronger social and environmental safeguards. [146]

8.2. Reflections

To help synthesise the diagnosis of the forces at work, which determine natural resources governance, the following sections offer some final reflections based on specific insights generated by the case studies. The reflections especially concern some of the most dominant assumptions underlying government decisions and the sort of trade-offs being made. This, in a context of recurrent interventions by external parties such as international financiers, which because of their financial leverage, influence due process and country-level governance. Some case studies also reflect on the challenges and dilemmas faced by foreign companies, such as plantation companies.

Attracting Foreign Direct Investment
All five countries pursue the goal of becoming a middle-income country, as clearly outlined in the countries' respective Visions 2030.The assumption behind prioritising foreign direct investment is that it, together with increased exports, will lead to economic growth and that wealth creation will accrue to the communities[147]. According to this view, the possible adverse impacts of a licensed company's operations – such as evictions and forest conversion - will be compensated by the positive development opportunities brought by the presence of a foreign firm in a given area[148]. Some of the case studies describe how this assumption does not seem to be met, partially because of weak tax enforcement capacities by the hosting countries. Amongst others the OECD indicates that addressing this fiscal bottleneck would make a very tangible contribution to sustainable development.[149]

As all four palm oil related case studies indicate, the objective of national economic development is perceived as a legitimacy to lift restrictions on the operations of the investors. For example the GVL case (Liberia) and the Herakles case (Cameroon) describe how the government of respectively

[145] European Commission, The Impact of EU Consumption on Deforestation: Comprehensive Analysis of the Impact of EU Consumption on Deforestation (EU Forest Footprint study), page 23, available at http://ec.curopa.eu/environment/forests/impact_deforestation.htm
[146] See 'Protecting Forests, Respecting Rights. Options for EU Action on Deforestation and Forest Degradation. Fern, 2015.
[147] Courtesy to Achobang, C.F. et al, in Conflict or Consent, 2013: p. 363
[148] In IAASTD. Global report, p. 363
[149] ''Tax revenues are critical to sustainable development because they provide governments with independent revenue for investing in development, reducing poverty and delivering public services as well as increasing state capacity, accountability and responsiveness to their citizens. Yet, while OECD countries collect on average 34% of their gross domestic product as tax, developing countries achieve only half this rate. This chapter reflects on the potential within many developing countries to increase tax income and outlines the challenges to doing so, such as weak administrations, corruption, poor governance, low tax "morale" and poor compliance, compounded by difficulties in taxing multinational enterprises.'' In: "Tax revenues as a motor for sustainable development", in Development Co-operation Report 2014: Mobilising Resources for Sustainable Development, OECD Publishing. http://dx.doi.org/10.1787/dcr-2014-11-en, p. 91.

Cameroon and Liberia go at great length to accommodate these foreign companies. The Herakles case refers to official correspondence and external audits, which testify that the Cameroonian Ministry of Forests even allowed the illegal clearing of forests to allow the company to start planting palm oil. In the case of GVL, Lomax argues that the eagerness of the Liberian government to attract foreign companies is amongst others reflected in the sort of contractual agreements signed between foreign companies and the government. Contracts often contain clauses that exclude foreign investors' compliance with existing laws.

More in general, such clauses are no longer limited to fiscal provisions and are so broad that they are perceived to negatively impact on the region's ecology, the local communities and human rights[150]. The effect is that forest protection and land tenure provisions are ignored by central level government decrees. By even mandating foreign companies to police their own concession areas, the governments allow for the creation of a 'state within the state'. This phenomenon is also very manifest in the situation described by the Cherangany case – where the Kenyan Forest Service evicts large numbers of people in contravention of national law, international agreements, and in violation of loan contracts with foreign funders.

A complicating factor thereby is that these funders, such as the World Bank and Finnish government, themselves are found to have violated their own safeguard standards. E.g. the Cherangany case refers to the findings of the World Bank's own Independent Inspection Panel that spells out various non-compliances[151]. Such safeguard violations undermine the client's stricter adherence to the country's own rules and regulations. Moreover, such safeguard violations by international funders themselves sets a wrong precedent and does not encourage country authorities to protect the environment, human rights, and compliance with ESIA, public consultations and the implementation of FPIC.

Creating employment
A second government priority is employment creation, whereby issuing land concessions for agriculture is perceived as a quick way to generate jobs[152]. All cases describing large-scale agricultural development projects emphasize, however, that employment opportunities offered to the local population are very limited, due to the fact that these industrial plantations present only a low employment per ha ratio if compared with the potential of job creation in case investments were channelled into an improvement of small family farming[153]. Moreover, the cases narrate how companies hire mostly migrant labourers from other regions. Also local employment offered by conservation authorities is very limited (Boumba Bek in Cameroon) or virtually absent (Cherangany in Kenya). The EPO case describes how young people, facing land acquisition for plantation development, are left with few choices for livelihood activities and consequently migrate to urban centres, with a breakdown of the social cohesion within the communities as a result. The situation in Waza Logone (Cameroon) offers an exception with substantial numbers of local people being employed or deriving an income from tourism and park management in various capacities. Unfortunately conditions in this region have quickly and drastically deteriorated with the advance of Boko Haram extremism in Northern Cameroon, which forced the government to seal of the area and not allow foreign tourists to travel beyond Maroua. In the case of Kalangala, the case study narrates most labourers working on the company's plantation come from outside the island community. The company indicates, however, that there are too few islanders available to meet the demand for plantation labourers and is depended on migrant labour. It is also indicated that palm oil development worked as a catalyst and created a large number of jobs and income raising opportunities on Kalangala in other sectors such as tourism.

An enabling environment for business
The case studies portray very common obstacles, notably weak law enforcement and non-participatory approaches to project design and land and water allocation, which hinder sustainable pathways of rural development in the study sites. Most palm oil case studies record local communities' dismay that company promises to deliver basic services (roads, education, health, drinking water) are not being fulfilled or that such services are not accessible to them. In the case of Kalangala, the joint venture between Wilmar and the Ugandan government (BIDCO) did, however, lead to the development of considerable palm oil small-scale farming (3000 ha.), adjacent to the nucleus plantation estate.

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[150] Achobang, C.F. et al, 2013: p. 363
[151] The World Bank Inspectation Panel: http://ewebapps.worldbank.org/apps/ip/Pages/Home.aspx
[152] The World Bank Inspectation Panel: http://ewebapps.worldbank.org/apps/ip/Pages/Home.aspx
[153] In IAASTD. Global report, p. 8.

The GVL case (Liberia) and the Herakles case (Cameroon) offer relevant lessons concerning the vital need for fiscal policy reform in countries like Cameroon and Liberia. Citing the UN Special Rapporteur for the Right to Food: "the International Covenant on Economic, Social, and Cultural Rights says that each State must progressively implement the right to food "using the maximum of available resources. … However, the weak fiscal imposition on agricultural and logging concessions is striking. For example, Herakles-SGSOC obtained a land lease for 73,086 ha of land for a duration of 99 years, through an annual royalty (land fee) of USD 1 per hectare (for developed land) or USD 0.5 per hectare for undeveloped land". The GVL case (Liberia) records similar low rents: USD 1,5 – 5 per hectare in addition to tax breaks, exemptions and deductions.'' Consequently ''…The Special Rapporteur encourages Cameoon to reconsider their fiscal policies for agro-industrial and logging concessions to optimize revenues obtained from its natural resources.'' [154]

Curtailing deforestation: Land sparing or land sharing?
Most of the case studies narrate (projected) serious deforestation accompanying large scale agri-commodity production, such as sugar cane and palm oil. The different case studies seem to suggest that yield increase per hectare is both social-economically and ecologically desirably to avoid pressure on remaining forest land. The following observation, however, adds an element of caution and coincides with case study findings. ''Empirically, however, the evidence that agricultural intensification actually promotes land-sparing is still mixed. There is evidence of a modest decrease in total cropland area in developing countries in correlation with yield increase in staple crops over the period 1979-1999 (Ewers et al., 2009). Similarly, yield increase may have played a significant role in the reforestation of Vietnam (Meyfroidt and Lambin, 2008). On the other hand, it has also been reported how agricultural intensification, by increasing the economic returns on agricultural land, may lead to an expansion of agricultural area thus manifesting what is known as Jevons paradox.''[155]

The cases do not contribute a vote in favour of large scale monoculture cropping systems. They argue instead for more inbuilt guarantees to redirect the focus of investors, corporations and governments towards enhancing the position of small farmers and local entrepreneurs, and ensure an agro-ecological pathway is taken - e.g. with more emphasis on mixed cropping and agro-forestry, avoiding reliance on expensive and toxic inputs.

'Un-utilized' or 'un-occupied' land
The SAGCOT case (Tanzania) and Tana Delta case (Kenya) as well as the palm oil related cases emphasize the persistent belief in the availability of 'un-utilised' land (also "un-occupied land of "waste land")' which is the assumption upon which the entire legal land tenure system is built. This assumption leads to structural marginalisation of rural communities from their lands[156].

The palm oil cases as well as the SAGCOT case describe in detail how local communities, lacking access to information and decision making processes and without political leverage, loose out in processes of top-down imposed land acquisition processes regarding these 'un-utilized' or 'un-occupied' lands – leading to their evictions, without proper recourse, compensation and access to means of alternative livelihood.

The authors of the Tana Delta case (Kenya) explain how the proposed irrigation project brings this region at a crossroads. If handled well, it will help the country become food reliant. Mismanagement will destroy the wetland's ecosystem, local communities' livelihood and cultural identity and lead to internal clashes. The Cherangany case (Kenya) reiterates that foreign donors (such as World Bank, Finnish government, EU), who fund the Kenyan Forest Service (KFS), have a major responsibility to ensure that KFS adheres to loan conditions in line with human rights and environmental conventions. The author reiterates it is thereby crucial that donors and KFS give heed to the proposals put forward by the affected Sengwer and Ogiek themselves – summarised in the case study - to remedy the situation.

As an epilogue to the Cherangany case, the following most recent developments deserve mentioning. The court ruled that the evictions and the burnings of Sengwer homesteads had been happening (something the government denied) and that they must stop, issuing an order that

[154] Achobang, C.F. et al, 2013: p. 364
[155] Ceddia, G., Gunther U., and Corrivaeu-Bourque, A. Land tenure and agricultural expansion in Latin America: the role of indigenous peoples and local forest rights. 2015, p. 3. Paper prepared for presentation at the ''2015 World Bank Conference on land and poverty'', Washington DC, March 23-27, 2015.
[156] In IAASTD. Global report, p. 364

should in effect protect all the Sengwer who were in the forest at February 18, 2015, from any harassment or eviction. In this same period The World Bank and the Kenyan Ministry of Environment hosted a 3-day 'Colloquium', which was partially the result of the Sengwer's complaint to the Inspection Panel of the Bank, the Panel's findings and then the World Bank President Kim and President Kenyatta agreeing to create room for this dialogue. During the meeting further steps were taken towards an Action Plan by representatives from forest peoples' communities, government ministries, KFS, World Bank, Finnish Embassy, etc. Other key aspects were the presentations from World Bank experts and the government of Tanzania that highlighted that forest conservation succeeds when communities have their rights to their forest lands recognised.[157] [158]

[157] Observations by Justin Kenrick, Forest Peoples Programme.
[158] http://www.northriftnews.com/rights-group-asks-government-to-stop-the-illegal-eviction-of-the-sengwer-community-from-embobut-forest/

Case studies

Annex to the report - Governance of land and water distribution for agricultural development and nature conservation in Africa -

A report in the context of 'Choices and constraints for sustainable African food production systems' a programme of the Netherlands Environmental Assessment Agency (PBL).

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Table of content:

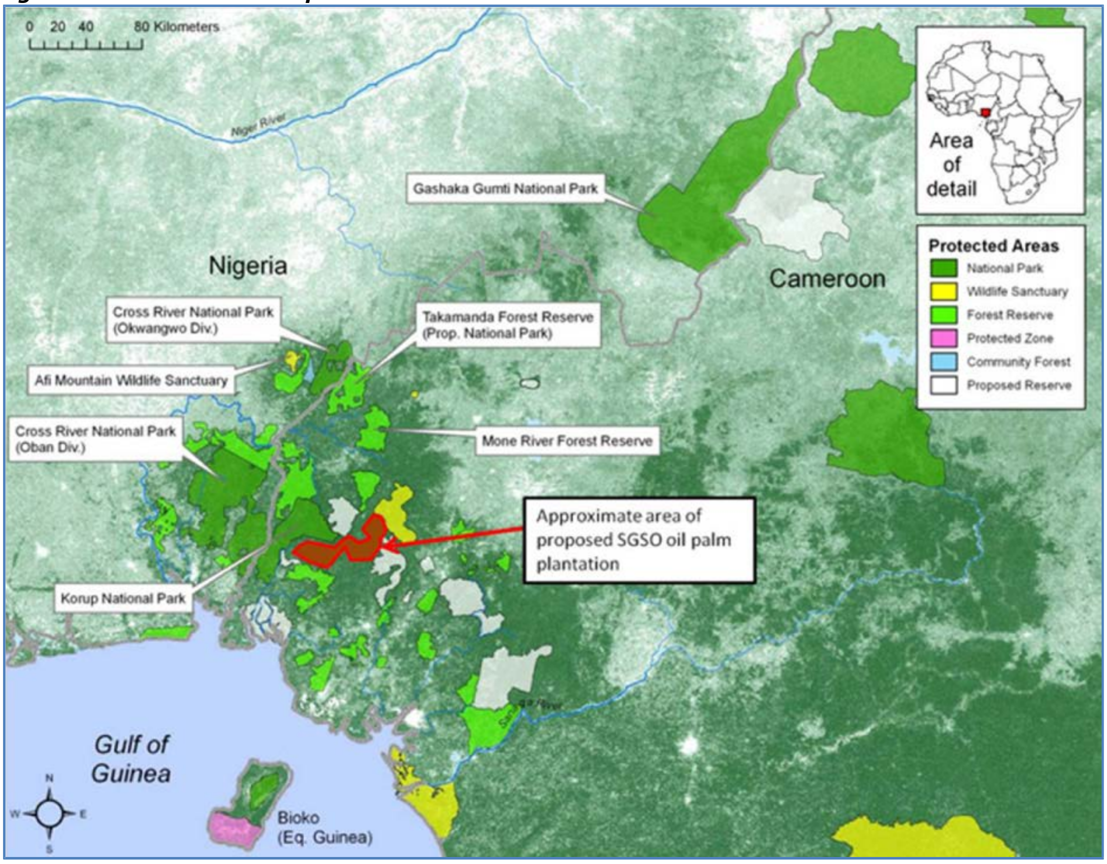
The case of Herakles Farms[1] in Cameroon

By Silas Kpanan'Ayoung Siakor, Forest Peoples Programme, November 2014

The context of Herakles Farms

The New York-based company SG Sustainable Oils Cameroon, PLC (SGSOC) signed a contract with the Government of Cameroon for 73,086 hectares (ha) of land in Southwest Cameroon. The contract, signed on September 17, 2009, grants SGSOC the rights to develop an oil palm plantation and related infrastructure including refinery. The duration of the land lease is ninety-nine (99) years.[2] In November 2013, Thompson Reuters reported that President Paul Biya issued a decree granting final approval for the project but reduced the quantity of land from 73,086 to 20,000 ha.[3]

Figure 1: Location Herakles plantation area[4]



SGSOC is 100 percent owned by the American company Herakles Farms, an affiliate of Herakles Capital, an Africa-focused private investment firm involved in the mining and agro- industrial sectors.[5]

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[1] For ease of reference, the project will from now on be referred to as Herakles Farms. All mention of Herakles Farms throughout this report refers to SG Sustainable Oils Cameroon PLC and Herakles Farms LLC.

[2] Establishment Convention By and Between the Republic of Cameroon and SG Sustainable Oils Cameroon PLC, September 27, 2009. Available from: http://www.oaklandinstitute.org/sgsoc-convention- government-cameroon

[3] Thompson Reuters, "Corrected: Cameroon permits trimmed palm oil project by US firm Herakles", November 26, 2013. Available from: http://uk.reuters.com/article/2013/11/26/cameroon-herakles- idUKL5N0JB2OU20131126

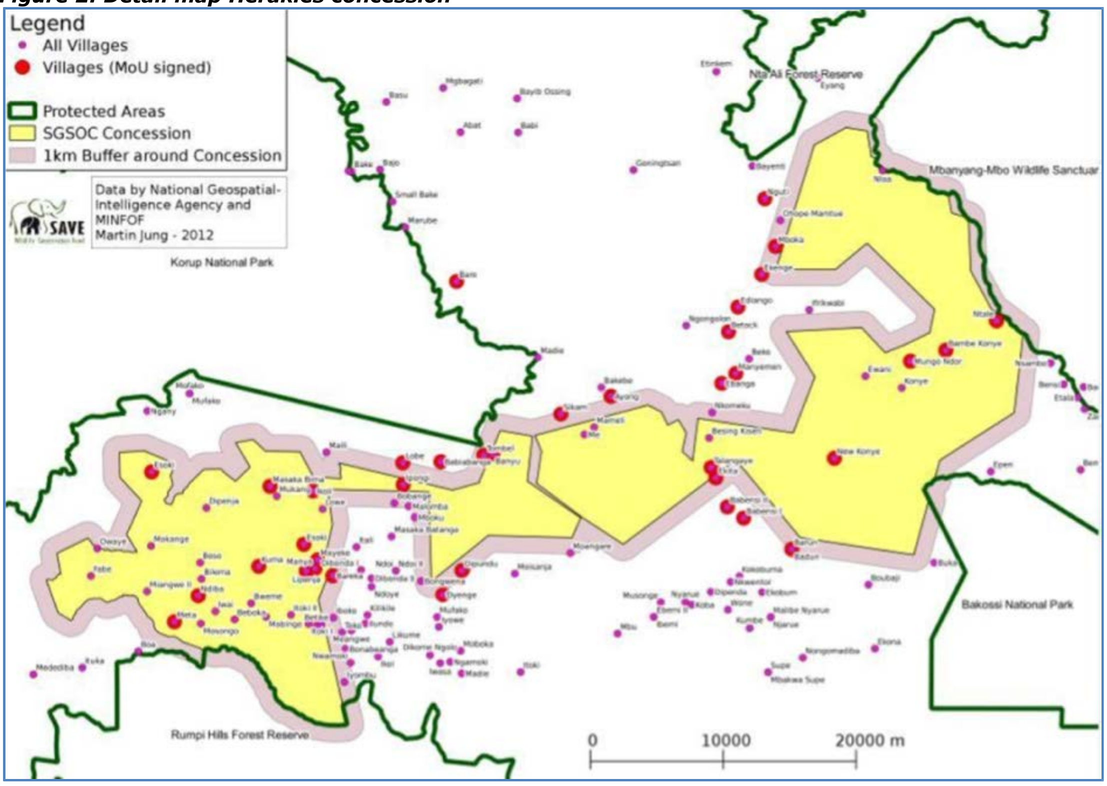
[4] http://stop-herakles.org/en/project

[5] Oakland Institute, Understanding Land Investment Deals in Africa. Massive Deforestation Portrayed as Sustainable Development: The Deceit of Herakles Farms in Cameroon, 2012. http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/Land_deal_brief_herakles.pdf

The Company is formally registered as Herakles Farms LLC in Delaware.[6]

The concession is situated in closed proximity to Korup National Park, Rumpi Hills, Mount Bakossi – all protected areas under Cameroonian law. The project area also includes significant forest areas with commercially viable timber species. The company's Environmental and Social Impact Assessment (ESIA) confirms that the project area encompasses High Conservation Value Forests (HCVFs) "including primary forests, vegetation on steep slopes (greater than about 300), and sacred sites as well as agricultural land used by villages".[7]

Figure 2: Detail map Herakles concession[8]



The main sources of livelihoods include subsistence agriculture, harvesting of non-timber forest products, and trading in forest products. The project is expected to create up to 7,500 jobs during its lifespan.[9] According to the contract with the Government of Cameroon, 80 percent of SGSOC/Herakles Farms' workforce, within the first five years of the project, must be Cameroonians.[10] Additionally, the company must pay an annual surface rent of USD 1 per ha of land that is cultivated and planted with oil palm or developed and USD 0.50 per hectare of land that is not developed. The contract provides for other taxes including taxes levied on profits but most come into effect after ten years.

The Herakles Farms project is one of several large-scale land-based concessions in Cameroon. The country has allocated several large logging, agriculture, mining and inland oil concessions. For

[6] Oakland Institute, Herakles Exposed: The Truth Behind Herakles Farms False Promises in Cameroon, undated.
[7] SG Sustainable Oils Cameroon PLC, Environmental and Social Impact Assessment, 2011. Available from: http://www.heraklescapital.com/docs/SGSOC%20ESIA.pdf
[8] Our Rainforest Today, RRDC News Bulletin July 20, 2012 vol. 12
[9] Nguiffo, S., and Schwartz, B., Herakles' 13th Labour? A study of SG SOC's land concession in southwest Cameroon, 2012. Available from: http://www.rightsandresources.org/documents/files/doc_4763.pdf
[10] Establishment Convention By and Between the Republic of Cameroon and SG Sustainable Oils Cameroon PLC, September 27, 2009, Section 9.6

example, by 2011 the government had allocated 111 Forest Management Units covering 7.1 million hectares or 15 percent of the country's total land area. Like many other African countries, Cameroon relies heavily on its extractive industries including one of the largest logging industries on the continent, and the export of raw materials to industrialized countries.

Cameroon's Real Gross Domestic Product growth has been on the rise from an average of 3.3 percent in 2010 to a high of 4.9 percent in 2013, and is projected to reach 5.0 percent by the end of 2014.[11] The country's economy is dominated by the oil, logging and agricultural sectors.[12] Oil export accounted for 46 percent and 44 percent of the value of total exports in 2012 and 2013 respectively. Timber and cocoa exports each contributed about 10 percent of the value of total export in 2012. Overall the agricultural sector accounted for 21 percent of the country's Gross Domestic Product (GDP) in 2012, and provides for 53 percent of jobs in the economy; hence it is considered very important in the national economy.[13]

Whose land is it?

Article 26 of the Constitution of Cameroon vests power over land tenure, mining and natural resources to the Parliament. Article 56 however requires the state to transfer to the various regions jurisdictions in areas necessary for regional social, economic and cultural developments. The state remains the guardian of all lands in Cameroon, can legally intervene in how land is used in accordance with its economic or defense policies, and controls all lands in Cameroon that are not privately registered, i.e. 'National Lands'. Land in Cameroon is categorized in into two classes: private land and National Land, with National Land being further classified into two categories separating lands occupied and used or manifesting human presence from lands free of any effective occupation.[14]

On National Land, communities can continue to use and occupy settlements and farms, and hunt and gather from forests and swamps. However, communities do not own these lands unless they are registered. Communities can only register their land privately if it is developed with houses or farms. Almost no land is thus registered - most land, including that which is annually cropped under rotational slash and burn systems, or exploited perennially, e.g. planted trees crops, or exploited for NTFPs including food, medicine and game, are managed communally through traditional, customary systems. The government, however, has the power to stop communities from using unoccupied or unexploited National Land, and can instead use the land itself or give it to someone else including a foreign corporation to use. The law does not specifically require consultation with 'communities' or the consent of communities prior to exercising the authority granted to the state although regional level decision making processes require consultation with local level bodies. For example, local land administration is vested in consultative boards that include traditional authorities. For various land use activities including private plantation development, mining, logging operations or national park, environmental impact studies must be completed and a community consultation process be respected.

Cameroon is party to various international human rights laws and as such is legally bound to comply with them. In defining the relationship between international law and domestic (national) laws, the constitution of Cameroon states that the international laws to which Cameroon is a party will supersede domestic law even if it provides different or additional rights than are found in the national law. Cameroon's constitution also affirms its commitment to international law both in general terms and in particular in respect of the Universal Declaration on Human Rights, the UN Charter, and the African Charter on Human and Peoples' Rights. These constitutional provisions imply that Cameroon is bound to apply principles of good governance (i.e. rule of law, accountability, equity, etc.) in natural resource governance, especially with respect to land.

[11] African Development Bank, OECD Development Center and UNDP, African Economic Outlook 2014: Central Africa. Available from: http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2014/PDF/Regional_Editions/Central_Africa_EN_web.pdf

[12] KPMG, Monitoring African Sovereign Risk: Cameroon Snapshot, 2013. Available from: https://www.kpmg.com/Africa/en/KPMG-in-Africa/Documents/2013%20African%20Country%20Reports/KPMG_Cameroon%202013Q2.pdf

[13] ibid

[14] CED, FERN and Rainforest Foundation UK, Whose land is it? The status of customary land tenure in Cameroon, 2011. Available from: http://www.fern.org/sites/fern.org/files/cameroon_eng_internet.pdf

The policy and legal framework, encompassing national and international laws, in theory protects community customary rights. But, because many of the international laws have not been incorporated into national laws, they are normally not applied. For example, lands that have been cleared and planted are the most secure under national legislation via the miss en valour principle, however long-term fallow areas and forest resources remain extremely vulnerable to expropriation by State agencies, or by third parties who have acquired permission from them to use those lands. This is the broad policy and legal context within which Herakles Farms' project is assessed.

Herakles Farms acquired the concession through a convention established between the Republic of Cameroon and SG Sustainable Oils Cameroon PLC on September 27, 2009 and commenced operation to establish a nursery in 2010.[15] The company conducted an ESIA and submitted its report in August 2011. Critics of the project however, pointed out that the proponents of the project "seriously misrepresented the state of the forests within their proposed plantation and [have] misled the public into believing it unsuitable for most wildlife species".[16] The proponents also noted that the presence of armed guards during interviews with villagers; that some villages were not served notifications prior to the arrival of the survey teams; that some farmers were unenthusiastic and impatient because they were called from their farms to attend the interviews; and that some village chiefs instructed villagers not to participate in the interviews all affected the quality of the ESIA.[17]

The company secured the required presidential approval two years after it commenced operations raising questions about the legality of its activities prior to the issuance of the presidential decree.

A thorough analysis of SGSOC's rights to the land reveals a very confusing legal situation. SGSOC does not have a land lease, but has been proceeding with forest and land clearing, in order to create a palm nursery in its claimed concession. When the company began clearing the forest, the regional delegate of the Ministry of Forestry and Wildlife seized SGSOC's bulldozers and issued a notice of illegal logging. A field mission of the central control unit of the Ministry of Forestry and Wildlife and a report of the European Union's independent forest observer confirmed the illegal nature of the tree felling in the area and a fine was levied against the company.[18] On 9th November 2012, however, the Minister of Forestry and Wildlife provided SGSOC with an authorization to fell trees in the permanent forest estate; the authorization does comply with the existing laws and regulations governing forestry in Cameroon. Beyond the question about legality, the Ministry of Forestry is also sending contradictory message. Also, in the context of the future implementation of the Voluntary Partnership Agreement (VPA) between the EU and Cameroon as part of the Forest Law Enforcement, Governance and Trade (FLEGT) process, these conflicting actions of the Ministry of Forestry are likely to raise serious questions about its ability to properly assess the legality of operations in the future.

By entering into the described agreement with SGSOC, the government has failed to comply with its obligations under the International Covenant on Economic, Social and Cultural Rights. The United Nations Special Rapporteur for the Right to Food, Olivier de Schutter, remarks on the very unfavorable cost-benefit outcomes of the agreement with SGSOC from a national revenue earning perspective. He stated in his Cameroon country report: ''Article 2, paragraph 1 of the International Covenant on Economic, Social, and Cultural Rights says that each State must progressively implement the right to food "using the maximum of available resources. "…However, the weak fiscal imposition on agricultural and logging concessions is striking. For example, SGSOC obtained a land lease for 73,086 ha of land for a duration of 99 years, through an annual royalty (land fee) of USD 1 per ha (for developed land) or USD 0.5 per ha for undeveloped land… The Special Rapporteur encourages Cameroon to reconsider its fiscal policy for agro- industrial and logging concessions to optimize revenues derived from its natural resources".[19]

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[15] Oakland Institute, Understanding Land Investment Deals in Africa. Massive Deforestation Portrayed as Sustainable Development: The Deceit of Herakles Farms in Cameroon, 2012.
[16] Letter from 11 Scientists on the Project, "An Open Letter about the Environmental and Social Impacts of a Massive Oil Palm Development in Cameroon". Available from: http://www.oaklandinstitute.org/letter-11-scientists-project
[17] SG Sustainable Oils Cameroon PLC, Environmental and Social Impact Assessment, August 2011, p.4-121
[18] SEE Independent Observer RAPPORT DE MISSION N°040/OI/AGRECO-CEW. Available from: http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/Independent_Observer_Report-SGSOC_Official.pdf
[19] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013. Available from: http://www.forestpeoples.org/sites/fpp/files/publication/2013/11/conflict-or-

Government vs communities
In Cameroon the allocation of natural resource, especially the awarding of concessions, is primarily the responsibility of government institutions at the regional and national levels. To develop National Land, a project proponent must first apply to the local office of the Ministry of Lands for a temporary concession (concession provisoire) lasting five years or less. The application dossier must include an application form, a map of the land, the development plan and company details. The lands office must 'consult all appropriate parties' before sending the dossier to the local 'consultative board' (commission consultative). These legal requirements would be the same for Herakles Farms project.

The prefect appoints the consultative boards, which must consist of a number of local government officials, as well as the chief and two notables from the village or community where the land is situated. Where more than one community is concerned, one chief and two notables should be present from each of the different communities and villages affected. Among other things, the consultative board is responsible for selecting lands that are 'indispensable to village communities' and making recommendations on applications for concessions over National Land and other aspects of national land use, development and conflict resolution. Consultative boards must meet at least once every three months and must receive the agenda at least 10 days in advance. The agenda must also be pinned to notice boards in the prefecture, sub-prefecture or district offices.

The consultative board, via the prefect, should then submit its recommendations on the proposed concession to the Minister of Lands. The final allocation decision is made by central government, which if approved, must be made by decree signed by the president. The rights and obligations of the concessionaire are set out in special clauses and conditions (cahiers de charge). Following development under the temporary concession, a more long- term concession may be given, e.g. for up to 99 years, which could be renewed for even longer. For this to happen, the consultative board is convened to assess the extent of the development, and the prefect will then make recommendations to the ministry. Failure to develop the lands or any breach of the terms of the cahiers de charge may be a basis for refusing a longer-term concession. These legal requirements are the same for locally owned and controlled corporations, including small and medium enterprises, and foreign owned corporations – insofar the land being sought after is National Land. These consultative boards have become the de facto mechanism for community consultation during the allocation of land use permits covering National Lands.

In principle, land-based natural resource governance in Cameroon begins with local level consultative processes that could be leveraged to the benefit of local populations or communities, but in practice this has not always being the case. For example, extensive research by civil society of the Herakles Farms project confirms that in most cases the above rules have either been seriously abused, or ignored completely. This situation has been complicated by allegations that some village chiefs agreed to the development to secure benefits for themselves, but without consulting village notables or members. In other cases it is alleged that some notables conspired with chiefs to push the development through.

According to multiple NGO and INGO publications many community members oppose the takeover of their lands for palm oil. This was evidenced by widespread community protests when the project commenced in 2011, as documented extensively by local and national NGOs. Some reports suggest that community members were shocked when the company demarcated its concession, placing concrete posts across their fields, orchards and fallow lands.

If we look closer at the proposed plantation area, the following picture emerges. The planned plantation area is divided into two blocks spanning the Ndian and Kupe- Muanenguba Divisions of South West Cameroon. The Nguti concession is over 42,000 hectares while the Mundemba-Toko concession area is 31,000 hectares in area. The land claims overlap with a range of community lands and ecologically relevant forest areas. Nguti is a sub-division in Kupe Muanenguba Division of the South West Region of Cameroon. It is host to two protected areas of High Conservation Value: the Banyang Mbo Sanctuary and the Bakossi Mountains. Some rare species are found in the region even

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though the area has been subject to various waves of selective logging by timber companies since the 1970s.
There are hosts of non-timber forest products, which provide revenue for the communities in addition to subsistence agriculture. Nguti sub-division hosts three ethnic groups. The Mbo constitutes over 15,000 people, according to Chief Tabi Napoleon of Baro. They live around the Banyang Mbo sanctuary and are part of the native population of Nguti town. Nguti Sub- Division also hosts the Bassosi clan which numbers over 18,000 people spread out through the eleven villages of according to Ebong Robinson, an elder.

The Bassosi villages fall under the umbrella of the Mboum Nsuanse, the Bassosi Cultural and Development Association that represents 11 Bassosi villages. Upper Balung is another clan in Nguti sub- division numbering over 6,000 people, according to Barrister Eni Makia, Chief of Betock village. They occupy the seven villages of Talangaye, Manyemen, Ebanga, Ayong, Betock, Sikam and Baro. These villages are mostly located along the Kumba – Mamfe road and comprised of cocoa farmers.

General perceptions of the proposed plantations
Even though three Upper Balung chiefs (Chief Dr. Atem Ebako, Chief Eben Nkongho Jacob, and Chief Lordson Asek Akum) support the project, the majority of their populations are opposed to it. Chief Lordson Asek works with SGSOC as Community Development Officer and his role is to sensitize the Upper Balung people on the merits of accepting the SGSOC plantation. Chief Eni Makia of Betock is completely opposed to project while Chief Eben Nkongho claims that he has 3,147 hectares to offer the company, but worries about how much land will remain for subsistence agriculture.

The Bassosi are primarily farmers of cash crops such as cocoa. The area produces over 10,000 tons of cocoa supply each year.[20] The Bassosi also cultivate oil palm trees and gather non-timber forest products (NTFPs) such as *njangsa*, African bush mango, pepper, bitter cola, and others. The Mboum Nsuanse are united in their opposition to any industrial palm oil project on the Bassosi lands. They claim that the available land is just enough for them and their descendants to use for the next 50 years. In a communication with the contributing authors of this report, Herakles Farms stated, "it has respected their [Bassosi] decision not to be partners of the project."[21]

Nevertheless, the researchers observed that in several villages, those who are supposed to represent the community are ignoring the wishes of their people. Even though one of the elites and village chief, Chief Dr. Atem Ebako of Talangaye has thrown his weight behind the SGSOC industrial oil palm project, many of his subjects are opposed to it. Ebako has stated that he decides for his village and everybody must abide by his decisions. One of the Chief's representatives, Eyong Richard, says chief Ebako has instructed villagers of Talangaye to speak to no one about the SGSOC project without his permission. Ebako has also ordered his subjects to avoid contact with environmental organizations such as Greenpeace and WWF.[22]

A similar situation is occurring in Manyemen village where Chief Oben Nkongho supports the project while the vast majority of his subjects oppose it. He claims that after scouting in Europe and America for capital, investors told him that Cameroon was a corrupt country and thus would not invest there. According to Chief Oben, SGSOC has come to fill that investment gap. He underscored that if the communities were paid for carbon credits, then he would be satisfied and turn away from SGSOC.[23] Ayong village also suffers a similar fate under its chief Lordson Asek, who is a Community Development Officer (CDO) for SGSOC and supports the project while a majority of the community is opposed to it.[24]

It is interesting to note that in the villages whose local chiefs support the project, the company has tactfully avoided sharing useful information with the supporters of the project.
The discourse presented by Herakles Farms posits the plantation is a government project and thus the

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[20] SOURCE: according to Chief Ajang Samuel of Ntale
[21] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013.
[22] ibid
[23] ibid
[24] ibid

local communities must comply. However, groups such as UBACUDA, the Upper Balung Cultural and Development Association, which represents 7 villages, is mobilizing its constituents to oppose the project. Led by Barrister Chief Eni Makia, the Association is looking for means to stage their opposition to the project publicly.

In Mundemba–Toko sub-divisions in the Ndian Division of the South West Region of Cameroon community land needs are traded against forestland - forest with high conservation value. Mundemba sub-division is host to the Korup National Park of renowned high conservation value. The Park covers 129,000 hectares and is one of the world's richest bio-diversity hotspots. Toko sub- division is host to the Rumpi Hills. The Rumpi Hills area serves the main catchment and watershed for most of the South West Region in Cameroon and the Cross River State of Nigeria. For example, the Moungo River, which flows southeastwards to the Littoral Region and into the Atlantic Ocean, takes its source at the Rumpi as does the Cross River.

These two subdivisions are inhabited by over 21,000 people. Mundemba commands a population of 14,385 according to Okwo Wa Namulongo Peter, Deputy Mayor of Mundemba. The proposed concession area, which already hosts two Herakles Palm nurseries at Fabe and Lipenja 1, has a population of 6,500. There are 23 villages in the concession area. The Mundemba-Toko area is inhabited by three ethnic groups: the Bima, Ngolo and Batanga.
Many residents in these communities oppose the Herakles plantation since the Cameroonian Government earmarked 129,000 hectares of their land for the Korup National Park and additional land was set aside for the Rumpi Hills Park. The Cameroonian government assured them that the remaining portion would be used for agriculture for current and future generations. But, Herakles Farms argues that land set aside for agriculture was intended for agro-industrial cash crop production, while many villagers feel they have lost sovereignty over a large portion of their traditional lands which has had a detrimental impact on livelihoods including farming, hunting and gathering.[25]

According to one of the supporters of SGSOC's agro-industrial project Nangea Felix, the Chief of Fabe, the Prime Minister had reassured local communities that if they needed farmland in the future, the government would cede a portion of the Korup National Park back to communities for agricultural use. There are serious allegations that some elites, from the Mundemba – Toko proposed concession area, are fuelling a conflict which might soon escalate. An example is the Chief of Fabe who states that people like Nasako Besingi, the director of a local NGO called SEFE which opposes the plantation, should never come to his village as they come and provoke people by informing them of their rights to their forests.[26]

Meetings under the umbrella of the Ngolo Cultural and Development Association, Batanga Cultural and Development Association and Bima Cultural and Development Association, have raised allegations that representatives of SGSOC have been using financial incentives for locals in order to win public support for the project. A report by the South West Delegation of the Ministry of Forestry has also stated, "The team has collected during its fact finding mission in 20 villages a lot of information showing the way SGSOC is operating. The negotiation is done with lot of intimidation and bribery, targeting the chiefs and some few influential decision-making members of the communities."[27]

Nature Cameroon in Nguti, and SEFE based in Mundemba are the main NGOs supporting communities in their efforts to protect their lands and their engagement with Herakles Farms. In 2014 the government banned Nature Cameroon, and the head of SEFE engaged in a legal battle with the government and the company. Both the government and Herakles Farms accuse SEFE of preventing the project from moving forward. Both Nature Cameroon and SEFE have support from other national NGOs and international organizations including the World Wildlife Fund, Greenpeace and Forest Peoples Programme. These NGOs and their international supporters seem to resist the project primarily on environmental and social grounds, i.e. fearing irreparable damages could be done to the forests and biodiversity of the region and loss of livelihoods for local populations.

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[25] ibid
[26] ibid
[27] Fact Finding Mission Report compiled for PSMNR by Dr. Julien Dupuy, GFA Forest and Wildlife expert Mor Achankap Bakia/RD MINFOF GIS expert, 2013. Available from: https://www.save-wildlife.com/downloads/ save_the_forest/03_01_2013_report-fact-finding-mission-sgsoc.pdf

The Government of Cameroon Vision 2035 provides the broad framework for pursuing its development agenda in medium term, and aims to lift Cameroon middle income status by "ensuring strong, sustained and job-generating growth on the one hand and by increasing, extending and improving social services, including health, education, housing, training, water, electricity, roads, etc. on the other hand."[28] To achieve these development objectives, the plan advocates the stepping up of investments and accelerating "economic growth with emphasis on its primary assets",[29] i.e. the agricultural sector and extractive industries. These objectives and the attending means to achieve them outlined in the country's development agenda, emphasizes a growth path that has proven to be problematic in other African contexts.

Implementation of the initiative and its implications
An estimated 37 percent or 17.5 million hectares of Cameroon's 47.2 million hectares is covered by forests classified as National Forest Estate. In 2011, 94 percent of the National Forest Estate was allocated as Permanent Forest Estate, while the rest was allocated as non Permanent Forest Estate. The National Forest Estate contains 55 percent dense forest, 33 percent mixed forests, and 12 percent has limited forest cover. By 2011 the government had allocated 111 Forest Management Units covering 7.1 million hectares or 15 percent of the country's total land area. Of the area under Forest Management Units, 5.5 million hectares were allocated to 87 logging concessions. According to World Resource Institute, by 2011 June 14th of the logging FMUs covering little over 1 million hectares and operated by five major companies, were Forest Stewardship Council certified. The government had also allocated another 7.4 million ha or 16 percent of the total National Land area as protected areas.[30] Given the history of extensive logging in Cameroon, a significant percentage being illegal, industrial logging continues to pose serious threats to the long-term ecological integrity of the country's forest.

Mining and agroindustry expansion in Cameroon presents additional threats to the nation's biodiversity and are noted as significant drivers of deforestation, in light of the growing global demand for agricultural land. Considering the country's large agriculture sector, the Herakles Farms project undoubtedly increased the ecological footprints of the sector. The World Resource Institute in 2012 concluded: "In Cameroon, human pressure on forests is increasingly coming from areas outside of the traditional forest sector. Rising global commodity prices have led to an increased focus on expanding mineral extraction and industrial agricultural plantations. Rapidly developing urban areas need more land to meet their needs. Much of this expansion has, and will, come at the expense of historically forested land."[31]

According to its ESIA, Herakles Farms planned to clear and plant oil palm on 60,000 of the 73,086 hectares Concession Area during the lifespan of the project; excluding areas it needs for setting up the refinery, nursery, road network within the Concession Area and workers quarters.[32] At full capacity, the company expects to produce up to 400,000 metric tons of crude palm oil (CPO) and 40,000 metric tons of palm kernel oil per year.[33] The company plans to export most of its CPO and kernel oil, and to sell some on the local market, but makes clear that that will depend on conditions in the marketplace. It is unclear how the significantly reduced quantity of land, i.e. 20,000 ha will affect the company's plans.[34]

While these developments will ultimately have impacts on the local population and the environment, a Press Release issued on June 17th, 2011 and attributed to the company stated that the company would follow best practice principles with respect to social and environmental concerns in the oil palm sector, including those of the Roundtable on Sustainable Palm Oil (RSPO) and International Finance

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[28] Republic of Cameroon, Vision 2035, 2009, p.v. Available from: http://www.cameroonembassyusa.org/docs/webdocs/Cameroon_VISION_2035_English_Version.pdf
[29] ibid
[30] World Resource Institute, Interactive Forest Atlas of Cameroon (Version 3.0), 2012. Available from: http://www.wri.org/publication/interactive-forest-atlas-cameroon-version-30
[31] ibid
[32] SG Sustainable Oils Cameroon PLC, Environmental and Social Impact Assessment, August 2011.
[33] Nguiffo, S., and Schwartz, B., Herakles' 13th Labour? A study of SG SOC's land concession in southwest Cameroon, 2012.
[34] In 2013, President Biya issued a decree reducing the quantity of land granted to Herakles Farms to 20,000 ha.

Corporation, in the implementation of its project. In the same release the company promised "to follow the highest environmental standards, safeguarding local biodiversity" stressing "no planting on primary forest or high conservation value forest (HCVF) will be done, and buffer zones between the plantations and those regions will be maintained."[35]

However, prior to commencing operations and as soon as it had begun operation, national and international NGOs as well as academics, expressed concerns that the company's operation would have severe negative impact including massive deforestation, as forests with high levels of biodiversity would be transformed into monoculture industrial oil palm plantations, and significant increase in bush meat hunting as a result of inward migrations of would-be laborers and an increase in demand for bush meat. Several months after the company commenced operations and as its feared environmental and social impacts became apparent; eleven scientists wrote a joint open letter urging the RSPO to reject the company's request for certification.[36] No sooner had the company's operation began in earnest when evidence of extensive clear felling of commercial timber, large-scale forestland clearance and conversion to oil palm plantation, began to emerge.

The company plans to separate the plantation estates by thin strips of forests or buffer zones. While these buffer zones around villages perform important environmental functions, they tend to restrict villagers' access to their customary land and territories, which they rely on for a range of livelihood activities. For example, of the estimated 25,000 people[37] that depend on subsistence agriculture and limited cash crop farming in the area, the project will likely impact half of the population when it becomes fully operational. Community livelihoods are based upon crops including millet, cocoa, cassava, oil palm beans, rice, and various fruit. Standing forest is also a major contributor to community livelihoods in the form of non-timber forest products including fruit, nuts, leaves, medicine, and bush meat. Community language, rites and customs are closely tied to the forest.

This rich region has long been targeted for oil palm and rubber plantation development dating back to the colonial period, and prior to Herakles Farms arrival on the scene; some of these environmental impacts are already visible. For example, the paved roads leading up to Ndian are sided in many places by palm oil and rubber plantations running off into distant hills. The drive down to the region targeted for Herakles Farms development around Mundemba and Nguti, for example, provides a sobering vision of what could be in store for the rest of Ndian and Kupe-Manenguba Divisions: a landscape characterized by monoculture tree plantations as far as the eye can see, devoid of community life, and economically and politically dominated by absent elites or government agencies.

To carry through with its plans, Herakles Farms negotiated series of agreements with individual communities to access land and provide certain benefits, but the negotiations processes were allegedly characterized by gross violations of basic community rights and Cameroon law, since community customary lands that have been held and managed for generations were being stripped away without due process and without their consent. In response, Cameroonian NGOs and their international allies intensified pressure on the company for its poor handling of Free Prior and Informed Consent processes. The resulting pressure and negative publicity it seems, resulted in the company withdrawing its application to become a member of the RSPO raising doubts about its ability and willingness to abide by the RSPO principles.

Analysis of the challenges and prospects

The project has experienced significant challenges from the onset. No sooner had it commenced operations then widespread concerns about the environmental and social impacts, and a raft of legal challenges, forced the project to a standstill. A major setback came in 2013 when the president granted approval for a total land area covering less than a third of the original concession area. Although the size of the concession was significantly reduced, Greenpeace and the Oakland Institute remained concern referring to the decision as alarming. A Greenpeace campaigner, Irene Wabiwa is

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[35] "Herakles Farms Develops Sustainable Palm Oil Plantations in Cameroon and Ghana", June 17, 2011 (on PR News Wire). Available from: http://www.prnewswire.com/news-releases/herakles-farms-develops-sustainable-palm-oil-plantations-in-cameroon-and-ghana-124067379.html

[36] Letter from 11 Scientists on the Project, "An Open Letter about the Environmental and Social Impacts of a Massive Oil Palm Development in Cameroon".

[37] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013

quoted as saying "a downsized project does not resolve the problems related to the palm oil project by Herakles Farms. It simply remains the wrong project in the wrong place, as the impact on communities' livelihoods and forests remain unacceptable."[38]

The Republic of Cameroon Vision 2035 emphasizes attracting significant foreign investment in the natural resource sectors, notably agriculture and the extractive industries, as traditional engines of economic growth. These sectors, though labor intensive rely heavily on low or unskilled workers and the jobs created are often short-term or seasonal. This severely limits the positive impacts of these sectors on the overall living conditions of the populations.

Low taxes and tax waivers granted the corporations, if the tax regime stipulated in the SGSOC agreement with the Government of Cameroon, also means the country sacrifices much needed revenue to attract the foreign investment it has prioritized.

The persistent belief in the existence of 'un-utilized' land in Cameroon, which is the assumption upon which the entire legal land tenure system is built, leads to structural marginalization of rural communities from their lands. Another obstacle is the belief that foreign direct investment is inherently virtuous and necessary for economic development. The government acts as though the need to attract foreign direct investment justifies the suppression of any and all potential impediments to foreign direct investment, and FPIC is often perceived as a major obstacle to investment.

In Cameroon, access to information is very difficult for rural communities, which in turn limits the possibilities of implementing an adequate process to seek their consent. It is also interesting to note that the government's stance leads to the dispossession of communities of their land in order to facilitate investment, which further marginalizes FPIC as a land management tool. In January 2011, the President of Cameroon, in his opening speech at the Ebolowa National Agro- Pastoral Show, instructed the government to prepare a land-use reform to facilitate access to land for large agro-industrial companies (baptized 'second- generation agriculture'). Since 2012, the Minister in charge of lands has launched a process to create government land banks, which will be taken from National Lands, the very lands where communities enjoy customary use of lands that are not legally protected.[39]

Finally, the Cameroonian government does not encourage the application of voluntary standards. This could be seen as a deliberate decision not to impose standards or restrictions on agro-industrial operations, and second, or a result of ignorance of the existence of such standards and their purpose by relevant government bodies.

The government's failure to insist on the rule of law by rigorously enforcing existing laws, as well as its failure to implement legislations that are designed to facilitate inclusive and accountable decision-making processes, undermines its own development agenda by creating conflicts with local populations and putting the future of the inward investments in jeopardy. For example, the many challenges that emerged when Herakles Farms commenced operations in 2010 may have forced the President to issue a decree reducing the size of the concession by more than 50,000 ha. Such actions illustrate uncertainties that can have grave consequences for investment and therefore tend to discourage investors in the medium to long term.

Conclusions and recommendations

This project is situated within closed proximity of a network of protected areas that were established to protect the high biodiversity that characterizes the region. The protected areas that surround the concession include Korup National Park, Bakossi National Park, Bayang Mbo Wildlife Sanctuary, Nta Ali Forest Reserve and the Rumpi Hills Forest Reserve. Also much of the forest outside those reserve constitute HCVFs. The concession area, which communities have been using sustainably for years, is thus a key corridor for the migration of a wide range of threatened species, and its development into monoculture palm oil will destroy that forever. But this is not limited to this project alone or to

[38] Thompson Reuters, "Corrected: Cameroon permits trimmed palm oil project by US firm Herakles", November 26, 2013.

[39] Forest Peoples Programme, Sawit Watch and TUK Indonesia, Conflict or Consent: the oil palm sector at cross roads, 2013.

Cameroon.

Natural resource governance across Africa remains weak. Land governance in particular, in the face of the rising global demand for large-scale land leases, is fraught with many challenges including absence of the rule of law in many jurisdictions as well as a lack of transparency and accountability in land transactions between governments and corporations.

After examining two land deals and related oil palm projects in Cameroon, the following conclusions can be drawn:

1. Although laws governing land and other natural resources in both countries could benefit from review and reforms to strengthen safeguards and guarantee respect for human rights and environmental protection and management, the unwillingness and/or inability of their governments to implement existing legislations is major factor constraining good governance of the resource sector. In Liberia, despite legal reforms in the natural resource sector since 2006, for example, the government allocated more than fifty natural resource concession contracts in violations of various laws.
2. Policy, law and practice remain at odds in both countries. In both countries, institutional arrangements for decision making about land and natural resources have not been fully and properly utilized for the benefit of the population. For example, Cameroon's land tenure legislations require the creation of local boards to facilitate local level decision-making processes involving community representatives. While the intent of this legislation is clearly to ensure community involvement, albeit in an undemocratic manner, the practice has been problematic. For example, there is nothing that forbids the traditional leaders and notables serving on the consultative boards in Cameroon from consulting with their people prior to making decisions on their behalf; yet they opt not to apply that simple principle of good governance for the public good.
3. Legal reforms in the last two decades have done little to significantly change the realities of people living in poverty on the ground, despite government rhetoric suggesting that reforms have been directed at just that. At best, new bodies of laws aimed at clarifying legal ambiguities and creating more certainties about both governments' intentions to improve the general situation of their citizenry. At worst these changes have led to the creation of new structures and reorganized institutional arrangements that have done little to enhance efficiency of the government bureaucracy.
4. Under pressure, the private sector including multinationals, investors and international financial institutions, and at times with government and civil society involvement, have created voluntary guidelines and initiatives to tackle bad corporate behavior, strengthen environmental compliance and guarantee protection of human rights; the RSPO, OECD Guidelines and FSC are all limited in their ability to compel compliance to agreed principles. The voluntary nature of these guidelines, poor implementation and enforcement by all parties, and home country governments reluctance to interfere with sovereign governments' implementation of their laws, have meant that the potential of these initiatives have been under-utilized to the detriment of communities. Additionally, these initiatives have served as the perfect excuse for government to abandon their primary responsibility as guardians of the public interest, in this case their responsibility to ensure lawful and equitable distribution of the benefits of natural resource development.

To address these complex and ever evolving challenges, especially to strengthen protection of human rights in the resource sector and ensure accountability for corporate crimes, calls for internationally binding and legally enforceable legislations are getting louder and stronger. This seems to be in response to the failure of multilateral agencies, such as financial institutions, and investors to adopt more progressive stance against corporate malfeasance in the global south; where governance broadly and rule of law specifically, is weakest.

Developed countries, have a responsibility to stand in solidarity with marginalized and vulnerable segments of the populations in countries afflicted by these situations by supporting calls for more accessible and robust international legal regimes to protect human rights. More progressive governments should work to forge alliances with civil society and like-minded governments to intensify the calls for rapid global action in this direction.

The case of the Golden Veroleum palm oil concession, Liberia

By Tom Lomax, Forest Peoples Programme, November 2014

Preface

The Land Commission has completed a new Land Policy for Liberia, which was signed by the President in 2013. This highly progressive new policy makes clear policy commitment to recognising customary community land ownership rights, however it does suggest that these would be subject to pre-existing concessions granted by government which is a significant encumbrance, given that estimates of up to 45% of Liberia has been awarded in concessions to private companies. The current draft Land Law follows the policy in this respect, but reserving communities' participation in concessions operating on their land.

The primary grievance mechanism used by communities and civil society to date challenging GVL's right to develop community lands has been via the RSPO. Several complaints are outstanding, the first of which in 2012 (which complained of land taken without communities' FPIC, damage to sacred forests and burial sites) was large upheld by a 2013 TFT FPIC assessment. The Complaints Panel has been perceived to be slow to deal with the complaints which have proliferated. Though, uniquely, a RSPO delegation visited the area in summer 2014. The report they produced has, however, been critiqued, to largely reflect the views expressed to date by the company, that aside from initial teething problems, the project was on track and policies and practices – notably with regard to FPIC (Free Prior Informed Consent) -were broadly compliant with RSPO standards. Communities and local and international civil society have responded by denouncing the findings as ill-founded, and have pointed to numerous clear violations of RSPO findings. The RSPO complaints system is now challenged to make a fair determination of the complaints received. This coincides with a review of RSPO's grievances mechanism coordinated by independent consultants.[40]

The Golden Veroleum concession

The Government of Liberia agreed a concession agreement with Liberia-registered Golden Veroleum (Liberia) Inc. (GVL) in August 2010, leasing 220.000 ha of land to GVL for the production of palm oil from land in five of Liberia's south-eastern counties: Sinoe, Grand Kru, Maryland, River Cess and River Gee.[41] The term of the GVL concession is 65 years, with an optional extension for a further 33 years with further extensions possible.

Land clearance first commenced in December 2010 accelerated in September 2011, before being halted by a December 2012 freeze on plantation expansion requested by the Roundtable on Sustainable Palm Oil (RSPO) in response to community complaints. Plantation expansion re-commenced during 2013 and 2014, in both Sinoe and Grand Kru counties. Presently, at least 3.000 hectares of land are believed to have been cleared and planted, including in previously heavily forested areas.

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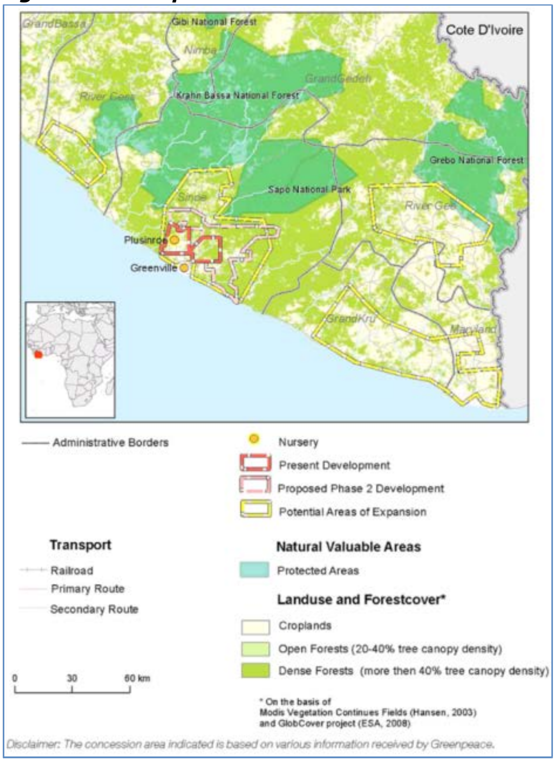
[40] http://rt12.rspo.org/ckfinder/userfiles/files/Holly%20Jonas%20%26%20Lanash%20Thanda%20Final.pdf

[41] See the 2010 Concession Agreement between the Government of Liberia and GVL. The concession agreement also provided for a new port with 100 ha of adjacent land to be established by GVL, and a further 40,000 ha 'out-grower' scheme (essentially a community small-holder scheme with varying degrees of management responsibility retained by the company). Source: http://goldenveroleumliberia.com/files/Agreements/2014-01-07-GVL-Concession-Agreement.pdf

Figure 3: GVL's planned concession in Liberia.[42]



GVL is understood to be owned by private equity fund, Verdant Fund LP (Cayman Islands registered), whose major investor is the Singapore-listed Golden Agri-Resources Ltd. (GAR), part of Indonesia's Sinar Mas group. Associated and/or intermediary companies with equity shares at various levels include Golden Veroleum (Switzerland) Ltd, Golden Veroleum Limited [Hong Kong], and GV Holdings Ltd [Cayman]. Chief investor GAR is the world's second largest palm oil producer. Media reports refer to GVL targeting USD 1.6 billion for its investment in Liberia, and having procured a USD 500 million loan from the China Development Bank Corporation. GVL's two directors, Matt Karinen (Finland) and David Rothschild (South Africa, resident in UK) are understood to also have made significant personal investments in the project.

GVL's concession area is remotely located away from the capital Monrovia. Covering several counties there will be some variation in community livelihoods, but broadly speaking the communities living in GVL's concession area are rural communities dependent on a mixed livelihood system including swidden/shifting agriculture, hunting and gathering in community managed forests and wet-land areas.

Lack of census data forms a hindrance when. However, the concession will cover some 2.3% of Liberia's land area. Based on a rough calculation, taking into account average population densities, the concession area - covering some 220.000 ha - would encompass some 93,000 people and even more people being enclaved by the gross concession area.

Agriculture is a mixture of subsistence agriculture for food as well as cash-crops such as rubber, coconut and other fruiting trees, though excess food crops will also be sold. Protein needs are generally met by hunting game (often deer), and fish and crayfish gathered from swamp and wetland areas, the latter being mainly the responsibility of women.

Non-food items are also gathered in forests: round-poles and palm thatch for housing, wood for fuel and charcoal, and rattan for weaving into baskets and furniture (with charcoal and rattan products used both for domestic use and for sale). Community sacred forest areas are also used by communities for ritual and medicinal use, for training of community youth and generally maintaining a collective identity and culture. Individuals within communities may also receive remittances from diaspora family members living in towns or abroad.

Around half of Liberia is forested, comprising the single largest block of Upper Guinean forest ecosystem. This constitutes over half the remaining rainforest in West Africa so is globally significant. The rainy season is prolonged in Liberia, lasting from around May to October. GVL's concession area contains large areas of forest – varying in size and quality – alongside areas of degraded forest land and current or fallow crop-lands, as well as rivers, swamps and other wet-lands. Areas of the GVL concession area are rich in significant mammalian species, including Chimpanzee, with reports that

[42] Map from FFI report entitled 'Initial Assessment: Mitigating the Environmental Impacts of Oil Palm Concessions on Forests in Liberia' (2013).

some areas are as ecologically rich as the nearby Sapo National Park (Liberia's only national park).

Infrastructure development is currently very limited in the area, with no paved roads outside the town centres, and dirt roads becoming very poor during the rainy season. GVL's centre of operations is near Greenville, the county capital of Sinoe County which has a sea-port. None of the urban areas in the concession are large, and mostly the area is dominated by rural communities. Access to electricity even in towns is dependent on household generators. GVL's is the single project likely to impact most on the communities and landscape of the area, in addition to commercial logging. Other potential projects in the area include the port development included in GVL's concession agreement, and a proposed train-line linking the Putu Iron Ore Mine in Grand Geddeh with the Sinoe coast.

The legal and policy framework

Broadly speaking the national and local legal and policy context is one based on (1) domestic national law (which is undergoing reform in key respects including with regard to land tenure), (2) Liberia's international legal commitments and (3) customary law. Customary law has constitutional force in Liberia, in that it can be relied on in domestic courts. It has the greatest resonance at the community level, where customary rules are the most commonly practiced and recognised normative frameworks guiding the (invariably collective) ownership and management of community land and natural resources.

Among the international human rights laws to which Liberia is a party, are the major treaties agreed under the auspices of the United Nations (UN) and African Commission on Human and Peoples Rights (ACHPR). In addition, Liberia and the EU have a agreed a Voluntary Partnership Agreement (VPA) under the EU's Forest Law Enforcement Governance and Trade Action Plan (2003), committing both parties to supporting a programme of governance reforms aimed at addressing the problem of illegal logging.

The key domestic legal frameworks applicable to the natural resource management in the area include the following:

- Liberia's constitution, which inter alia, includes articles recognising the property rights and protection from arbitrary dispossession, provides for customary law being applicable in the courts, and maximum feasible participation in the administration of Liberia's natural resources;
- Environment protection laws (governing environmental and social impact assessment and associated public participation);
- Public procurement and concession administration laws (governing transparency, tendering and public participation and other matters);
- Laws regarding forest land and resources (which have clear procedures by which
- commercial forestry is administered, community ownership of customary forest land resources is recognised, alongside associated decision making and benefit sharing arrangements);
- Land tenure laws (governing who owns the land and how it is used and
- administered);
- Mining laws (administering mineral exploration and exploitation).

As natural resources (particularly timber and diamonds) played such a pivotal role in fuelling Liberia's 14-year civil war, and the importance sanctions played in ending that conflict, the UN Security Council has retained a mandate for a Panel of Experts to review progress in Liberia on various fronts, including improved governance of key natural resource sectors. In addition, Liberia's Extractive Industries Transparency Initiative (LEITI) plays an important role in regulating transparency in forestry, mining and agriculture industries, notably focused on transparency in respect of natural resource concessions generally including amounts paid by companies and received by government.

Concerns have been raised about the legality of GVL's concession agreement (and the process leading to the conclusion of the concession agreement), despite the fact that the agreement was ratified by the legislature. This has included concerns expressed in the recent reports of the UN Security Council's Panel of Experts to Liberia, and in the May 2013 report by UK-based law firm Moore Stephens LLP (LEITI's 'Post Award Process Audit' final report).[43] The latter found nine separate regulatory violations

[43] Moore Stephens (2013): Liberia Extractive Industries Transparancy Initiative (LEITI) Post Award Process Audit, Final report, p.110-101

of Liberian national laws and procedures in the contracting process between the Government of Liberia and GVL.

The chief ministries directly concerned with natural resources are the Ministry of Lands, Mines and Energy (MLME) and the Ministry of Agriculture (the MoA, which chairs the Forestry Development Authority – the FDA). Also involved are the Ministry of Internal Affairs and the Ministry of Finance. At the sub-ministry level, the National Investment Commission, the National Land Commission, and the Environmental Protection Agency are key public bodies, as well as the Public Procurement and Concessions Commission (PPCC) which supervises and regulates public procurement and concessions in Liberia.

The focus point for the creation and implementation of the concession is the parent ministry responsible for that sector. The Ministry of Finance and the National Investment Commission seem to be chiefly involved at the concession contracting stage (alongside the Ministry of Justice and the President). One of the findings of the LEITI Post Award Process Audit was that GVL concession contracting process failed to accord with the competitive bidding process mandated by law, suggesting that the public procurement procedures were not properly observed.

Liberia's Environmental Protection Laws require a social and environmental impact assessment procedure, which contains stages where public participation must take place prior to the award of the requisite EPA permit. Unfortunately, communities are largely unaware of the permitting process, and the EPA invariably rubber stamps the findings of the consultant contracted by the company to assess environmental and social impacts, even where communities and NGOs have registered serious concerns. Only when NGOs have been able to play a major role in raising the capacity of the community to participate and register concerns have EPA permits been refused, and even then companies can reapply if certain conditions are met.[44]

Many thousands of people have prior customary ownership of most if not all of the land, forest and wet-land areas within GVL's concession area. Although varying from place to place, customary land ownership and management is for the most part based on a collective ownership of the land and natural resources, with individuals and families having user rights over particular areas. Since communities are almost wholly dependent on land and natural resources for the livelihoods (as outlined above), the impact of GVL's large-scale commercial agriculture is massive and will continue to be so unless significant changes are made.

Although customary law is applicable under the constitution, and despite the legal recognition of communities' forest resource ownership rights under the 2009 Community Rights Law with Respect to Forest Lands, the land tenure laws are inconsistent, contradictory, and anachronistic and currently undergoing radical reform. In the meantime, current state practice observes all non-registered land as public land available for handing out as concessions, regardless of the prior proprietary customary interests of communities.[45]

Certainly from the concession contract it seems their legal and technical knowledge may be quite weak, as the terms are not beneficial to the government or the community (very low rents and numerous tax deductions, exemptions, breaks etc.). Communities have been largely excluded from negotiations between the company and government. In negotiations with the company, the community is wholly reliant on civil society and the disclosure by the company, in terms of finding the necessary agricultural knowledge (in terms of the palm oil industry). Communities' agricultural knowledge is largely restricted to subsistence or small scale cash cropping, and their knowledge of the palm oil industry is poor. To date they have not received adequate information the palm oil industry

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http://www.leiti.org.lr/uploads/2/1/5/6/21569928/leiti_post_award_process_audit_final_report.pdf

[44] Communities are not aware of the EPA permit process – i.e. they do not know what the procedures are, particularly with respect to community consultation, and what is required of the EPA and the company to meet environmental protection regulations in Liberia. They also will be unaware that they have a right of appeal if the EPA grants a permit against their wishes, and will not know of the time limits for doing so.

[45] There are public procurement laws that require competitive bidding for concessions like these, but it has been reported that this requirement was not complied with in this case. Aside from that the government thinks it is entitled to grant concessions, and does so over the heads of communities.

by the company, and capacity among civil society support organisations often is equally poor.[46]

In summary we have communities claiming ownership of the land and forest under customary law, supported by international human rights law and some elements of the domestic legal framework. On the other hand, the Government of Liberia uses state practice and an interpretation of other areas of domestic law to justify the handing out of leases to third parties over the same land. The result is a classic land conflict between the three major parties involved: the communities, state and GVL.

Key actors and stakeholders
The relevant national level ministries and sub-ministry agencies are outlined above – but the central natural resource sector-related public bodies are the FDA (for forests), MoA (for agriculture), and MLME (for minerals and dams). Local government is based on county and district administrations with county administrations having representatives of the various ministries. Perhaps the most significant single local administrative (executive) actor is the County Superintendent, under the Ministry of Internal Affairs and the County Development Superintendent.[47] Local senators and representatives represent the legislature (in the Senate and House of Representatives respectively) and are sometimes supportive of communities when they are faced with land and natural resource conflicts caused by state-sanctioned private sector natural resource concessions.

Sitting alongside the local government administration is the customary administration which operates at the clan level and below, depending on the community and the kind of issue being dealt with. Significant traditional posts in customary structure such as Paramount Chiefs are frequently co-opted by the formal government structure, and paid accordingly.
They are therefore frequently easily influenced by local government and private sector actors, and frequently do not really represent the wishes or interests of communities.

A number of voluntary/industry and commodity-specific standards which purport to represent international best practice are relevant to this quick scan. Specific to the GVL case and the palm oil industry in general are the Principles & Criteria of the Roundtable on Sustainable Palm Oil (RSPO), which are closely aligned in many respects with international human rights law.[48] For example, they include the requirement that customary rights are respected, that land is only acquired from communities on the basis of their free, prior and informed consent (FPIC), and that areas classed as having High Conservation Value (either from an environmental or social and cultural perspective) are avoided. In addition, GVL is one of the pilot areas for implementing GAR's Forest Conservation Policy (FCP), which includes both non-deforestation and human rights elements.

In respect of both the implementation of both RSPO and FCP standards, a number of other actors are involved, including the RSPO Complaints Panel and various consultants and NGOs. These are discussed further below. The community complaints to the RSPO have prompted a company review by GVL of its social and environmental practices and engaged consultants, the Tropical Forest Trust (TFT). GVL's new Standard Operating Procedure (SOP) for implementing FPIC suggests a significant improvement on previous practices, but the SOPs are still deficient in a number of serious respects, and practice on the ground has unfortunately not even kept pace with even these seriously inadequate SOPs. Communities continue to be poorly informed, subject to divisive measures threatening the community fabric, and coerced and intimidated into permanently giving up their lands and resources in return for poor deals that will not meet their social, economic and cultural needs and in fact threaten to significantly harm them.

The societal and ecological implications of the Golden Veroleum project
Since the GVL project seeks to use and occupy such a large area of land (2.25% of Liberia's total land

[46] Communities are in a comparatively very weak bargaining position, as they do not know about the agricultural or commercial factors of the palm oil crop to have a realistic expectation of the impact of palm oil on their landscape, and are unable to strike a fair deal with the company as they do not know what the productive value of their land is to the company.
[47] It has been observed that both tend to regard their role in natural resource management as giving political support to private sector concessionaires, and have been seen to do so at the expense of local communities.
[48] GVL has been a member of the Roundtable on Sustainable Palm Oil (RSPO) since 29 August 2011. Its chief investor GAR has been a member of the RSPO since 31 March 2011. As members, both companies are committed to adhering to the RSPO Principles & Criteria.

area), and involves clearing forest and significant impacts on hydrology, the impacts of the project on communities and the environment are correspondingly huge.

For communities, productive crop and forest-lands are cleared, wet-lands are drained, diverted or otherwise heavily impacted (e.g. with top-soil run-off and chemical pollution), without community's receiving adequate information in advance, minimal or no compensation, and without the opportunity to properly give or withhold their consent according to their own self-chosen decision making processes. Valuable water, food and livelihood sources are destroyed or heavily disrupted, and frequently grave sites or sacred forest areas are also destroyed, or at best left as small islands surrounded by cleared plantation land. A drying out of the land has been observed, with the forest cleared and the hydrology of the area fundamentally altered. In some cases, the water table has dropped to the extent that existing wells no longer function. It is the observation of communities that land (including wetland and swamp areas) which has been drained by ditches and culverts (palm oil trees do not like 'wet roots'), speeds up the process by which the land drains 'excess' water and, while the forest canopy harbours cooler and more humid microclimate at the level of the soil and immediately above, limiting evaporation, removal of forest vegetation allows the earth to dry out, when exposed to drier and hotter air and exposure to sun.

The worst examples of this were seen in Butaw District early on in plantation development (prompting the company's social an environmental policy review described above). However field assessments since then by several local and international NGOs suggest that community land and resources are still being cleared without their meaningful participation and free, prior and informed consent (FPIC), as required by law. To the contrary, GVL activities have exacerbated community division and benefited from local government coercion and intimidation of communities, with poor socio-economic and cultural outcomes evident.

The environmental aspect of GVL's performance does seem to have improved, as work with Greenpeace, and consultancies with Flora and Fauna International, Pro Forest and TFT have spent a lot of time identifying high conservation value areas, including areas of forest containing high carbon stocks. These areas are then 'ring-fenced' as no-go areas for the company. The problem has been that this process has also been imposed on communities without their meaningful participation, whose land all these decisions concern. Avoiding high quality forest means targeting degraded forest areas, which is often where community shifting crop lands, villages, tree crops etc. are located. If these are lost to the company, the communities then have little choice but to make room for food crops in the environmentally significant forest areas, and the environmental impact of the project remains destructive, albeit less directly so.

What brings the future: challenges and prospects

It is helpful to assess this question in light of the various objectives of the various key parties to the GVL project: Government, Company and Communities. The assumed objectives of the Government in proceeding with the GVL project (and in similar foreign direct investment generally) is to increase government revenue streams, and improve local employment and development opportunities. The company's stated intention is to make a profit, but the company's two directors also see the project as one that will bring development.

Communities in the area have legitimate development aspirations, often focusing on the need to increase incomes, have better roads and better access to markets, and more schools and clinics.

Liberia is considered one of the poorest countries in the world, having emerged in 20013 from 14 years of civil war. Liberia is food insecure, importing 60% of its food, and with 39% of children under five being chronically malnourished and 7% acutely malnourished. According to the WHO, food insecurity is particularly high in the countries of the south-east, where GVL's concession is located. Among the rural population, 68% live on less than USD 1 per day. Though unemployment is estimated at 85%, this is misleading as most rural communities are engaged in some degree of self-employment through subsistence and cash crop farming, and hunting and gathering. They are working hard to feed themselves and increase cash incomes.

For the reasons outlined above, the GVL project (as currently structured and implemented) is one that significantly diminishes sustainable access to land and water for local communities, with a highly negative impact on their economic, social and cultural livelihoods.

The company can of course deliver some jobs, but working conditions are reported to be very poor (they can be easily dismissed, and the work is so hard that many do not feel they can continue doing it for long). Moreover, the number of jobs GVL's project can sustain is vastly less than the number of community members who are losing land, forests and livelihoods to create the concession.

This problem is exacerbated when many jobs are in fact given to migrant labourers. A common understanding is that migrants are easier to hire and fire – they are not connected to the local area, so they do not connect to the natural union created by networks of local community members, they are therefore less likely to have bonds of solidarity with local communities, will be less concerned about violating local customary norms, and are very mobile and disposable. At the same time, the influx of large numbers of migrants can also have a damaging impact on the fabric of local communities as they have no connection to the area or responsibility and accountability to the local communities whose land and resources are being used. Cultural identity and social cohesion is also split by the fact that some community members benefit from jobs at the expense of far more who do not, as well as the obviously deleterious impact of a project that breaks the valuable connection between communities and their particular ancestral lands and natural resources that are the life-blood of the cultures of highly land-connected peoples.

The impact on the landscape of GVL's project is similarly disastrous due to the above- mentioned impacts on forests and wet-lands, and the social and environmental impact go hand in as discussed. The company's non-deforestation policy aimed at avoiding environmentally important areas is likely to backfire, since removal of community land by the company drives communities to find replacement lands in those very same forests.

Ultimately the government intentions to boost revenue are thwarted by low rent (USD 1.5 – 5 per hectare) and a catalogue of tax breaks, exemptions and deductions – the concession contract even from a revenue perspective is an astonishingly bad deal,[49] in particular: low rent, numerous tax breaks, deductions and exemptions and other terms favourable for the company putting the government at a disadvantage. This is the case even without considering the profit-minimising tools companies commonly use to avoid paying local taxes by the use of shell companies in tax havens such as the Cayman Islands.

Likewise, the creation of jobs will be overwhelmed by the number of communities deprived of livelihoods. Infrastructure and benefit sharing promises are vaguely defined by the concession, and likely to be wholly disproportionate to the productive value of the land. In this light, legitimate government, community (and company) development objectives will not be met by the GVL project as it stands. To the contrary, the use of large areas of productive land for an export commodity in an area that is significantly food insecure, coupled with rising intra-community tensions (which have led to violence in cases) and community/company conflict, as well as the exacerbating impact of the project on pre- existing land disputes has serious security implications.

Correspondingly, the company's profits are however likely to be significant, as the dominant palm oil industry model depends on economies of scale based on cheap land and labour, and demand for palm oil is increasing.

Policy-makers appear to be prioritising the increased revenue and job creation, when in fact increasing incomes of local communities may be more easily (and much more sustainably) achieved if taxable incomes from rural self-employment can be boosted by better access to markets (including through improved transport links), value-addition to products produced or the exploration of new/under-developed cash-crops/products and other rural development possibilities that maintain and build on existing community resilience and sustainable land and natural resource use.11

Arguably, in various respects the GVL project is a bad deal from both community benefit, and central government revenue collection perspectives. As a foreign company, GVL's raison d'etre is to extract value, and with holdings in various tax havens such as the Cayman Islands, will do so while leaving minimal value in country. Since using land for palm means losing land for food, and since Liberia

[49] www.forestpeoples.org/sites/fpp/files/publication/2012/12/liberiacontractanalysisfinaldec2012_0.pdf See section (e), p. 30.

already imports nearly 60% of its food, there is little sense in growing a crop that cannot feed the country to bring funds into the country (from fees and taxes paid by GVL) that will only leave the country to pay for the extra food needed because of the loss of food growing land – this seems to go counter the countries' food security, economic or local development objectives. Finally, if local communities land tenure was respected and if rural development measures were taken to boost their local earning power (from farming etc.) then those earnings would be raised locally, spent locally and taxed locally, meaning a greater boost to the national economy.

The case of the Equatorial Palm Oil Plantation Development, Liberia

By Silas Kpanan'Ayoung Siakor, Forest Peoples Programme, November 2014

Background to Equatorial Palm Oil

The Republic of Liberia and Liberian Operations Incorporated (LIBINC) entered into a Concession Agreement to develop a 13,962 hectares[50] oil palm plantation in Grand Bassa County.[51] LIBINC is registered in Liberia and Mr. Joseph Jaoudi, a Lebanese businessman, is its chairman. The company initially acquired the concession in 1965 for 40 years, and proceeded to establish its first oil palm plantation estate soon after. The work force on the plantation was predominantly Liberians, but foreign nationals occupied top-level managerial positions. In December 2007, LIBINC concluded negotiations for a 50 years extension of the 1965 agreement.

Equatorial Palm Oil (EPO), a UK/Indian listed company, acquired the concession from LIBINC in January 2008.[52] The concession comprised the former Palm Bay Estate in Grand Bassa of 34,395 ha.[53] EPO took over the LIBINC estate and workforce, but brought in some new non- Liberian managers. EPO began clearing and planting parts of the old LIBINC plantation until 2012 when it began clearing additional land to expand the plantation. The company experienced significant financial difficulties in 2013, which was partly responsible for the company scaling down its expansion operations.

In its UK Alternative Investment Market (AIM) placement document in 2010, EPO claimed that it had 5,600 hectares of the Concession Area under oil palm plantation. In December 2013 EPO reported it had planted an additional 926 hectares, bringing the total planted area to 6,526 hectares. The company is seeking to expand its plantation onto another 2,500 hectares by the end of 2014.[54] The planted area of the EPO concession covers land in Jogbahn, Neetorhn and Kpowein Clans in District No. 4, Grand Bassa County – but the proposed expansion will affect towns and villages in Jogbahn Clan. The total population of the District is 30,454[55] of which an estimated 5,000 reside in Jogbahn Clan.

By the end of 2013 Malaysian company Kuala Lumpur Kepong Berhad (KLK) acquired 63.18% of issued shares in EPO.[56] KLK is a Malaysian multinational company involved in plantation, manufacturing, retailing and property development. Whilst plantation remains KLK's core business, the Group has expanded downstream into resource-based manufacturing, in particular oleo chemicals, cocoa and rubber processing. Processing is carried out in KLK's own mills and refineries into crude palm oil, kernel oil and cake.[57] KLK is listed on the Bursa Malaysia Securities Berhad. KLK is one of the leading plantation companies in the world. It has a market capitalization of approximately US $7.78 billion.[58] KLK's land bank including land in Peninsular Malaysia, Sabah and Indonesia is estimated at over 300,000 hectares with 200,000 hectares already planted with oil palm.[59]

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[50] The Concession Agreement states the figure as 34,500 acre. However, various company literatures state figures in hectares. For consistency, figures will be stated in hectares throughout this case study.

[51] Concession Agreement Between The Republic of Liberia and LIBINC OIL PALM INC", dated December 21, 2007. See: http://www.scribd.com/doc/151738375/An-Act-to-Ratify-Concession-Agreement-Between-the-Republic-of-Liberia-and-LIBINC-Oil-Palm-Inc

[52] Equatorial Palm Oil Plc., Placing and Admission to AIM, February 2010. See: http://www.epoil.co.uk/uploads/epo-admission-%20document.pdf

[53] Large-Scale Land Acquisitions in Liberia. Case studies and some legal aspects on the palm oil sector. Brot für die Welt 2013. See: http://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse_39_large_scale_land_acquisitions.pdf

[54] Equatorial Palm Oil Audited Results for the year ended 31 December 2013. See: http://otp.investis.com/clients/uk/equatorial-palm-oil/rns/regulatory-story.aspx?cid=343&newsid=404975

[55] Republic of Liberia, National Population and Housing Census Final Results, 2008

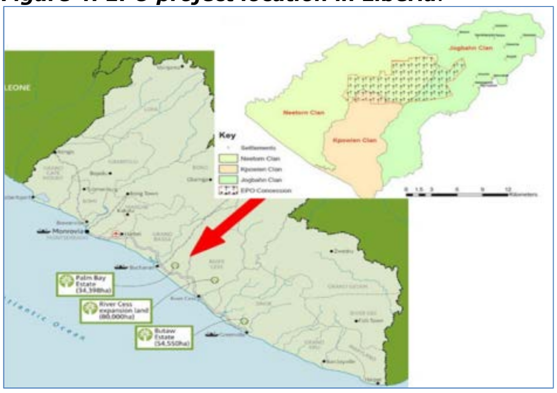
[56] Equatorial Palm Oil Audited Results for the year ended 31 December 2013. Available at: http://otp.investis.com/clients/uk/equatorial-palm-oil/rns/regulatory-story.aspx?cid=343&newsid=404975

[57] RSPO Company Profile of KLK. See: http://www.rspo.org/en/member/13/kuala-lumpur-kepong-berhad

[58] ibid

[59] Equatorial Palm Oil Audited Results for the year ended 31 December 2013. http://otp.investis.com/clients/uk/equatorial-palm-oil/rns/regulatory-story.aspx?cid=343&newsid=404975

Figure 4: EPO project location in Liberia.[60] [61]



The residents of the would-be affected villages are mainly subsistence farmers. A limited number of men in the area are hunters, and gatherers of wild palm, which is processed for the oil (native palm oil). Some households have planted cash crops including imported varieties of oil palm and rubber.

Women participate in processing the palm for oil, and occasionally engage in fishing. They also engage in small businesses including processing and selling excess harvests of cassava (tubers) and cassava products, plantain, and bananas. Women also sell the excess of the palm oil they produce on the local market for income.

The area is a mosaic of fragmented secondary forest, agriculture land, wetlands, and human settlements. Like other parts of southern Liberia, the area has an equatorial climate and experiences rainfall most of the year – although the peak of the rainy season is between May and November. During the peak months of the rainy season, the area experiences exceptionally high rainfall sometimes as much as 1,000mm.[62] The Liberia Agriculture Company (LAC), the second largest rubber plantation in Liberia, is to the immediate north of the EPO concession area. The secondary forests in the southern part of the LAC concession are linked to the secondary forest in the northern part of the EPO concession. Together, this extended patch of secondary forest is the only viable natural habitat for different plant and animal species in the area.

Macro economic and political context of the project

Liberia is a post conflict country. In 2006 President Ellen Johnson Sirleaf was inducted into office, becoming the first female president in Africa. Liberia's international debt was approximately US$4.5 billion, an estimated 800 percent of GDP, and domestic debt was about US$900 million. About three-quarter of the population was living below the World Bank's US$1 per day poverty line.[63] Liberia's domestic revenue was a meager US$84.6 million in 2006.[64]

The government adopted a development agenda with Foreign Direct Investment as its foundation. Liberia's Poverty Reduction Strategy (2008-2011) prioritized "reviving the traditional engines of growth in mining, minerals, forestry, and agriculture"[65] as a central objective. The strategy ostensibly aimed to increase GDP, address unemployment and related security challenges by prioritizing labor intensive and export-oriented sectors such as mining, forestry and agriculture. The Agenda for Transformation, i.e. the medium term economic development strategy, like its predecessor the Poverty Reduction Strategy, proposes the same development path stressing that "the *concession economy* will continue to be a major driver of economic growth in the short term".[66]

In furtherance of these policies the central government has awarded resource extraction rights or concessions to companies covering more than 50% of the country's land area. Foreign Direct Investments in mining, agriculture and forestry dominated by transnational corporations, accounted

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[60] Liberia EPO operations map. See http://www.epoil.co.uk/operations.aspx
[61] Plantation map SDI Liberia. See: http://www.eufrika.org/wordpress/uk-palm-oil-company-accused-of-illegally-displacing-liberian-villages-sdi
[62] McSweeney, C., New, M. & Lizcano, G. 2010. UNDP Climate Country Profiles: Liberia. Available at: http://www.geog.ox.ac.uk/research/climate/projects/undp- cp/UNDP_reports/Liberia/Liberia.lowres.report.pdf
[63] Government of Liberia, Poverty Reduction Strategy (2008 – 2011), p.21. Available at: http://www.emansion.gov.lr/doc/Final%20PRS.pdf
[64] OECD, African Economic Outlook (Liberia), 2008. Available at: http://www.oecd.org/dev/emea/40578137.pdf
[65] Government of Liberia, Poverty Reduction Strategy (2008 – 2011), p.21. Available at: http://www.emansion.gov.lr/doc/Final%20PRS.pdf
[66] Government of Liberia, *Agenda for Transformation: Steps Towards Liberia Rising 2030*. Available from: http://mof.gov.lr/doc/AfT%20document-%20April%2015,%202013.pdf

for about 99 percent of the total investment.[67]

Analysis of the legal and policy framework of the initiative

Concession allocation and negotiations
Liberia is a highly centralized state and has a unitary form of government. Local government executes policies adopted by the central government but, does not develop policies of its own. The President appoints almost all senior officials of the local government even though the constitution provides for Chieftaincy elections. For example, each County Superintendent serves at the will and pleasure of the President, under the supervision of the Ministry of Internal Affairs, and executes the policies of the President or the Executive branch of government. Also, local government does not award formal contracts for resource extraction or natural resource development.

The Liberian Public Procurement and Concession Act is the main legislation governing the award of concessions for resource extraction or development.[68]
Other legislations governing natural resources in Liberia include Environment Protection and Management Law of 2002,[69] the Act Creating the Environment Protection Agency of Liberia (2002),[70] the Community Rights Law with Respect to Forest Lands (2009)[71] and the LEITI Act of 2009.[72] All of these legislations encourage or require participatory decision-making processes related to various aspect of natural resource management in the area. Liberia has also signed and ratified several international conventions and treaties that apply to natural resource governance.

Liberia's development policies, such as the Poverty Reduction Strategy and the Agenda for Transformation, provide the overarching policy framework for resource governance. The management of different resources is designated to different government departments, with cross-sectorial and inter-governmental oversight institutions. For example, while the Forestry Development Authority is the agency responsible for managing and conserving Liberia's forest estate,[73] the Ministries of Agriculture, Finance and Justice by statute serve on the Board of Directors to provide oversight on matters related to their overall function within the government. This approach aims to enhance cross-sectorial coordination and strengthens oversight.

The Public Procurement and Concession Act lays out in great detail the processes and procedures to follow when awarding contracts for natural resource extraction or development. According to the Act, the Minister responsible for Planning and Economic Affairs develops a national concession plan and presents it to the cabinet for approval. Different departments are then required to request the minister to issue a 'Certificate for Concession' prior to commencing the process of awarding a concession. Concessions for natural resources extraction or development are allocated through competitive bidding processes. Depending on the value of the resource, the bid may be limited to national competitive bidding or it may be opened to international bidding.

The agency allocating the concession is required to establish a bid-evaluation panel to review the bids and then forward its recommendations for winning bid(s) to an Inter- Ministerial Concession Committee for approval. The Inter-Ministerial Concession Committee conducts the contract negotiation

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[67] Rights and Resources Group (2013). Investments into the Agribusiness, Extractive and Infrastructure Sectors of Liberia: An Overview, Washington DC. Available at: http://www.rightsandresources.org/documents/files/doc_5772.pdf
[68] Government of Liberia, Amendment and Restatement of the Public Procurement and Concession Act of 2005, 2010. Available at: http://ppcc.gov.lr/doc/PPCA%20_Sept%2013%202010%20_FINAL.pdf
[69] Government of Liberia, An Act Adopting the Environment Protection and Management Law of The Republic of Liberia, 2002. Available at: http://www.epaonline.org/Environment_Protection_and_Management_Law.pdf
[70] Government of Liberia, An Act Creating the Environment Protection Agency of the Republic of Liberia, 2002. Available at: http://www.epaonline.org/Environment_Protection_Agency_Act.pdf
[71] Government of Liberia, An Act to Establish the Community Rights Law of 2009 With Respect to Forest Lands. Available at: http://growingforestpartnerships.org/sites/gfp.iiedlist.org/files/docs/liberia/National%20policy%20and%20legislation/Liberia_CRL_October_2009.pdf
[72] Government of Liberia, An Act Establishing the Liberia Extractive Industries Transparency Initiative (LEITI), 2009. Available at: http://www.leiti.org.lr/uploads/2/1/5/6/21569928/act.pdf
[73] Forestry Development Authority,

on behalf of the government. There is no formal role for local government in the award process, although the department proposing to allocate a concession is required to convene public stakeholder forum on the proposed concession to inform the population about the project.[74] This elaborate process for awarding concessions was established to address corruption and patronage in the award process, which was prevalent in the past.

The 2007 concession agreement between the Government of Liberia and LIBINC for the concession now operated by EPO was reportedly a renewal of an earlier agreement between the parties dating back to 1965. The National Investment Commission, and the Ministries of Finance, Agriculture and Justice negotiated the agreement. The Legislature ratified the agreement and the President signed the ratification instrument into law. According to the 2007 agreement, LIBINC's Board of Directors had opted to exercise their right to request an extension of the 1965 agreement.[75] As such, there was no bidding for the concession and the steps, stipulated in the Public Procurement and Concession Act, were not followed. The 1965 agreement is not public under the Liberia Extractive Industries Transparency Initiative (LEITI); hence the veracity of this claim was not verified.

While the law governing concessions appear robust various forms of irregularities and in some instances illegalities have marred the award of concessions. In 2012, the President commissioned an independent investigation into allegations of corruption and illegality in the award of logging concessions. The investigation revealed "massive fraud, misrepresentations, abuses and violations"[76] in the award process. Also, an LEITI commissioned post award audit of concessions issued since 2010 found that the overwhelming majority of the concessions were issued in violation of various laws.[77]

Environmental and social impacts

The Environment Protection and Management Law and the Act Creating the EPA require Environmental and Social Impact Assessment (ESIA) for major resource extraction or development projects. The ESIAs are public documents and are available to members of the public on request. As a part of the ESIA approval process, the company is required to present the findings and environmental management plan to the would-be affected communities at public meetings. The company is also required to present the ESIA at the national level to stakeholders including civil society organizations.

The Environmental, Social and Health Impact Assessment (ESHIA) for the LIBINC project was completed in June 2013. The project is divided into three sub-phases (Phase 1A, Phase 1B and Phase 1C). According to the ESHIA, the area to be affected by land clearing in 2013 or Project Affected Communities for the Phase 1A of the EPO expansion included Wisseh, Gbainee, Taekpelleh, Welesayma, Nohn and Kphias Towns and possibly a population of 1,138.[78] The ESHIA does not include demographic data for the other towns that would be affected in Phases 1B and 1C of the project, including the four largest towns (Debbah Town, Qwrakpojilian, Tarloe and Blayah Town) and several other villages in the area.

According to the ESHIA Report, during the study villagers in the area outlined several concerns including: the possibility of water pollution, outward migration from the villages, reduced access to productive land, reduced access to natural palm, heightened food insecurity, conflict generations due to land pressure, involuntary resettlement, reduction in natural resources and wildlife, reduced access to sites for cultural practices, lost of graveyards and stakeholder engagement with the company. The

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[74] Government of Liberia, Amendment and Restatement of the Public Procurement and Concession Act (2005), 2010. Available at: http://ppcc.gov.lr/doc/PPCA%20_Sept%2013%202010%20_FINAL.pdf

[75] Concession Agreement Between The Republic of Liberia and LIBINC OIL PALM INC", dated December 21, 2007. Available at: http://www.scribd.com/doc/151738375/An-Act-to-Ratify-Concession-Agreement-Between-the-Republic-of-Liberia-and-LIBINC-Oil-Palm-Inc

[76] Government of Liberia, Executive Order No. 44 Protecting Liberian Forests by a Temporary Moratorium on Private Use Permits, 2013. Available at: http://www.emansion.gov.lr/doc/Executive%20Order%20_44%20-%20Moratorium%20on%20Private%20Use%20Permits.pdf

[77] Moore Stephens, Liberia Extractive Industries Transparency Initiative Post Award Process Audit, Final Report, May 2013. Available at: http://www.leiti.org.lr/uploads/2/1/5/6/21569928/151344593-leiti-post-award-process-audit-process-report.pdf

[78] Coastal and Environmental Services, Final Environmental, Social and Health Impact Assessment of the LIBINCO Palm Bay Concession Area, June 2013.

details of these concerns, summarized in the ESHIA report,[79] suggests that communities were very aware of the potential social impacts; most likely as a result of past experiences with the LIBINC and other plantation development projects.

The ESHIA notes that although LIBINC "does not envisage to physically resettle any villages or households, farmland may be affected and lost, access to natural resources and culturally significant sites may be reduced, and some physical displacement of small, isolated hamlets or agricultural structures located in the middle of a potential planting block is likely".[80] The ESHIA also notes that in addition to these impacts, "economic displacement may occur".[81] The ESHIA recommends the development and implementation of a Resettlement Action Plan but to date no resettlement have been carried out; given that the expansion came to a standstill after the 926 hectares were cleared in 2012 and 2013. By this time, communities in Jogbahn had organized and began a resistance to the project – the project remains stalled.

During the initial clearing and planting under the 1965 agreement, LIBINC allegedly destroyed 56 villages and completely surrounded others with oil palm. Left without farmlands, residents abandoned these villages overtime and no compensation was paid until 2012 when EPO paid US$60,000 to families that were affected back in the 1960s.[82] This payment was made at a time of growing tension between the company and communities when it began the roll out of Phase 1A of the project.

The communities, specifically in Jogbahn Clan and generally in District No. 4, right to participation[83][84] and Free Prior Informed Consent (FPIC)[85] regarding the allocation of their land to LIBINC, under the renewal of the concession, were not respected. As a result, several villages in the Jogbahn Clan have continued to resist the expansion of the plantation since 2012. They contend that EPO began expansion on to their customary land without their consent, and that they do not wish for EPO to cultivate oil palm on their land.

Based on the maps of the proposed expansion area, included in the ESHIA, it is obvious the project will convert farmlands and the remaining forests in the area to oil palm plantation thereby depriving the communities of access to their farmland. These impacts were predicted in the ESHIA: "loss of productive (i.e. cultivated) farmland due to new planting"; "access to natural resources will become restricted"; and "access to cultural sites might become restricted".[86] This will however not be a new development as the company already destroyed farmlands and areas of cultural significance in the past. In 2013, it also polluted water sources for villagers downstream. One of these villages, Debbah Town has a population of more than 200 people.

When the people of these villages complained about the pollution of their water sources, the company constructed a hand pump (bore hole) in the village. However, villagers are unable to use the water because of its strong and unpleasant odor. Similar impacts have been observed in other parts of Liberia. For example, an independent assessment of Golden Veroleum (Liberia) Inc. found that the company had polluted water sources communities relied on for domestic use.[87]

The key actors and stakeholders

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[79] ibid, p. 177-203.
[80] Ibid, p. 145
[81] ibid, p. 145
[82] Per interview with Chief Cheo Johnson, Jogbahn Clan. October 2013.
[83] Article 7 of the Liberian Constitution, 1985
[84] Government of Liberia, An Act Adopting the Environment Protection and Management Law of The Republic of Liberia, 2002. Available at: http://www.epaonline.org/Environment_Protection_and_Management_Law.pdf
[85] Government of Liberia, An Act to Establish the Community Rights Law of 2009 With Respect to Forest Lands, 2009. Available at: http://growingforestpartnerships.org/sites/gfp.iiedlist.org/files/docs/liberia/National%20policy%20and%20legislation/Liberia_CRL_October_2009.pdf
[86] Coastal and Environmental Services, Final Environmental, Social and Health Impact Assessment of the LIBINCO Palm Bay Concession Area, June 2013, p. 146
[87] The Forest Trust, Independent Assessment of Free Prior & Informed Consent Process, Golden Veroleum (Liberia) Inc., February 2013. Available at: http://www.forestpeoples.org/sites/fpp/files/news/2012/10/TFT_GVL_Liberia_FPIC_Report_Final_Eng_low%20res.pdf

Local population and ethnic characteristics
The dominant ethnic group in the area is the Bassa tribe; the county is regarded as the home of the Bassa people. They share several characteristics and cultural practices with the Kpelle tribe, who share boundaries with the county. Migrant families from other tribes including Kpelle, Mano and Gio have sizeable populations (and sometimes colonies) in the area. Some of the migrants moved to the area during the civil war (1990 – 2003) while others ties go back to when their grand and great-grandparents moved to the area.

There are several traditional organizations in the area. They include the Traditional Council comprising senior members of the indigenous male fraternities, the Traditional Bush School for males known as the *Poro Society*, and the Traditional Bush School for females known as the *Sande Society*. Local farmers in the individual towns organize themselves into farming groups to *share-labor* during major stages of farming. A limited number of people organize traditional saving schemes to guarantee access to credit during emergencies. All of these institutions are local and not formally linked to the government.

The population appears homogenous, as a result of intermarriages and cultural assimilation. Though the lines between the natives and migrants are blurred to a large extent, distinctions between them become apparent especially in conflicting situations. For example, the disagreement among some residents of the area regarding whether to accept or reject the project has exposed some of these ethnic lines. For example, the natives accuse the migrants of accepting the project because '*they have nothing to lose'*, implying that the migrants are disloyal because they are not from the area. Some of the migrants on the other hand allege that the natives *'do not want development'* hence they are opposed to the project. Underlying this disagreement is land tenure and ownership as the natives have a stronger sense of attachment and ownership to the land, while migrants only use the land with permission from the natives.

Local government
The key local actors include the District Superintendent of District No. 4 and the District Commissioner of Doegbah and Glaydor Administrative District where the concession is situated. Other local actors include the Paramount Chief of Neesue Chiefdom, a sub-unit of the District, and Clan Chiefs of Neetor, Neepu, Doegbah and Jogbahn Clans. The District Superintendent and District Commissioner, appointed by the President, are the most senior local government officials at the District level. The positions of Paramount Chief and Clan Chief, though lower, are elected positions and therefore occupy more legitimate positions – but there has been no Chieftaincy election since the civil war erupted in 1990.

As political appointees, the District Superintendent and District Commissioner serve at '*the will and pleasure of the President*', because s/he appointed them. A common public perception is that to retain their post and continue to enjoy the amenities that come with their positions, political appointees within the government tend to be loyal to the presidency at all times. A common criticism is that even when they disagree with national policy, they tend to go along because they fear that disagreeing publicly would cost them their job.

Hence, an apparent key motivation for them is the full implementation of the Government's vis-à-vis the President's policy on concession. Because there have been no Chieftaincy elections since the civil war, the position of Chiefs across the country have become weaker – as they can be dismissed and replaced at anytime.

While in the past they would have been powerful local actors, they have become increasingly vulnerable to pressures from the District Commissioner, who directly supervises them and the Ministry of Internal Affairs – who pay their salaries. In order to maintain a good standing with these officials, Chiefs therefore have to support these appointed officials; and by extension demonstrate their loyalty to the presidency.

Key regional and national actors
The key national government actors include the National Investment Commission, Ministries of Agriculture, Finance, Internal Affairs, and Justice, and the Lands Commission. Also, as presidential

appointees, they fully support the execution of the government's policy on investment and concessions. Therefore their obvious interests and motivations are to execute government policies; although less obvious motivations may include expectations of inducements or inducements from the company.

The County Superintendent is the highest-ranking government official in the County. The President appoints the Superintendent, who is then confirmed by the Senate. The Superintendent is, in principle, the direct representative of the President as s/he reports to the Presidency through the Ministry of Internal Affairs. Other influential actors at the regional (i.e. county) level include the five legislators from the county that sit in the national parliament. Three of these legislators are members of the House of Representatives and the other two are members of the House of Senate. Although the Senate confirmation is public and Senators are free to vote for or reject an appointee, the practice is that the Senators of each county exercise significant influence over who gets appointed and confirmed as Superintendent, District Commissioner or District Superintendent in their county.

As a result of this system or approach to constituting the leadership of the local government, the appointment and confirmation of local government officials are characterized by both overt and covert negotiations and dealings. A direct impact of this situation is that '*political loyalty and patronage cleavages*' influence appointments over merit.

Within this complex power dynamics, the District Superintendent, District Commissioner and the County Superintendent are firm in their support for the project. This is consistent with the power relations as the Minister of Internal Affairs and the Presidency are in full support of the project. Four out of the five legislators from the county have expressed reservations about the project, with three of them expressing strong opposition to it. These legislators' opposition seems to be in response to the strong local opposition and resistance to the project. The stance of the legislators could be because their position has implications for their political futures; the three of them are contesting the single Senatorial seat that is up for elections in 2014.

Equatorial Palm Oil and KLK
As in the case of the overwhelming majority of corporations, EPO's primary motivation is profit. Its operation from 2010 to 2012 was however challenged by limited capital, which slowed down expansion and plantation development. The company sought to raise money for the project both from investors, and from international lending institutions with support from the Government of Liberia in 2012 and 2013. A loan agreement between the Government of Liberia and the World Bank proposes to fund an outgrowers programme to be managed by EPO in the area.[88] It is unclear if the loan has been secured, but the outgrowers programme had not started as at the writing of this brief in September 2014.

LIBINC was reportedly awarded the original concession in 1965. It was then renewed in 2005, renegotiated in 2007, and then sold on to EPO in 2008. KLK is now the majority shareholder in the project, haven't bought 63.18 percent of EPO shares in 2013. KLK is now the de facto owner of the concession, but EPO remains listed on the AIM in London while KLK is listed on the Malaysia stock exchange.

Project implementation and knowledge
The government is not effectively monitoring the operations of extractive companies, and does little to hold companies to account for their conduct. For example, EPO began clearing and planting on community land in 2012 before the ESHIA cited in this report was developed. In fact, several of the impacts mentioned in this report had already taken place, which may be because the expansion in 2012 was being carried out in parallel with the study. This may have also contributed to community resistance to the project. The government and the company have tried to coerce the communities to drop their resistance to the project.

[88] The World Bank, Project Appraisal Document on a Proposed Credit to the Republic of Liberia for a Smallholder Tree Crop Revitalization Support Project, 2012. Available at: http://documents.worldbank.org/curated/en/2012/05/16273998/liberia-smallholder-tree-crop-revitalization-support-project

While the government and the companies use coercion to deal with community resistance, NGOs use various tools including international advocacy with financiers; regional legal instruments such as the African Charter on Human and Peoples Rights[89] voluntary initiatives including the Roundtable on Sustainable Palm Oil (RSPO) Principles and Criteria for the Production of Sustainable Palm Oil,[90] and social mobilization to raise awareness about the potential negative impacts of the project - using experiences from other communities in Liberia and elsewhere. NGOs' interventions on the one hand are helping to shift the balance of power by empowering communities and demystifying the *'government'* or emboldening citizens to engage directly with policy makers and senior government officials that they previously considered out of their reach. On the other hand, this is impacting community cohesion as proportions of the '*unemployed*' segments of the youth population in rural areas tend to prefer waged-labor, which is viewed as prestigious, to their traditional livelihoods strategies.

Communities impacted by the operations of multinationals are thus trapped in the middle of this '*power struggle*'; because they sometimes would like to give the government and the companies the benefit of the doubt but then turn to NGOs when the promises of development do not materialize and the impacts on their livelihoods become severe.

The implementation of the initiative and its implications
EPO has been a member of the RSPO since September 13, 2007.[91] The company claims its policies and procedures comply with the RSPO Principles and it operates in compliance with the Principles and Criteria.[92] The majority shareholder of EPO, KLK, is also a member of the RSPO.[93]

As have been noted earlier, the launch of the project in the late 1960s had severe negative impacts on communities in the area. Many villages were destroyed and others were abandoned when residents lost access to land for farming. When EPO began expanding the plantation in 2012 it destroyed farms, desecrated sacred sites, and polluted water sources. For example, villagers in Jogbahn Clan allege that the company destroyed farms and crops in Nohn Town, Gbenii Town and Wesseh Town, all in Jogbahn Clan. According to them, no compensation was paid for damaged farms or crops. The villagers also allege that the company destroyed the forest reserve hosting their traditional bush school located outside Morr Town. According to community members, the company paid US $5,000 as compensation for the damage to their traditional bush school.[94]

The ESHIA conducted by EPO notes that the project will have several impacts on livelihoods in the area. The map of the proposed area in the ESIA shows that several villages will have to be relocated or surrounded with oil palm plantation. The project therefore, clearly has the potential to negatively affect the livelihoods activities of people in the area. For example, the land that they use for farming, the forest from which they gather construction materials and other forest products will be destroyed, and they will no longer have access to land for expanding their existing settlements or villages. The cultural practices such as the *Poro* and *Sande* will likely be destroyed as the forest around them is converted to oil palm plantation.

Social, political and economic trade-offs
Non-governmental organizations, government actors, company executives and local elites have been at odds broadly about Liberia's development trajectory. This debate has focused primarily on natural resource governance, community benefits from resource extraction, land rights and the socio-economic implications oil palm plantations.

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[89] African Commission on Human and People's Rights*, African Charter on Human and People's Rights adopted by the eighteenth Assembly of Heads of States and Governments*, June 1981. Available at: http://www.achpr.org/instruments/achpr/
[90] Roundtable on Sustainable Palm Oil, Principles and Criteria for the Production of Sustainable Palm Oil, 2013. Available at: http://www.rspo.org/file/RSPO%20P&C2013_with%20Major%20Indicators_Endorsed%20by%20BOG_FINAL_A5_25thApril2014.pdf
[91] Equatorial Palm Oil Plc background information at: http://www.rspo.org/en/member/196/equatorial-palm-oil-plc
[92] ibid.
[93] KLK RSPO Membership page: http://www.rspo.org/en/member/13/kuala-lumpur-kepong-berhad
[94] Personal interview with members of Jogbahn Clan, September 2013

Other considerations aside, i.e. personal incentives and motivations, the broad consensus within the government is that increasing Liberia's GDP is the key to economic transformation, and that FDI in the extractive sector is central to achieving this. Transnational corporations interested in maximizing profits within the shortest possible time take advantage of the government's eagerness to give out concessions to negotiate deals that infringe upon or violate the rights of rural populations. They also negotiate expansive authorities, for example most concessionaires have the power to arrest and detain people, and to restrict movement into their concession.

NGOs on the other hand argue that while GDP growth is crucial, increased revenue for the state in an environment of weak governance, and widespread abuse of community rights, does not lead to sustainable inclusive development. Various NGOs reject the government's approach and support communities' resistance to projects that infringe upon or violate their rights. This project, like other projects at the center of *community-NGO-company- government* conflicts, has stalled since September 2013. At the root of this conflict is the clash between social, economic and political issues and interests of the different groups.

Liberia has a long history of social, economic and political marginalization and exclusion. The country's Poverty Reduction Strategy notes that "significant portions of society were systematically excluded and marginalized from institutions of political governance and access to key economic assets"; "political power was concentrated in Monrovia" – the country's capital; and "the mismanagement of national resources were widespread, which contributed to stark inequalities in the distribution of benefits".[95] NGOs and government publicly agree that economic growth in this context does not lead to sustainable inclusive development. The government insists it intends to depart from this path.

In principle the interests of civil society, communities and government align, but in practice significant differences remain. This publicized convergence of interests creates the impression that all of these actors desire the same outcome but simply disagree on approach. As a result, there is no formal or strategic discussion to develop a shared vision for the future, i.e. national development path, or strategic consideration of trade-offs between social, political and economic interests that are in conflict.

The government's approach has been to use whatever means necessary to gain community acceptance, and failing that urge the company in conflict with communities to move somewhere else in the hope that the communities there would accept the project. On the other hand, NGOs simply shift their focus to the new communities where the project is directed.

Challenges and prospects

The Agenda for Transformation[96] notes that, "the rural poor depend almost entirely on upon land and other natural resources for their livelihoods including their food, fuel, shelter, water and medicines". It also asserts that, "unequal access to and ownership of land and other resources have contributed significantly to economic and political inequities through out Liberia's history, and have exacerbated tensions and conflicts". This is the context within which challenges and prospects within this initiative are considered.

To begin with, the location of the project is problematic. Grand Bassa is one of the counties that already experiences significant land pressure due to population growth, existing large land-based concessions, and several medium sized private plantations. Districts No. 3 and No. 4 host the two major plantations in the county. The Liberia Agricultural Company, the second largest rubber plantation in Liberia, is situated in District No. 3 to the immediate north of the EPO Concession Area. To the east is the Timbo River, the boundary between Grand Bassa and Rivercess Counties. Buchanan City, the county capital and most populated city in the county is to the west, while the Atlantic Ocean lies to the immediate south. Jogbahn Clan, where the project is located is situated on a narrow stretch of land between the southern end of the Liberia Agricultural Company and the existing EPO oil palm plantation.

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[95] Government of Liberia, Poverty Reduction Strategy (2008 – 2011), p.14. Available at: http://www.emansion.gov.lr/doc/Final%20PRS.pdf

[96] Government of Liberia, Agenda for Transformation: Steps Towards Liberia Rising 2030, p.67.

EPO claims it has planted 6,526 hectares of the 13,961 hectares as at December 2013, and is seeking to plant another 2,500 hectares by the end of 2014.[97] This would bring the total area planted with oil palm to 9,026 hectares. Already, several villages including Debbar Town, Nohn Town, Bugbor and Morr Town have lost farmland and scared sites. This has already affected these villages in multiple ways. Whether or not the project goes ahead will therefore determine the future use of natural resources in the area.

On the one hand, if the company does not expand, communities are likely to continue the traditional uses of their land and resources, i.e. for subsistence. It is also possible that given the threat to their land and the vulnerability they feel because the land lie '*idle or unproductive*' residents of the area might begin to expand their own cash crop holdings as a way of strengthening their ownership claims to the land. This might however take place over a longer period as some locals have also expressed concerns about diminishing land space for farming and other livelihoods activities as a result of locals occupying land with rubber and other cash crops. This scenario is likely to be to the benefit of community members, especially the children as parents investing in small family farms are like to spend their income to educate their children; the current trend.

On the other hand, further expansion under EPO's current plan will bring the plantation to the immediate outskirts of several villages including Blayah Town, Qwrakpojilain, and Tarloe Town, and completely surround others. This will disrupt the livelihood activities of approximately 5,000 people in the area. As families loose their livelihoods, and young people are left with limited choices for livelihoods activities, rural to urban migration will likely intensify thereby disrupting the social cohesion within the communities. As these communities lose their forest and cultural practices that rely on the forest, their cultural identities will also be negatively affected. As the remaining block of secondary forest is cleared the environmental services such as protection of water catchment areas will be lost, and so will fauna species lose their last remaining habitat in the area. This damage will be irreversible, given that restoration is unlikely.

Conclusions and recommendations

Liberia, a fragile post conflict country, is facing a complex challenge: balancing economic growth with inclusive development that is pro-poor considering that the overwhelming majority of population is desperately poor. The government's focus on economic growth driven by FDI in the mining, forestry and agriculture sectors is delivering and is likely to continue delivering increases in revenue for the state. As these projects have taken off, the social and environmental impacts, disproportionately affecting the population in rural parts of the country, have been severe.

This case study illustrates the dilemma the government faces and the environmental and social costs of projects like this on the rural population. It also demonstrates that weak governance, especially with regards to monitoring implementation of projects like this, enforcing environmental regulations and laws designed to uphold and protect the rights of vulnerable populations is a major factor can exacerbate the already challenging and complex choices the government has to make. This however does not imply that there are no economic and social benefits for communities in this context, it simply points out that the costs to communities seem to outweigh the benefits.

Indeed, transnational corporations have a role to play in Liberia's recovery and future development. They can create jobs, rebuild roads linking remote villages where they operate to improve their access to markets, as well as provide basic services such as schools and clinics for the host communities. However, this fulfilling this role is only possible if their investments in the extractive sector are underpinned by strong ethical values and high standards of social responsibility. As have been illustrated by this case study, failure to develop and properly implement projects that deliver significant economic and social benefits for host communities, while minimizing the environmental and social costs, will create challenges for their projects - if not derailed them completely as a result of conflicts with their hosts.

International Financial Institutions supporting projects like the EPO project have a responsibility to ensure that lending to private sector operators or financing of these projects are conditional on

[97] Equatorial Palm Oil Audited Results for the year ended 31 December 2013. Available at: http://otp.investis.com/clients/uk/equatorial-palm-oil/rns/regulatory-story.aspx?cid=343&newsid=404975

thorough and independent assessments prior to lending, and follow up monitoring to ensure full compliance with their safeguards. Ignoring cases like this and continuing to invest in controversial projects like this one will ultimately threaten their investments.

Civil society actors, especially NGOs involved in the development sector, could do more through innovation: investigating, developing and piloting alternative models to demonstrate that extractive projects can indeed be socially responsible, environmentally sound and profitable at the same time. By developing and showcasing examples, NGOs could turn up the pressure on the private sector and governments as communities begin to reap benefits from their intervention. In a context of low levels of accountability of government to its citizens, weak law enforcement by state institutions, absence of the rule of law, and corruption, advocacy has a major role to play in bringing pressure to bear on governments and private sector, to behave responsibly.

Without these stakeholders joining forces, the vicious cycle that characterizes resource extraction will remain and inclusive sustainable development will remain illusive; especially in post conflict countries like Liberia.

Negotiating gendered property relations over land: oil palm expansion in Kalangala district, Uganda[98]

By Claudia Piacenza [99]

Preface

The Integrated Palm Oil Project in Kalangala district was initiated in 1998 by the Government of Uganda geared towards increasing vegetable oil production in Uganda, initially with technical and financial support from the World Bank (feasibility study) and the International Fund for Agricultural Development, IFAD. IFAD provided funds to small holders through the Kalangala Oil Palm Trust (KOPT) for loans, extension advice and other services to farmers. A total of approximately US$ 150 Million has been invested in the project. In 2004, the World Bank withdrew from the project on the grounds that it did not comply with the Bank's forestry policies.

The government identified Oil Palm growing in Kalangala as an important economic activity designed to provide immense social benefits to residents of Kalangala and beyond. Oil palm growing is expected to enhance self sufficiency in the production of edible oil in Uganda and overall to balance in trade. The government of Uganda is estimated to save in excess of US$ 60 million annually and upon completion, government will be a net exporter of refined palm oil.

The first phase of the project was completed in 2011 and the second phase of the project is currently ongoing. The second phase will expand palm oil plantations onto several other islands.

For this case study it was decided to use a paper by Claudia Piacenza, presented at the 2nd International Conference on Global Land Grabbing in Ithaca, as this study provides an excellent insight - from a gender perspective - on the oil palm expansion in Kalangala district. In an annex local realities as brought forward by the Ugandan NGO NAPE are highlighted.

Introduction: methodology, smallholders, commercial pressure on land and gender

This paper investigates the gendered property relations that shape access to arable land in a context of increased land scarcity due to oil palm expansion in Kalangala district, southern Central Uganda. The study focuses on the smallholder component of oil palm production, and is based on desktop research and qualitative fieldwork with local communities, where sources and methods have been triangulated, following a case-study methodology as described by De Vaus[100] Male and female oil palm growers as well as farmers involved in other agricultural activities were interviewed. The interviews were conducted as focus group discussions and participatory assessments of the gender division of labour. A translator assisted the focus group discussions and the interviews with farmers. The translator belongs to the local community and, even though she has been trained, translations could be bias by her own interpretation of farmers' wording. Moreover, the interviews were open and they followed a life story approach, in order to capture the changes in farmers' lives with the introduction of oil palm.

Qualified informants from the Vegetable Oil Development Programme (VODP), Oil Palm Uganda ltd. (OPUL) project management and relevant Governmental bodies have also been interviewed, with a semi-structured list of questions. These interviews were held in English. In addition, previous researches on the same case, government policy documents, and assessment of social, economic and environmental performances have been analysed to acquire the necessary information about the context.[101]

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[98] Paper presented at the International Conference on Global Land Grabbing II, Cornell University, Ithaca, US October 17-19, 2012.

[99] Claudia Piacenza worked 5 years in the Italian Fair Trade sector; after that period she studied rural development with a multi-sectorial approach at Wageningen University. In August 2013, Claudia joined DFID as an Entry Scheme Livelihoods Adviser (DESA) in the Research Agriculture team.

[100] De Vaus, D.A. (2012) Research Design in Social Research. Sage Publications Ltd, 2001. European Commission. "Inforeuro". http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/_en.cfm%3E

[101] Between March and May 2012, I conducted fieldwork over a month long period in the Kalangala district followed by two months of fields work in Kampala to interview qualified informants and gather all the necessary

This methodology has the advantage to give a wide array of perspectives to the researcher. Involving different stakeholders and points of view facilitates the understanding of multifaceted issues, and it allows the identification of different groups of responses. Nevertheless, the main limitation of the study consists in the lack of a quantitative component. Thus, it is not possible to estimate how many people fall in the identified categories of farmers that will be detailed further on. Since this is an explorative study on the gender responses to oil palm expansion, further research that estimate the weight of the identified sub-groups is desirable, to have a better understanding of the ongoing changes.

Smallholder schemes are often portrayed as an alternative to plantation economies because they aim at integrating farmers in the value chain, avoiding expropriation and facilitating benefit sharing. In the "win-win" narrative that portrays commercial agriculture as a necessary step in the development process, including smallholder farmers serves the double purpose of establishing commercially viable production and helping the transformation of traditional farming systems into dynamic models that benefit small farmers and agribusiness companies. The Government of Uganda's (GoU) strategic vision for the future of agriculture clearly aligns with this "win-win" discourse, envisaging the transformation of peasant farming into commercial agriculture to eradicate poverty.[102]

Commercial agriculture is strongly interlinked to large-scale land deals that are believed to attract investors and to foster markets for internal production and export. There is a lack of comprehensive studies about the general status of large-scale land deals in Uganda. An exploratory study[103] attempted to fill this knowledge gap by investigating the total amount of land targeted by corporate investments, the involved actors, their drivers, and the features of land acquisition. The author documented land deals reported in several[104][105][106][107] resulting in a list of 24 land acquisitions with a wide variety of actors and investments.[108]

The accuracy of this information is questionable, given that it often relied on unverified media sources. Indeed, a crosscheck with the Uganda Investment Authority (UIA), relevant embassies, and Uganda Revenue Authority (URA) showed that several investments did not exist or they were overestimated.[109] Nevertheless, it holds true that land attracts the interest of firms that aim at fostering commercial agriculture in Uganda. Zeemeijer's study alone verified and analyzed six investments, accounting for 77.708 ha of land.[110] In addition, a recent Oxfam report denounced the acquisition of 27.000 ha of land in Mubende district, with the eviction of over 20.000 people.[111]

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documentation. The Kalangala District NGO Forum (KADINGO) supported the fieldwork in Kalangala, while Uganda Land Alliance (ULA) facilitated the research in Kampala. In total, 16 qualified informants and 28 farmers were interviewed. Since the research objective focuses on gender relations within the household, of the 20 households investigated both the wife and husband were interviewed. The interviewed farmers represent the cross section of the Bugala society, in terms of male and female-headed households, local and migrant workers, and the amount of time each individual spent in farming oil palm

[102] Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), Ministry of Finance, Planning and Economic Development (MFPED)."Plan for Modernisation of Agriculture: Eradicating Poverty in Uganda."Kampala

[103] Zeemeijer, Ilse. (2012), "Who Gets What, When and How? New Corporate Land Acquisitions and the Impact on Local Livelihoods in Uganda." Utrecht University

[104] Görgen, M., et al.(2009), "Foreign Direct Investment (Fdi) in Land in Developing Countries." Tyskland, Germany: Gesellschaft für Technische Zusammenarbeit (GTZ). Federal Ministry For Economic Cooperation and Development. Division 45, 1-76

[105] Sauer, Sergio Pereira Leite.(2012)"Agrarian Structure, Foreign Investment in Land, and Land Prices in Brazil." Journal of Peasant Studies 39.3-4: 873-98

[106] GRAIN (2008). "Seized! The 2008 Land Grab for Food and Financial Security.". Girona, Barcelona

[107] Von Braun, J., et al. (2009), " Land Grabbing" by Foreign Investors in Developing Countries: Risks and Opportunities. International Food Policy Research Institute

[108] The investments consist in food crops (edible palm oil, maize, rice, wheat, fruits and vegetables, soya beans, sunflowers and sugar, forestry products [timber], biofuels (jatropha), and cash crop for export (coffee), on areas that go from 200 to 809.377 ha. The nationality of the investors varies significantly. Foreign investors are from China, Russia, Germany, Kenya, Egypt, United Kingdom, South Africa, India, and Bangladesh (Zeemeijer 2012).

[109] Zeemeijer, Ilse. (2012), "Who Gets What, When and How? New Corporate Land Acquisitions and the Impact on Local Livelihoods in Uganda." Utrecht University

[110] Ibid.

[111] Zagema Bertram. "Land and Power." The growing scandal surrounding the new wave of investment in land. Oxford: Oxfam GB, 2011

An important feature of the rush for land in Uganda is the strong role played by local actors in running large-scale investments. This confirms the increasing importance of national elites in land deals, as recognized by the International Land Coalition (ILC) report.[112] National companies operate individually, as well as in cooperation with the GoU through Public Private Partnerships (PPPs), like the Kalangala oil palm project, analyzed in the present paper.

The Kalangala oil palm project is part of the larger VODP established by the GoU, with the financial support of IFAD, to reduce the country's import of edible oil, attract investments in the agricultural sector, and enhance the participation of small farmers in the production of sunflower and palm oils.

Two competing narratives frame the Kalangala oil palm project. These narratives reflect two opposing views on the new land rush. On the one hand, the GoU and IFAD, consider the project a positive model that is productive and able to achieve the strategic goal of eradicating poverty through the transformation of peasant farming into a commercial and modern one. This narrative stresses that the market opportunity created for farmers through the smallholder scheme and the jobs available in the plantations create local development. Actually, the original design of the project contained several pro-poor measures that have been dropped during its implementation, in order to meet the economic requirements of BIDCO, the main investor in the Kalangala oil palm project. BIDCO is the Ugandan subsidiary company of Wilmar International ltd., an international company based in Singapore and operating in Indonesia, Malaysia, China, India, and Europe.

On the other hand, local, national and international NGOs classify the Kalangala oil palm project as a case of land grabbing that has made arable land inaccessible to the local population of Bugala. The NGOs that hold this view focus their concerns on the 6.500 ha of plantations that expanded at the expenses of previous forest coverage a n d arable land. Their concerns are also Embedded in a broader global agenda whose pillars include concepts like local economies, food sovereignty and access to communal natural resources by indigenous peoples. Thus, the oil palm expansion in Kalangala represents a scenario where "the local communities" lose and the interest of corporate capital wins.

Yet both narratives, of winners and losers, overlook the gender component, considering the local community a unitary corpus. This oversight creates a knowledge gap in relation to how oil palm expansion impacts differently on men and women. The introduction of new opportunities in Kalangala, namely the possibility to engage in commercial agriculture, or to access off-farm jobs, was possible at the expenses of the previous forest coverage, and it resulted in an increased pressure on arable land. Consequently, the local community deals with both opportunities and challenges. A positive or negative outcome depends on one's status in the community, and, this paper argues, on one's gender too.

The common gender blindness of these narratives and the general lack of gender sensitive analysis of large-scale land deals inspired this study, which aims to add nuanced colors to the black and white winners and losers perspectives. Rather than opposing positive and negative scenarios, this paper argues that men and women experience the on-going process in Kalangala differently. It exposes existing inequalities within the household and community that have a crucial role in development of mechanisms that shape the new territory.

Moreover, this study contributes to a critical understanding of smallholders' involvement in large-scale agricultural models, given that their role is a crucial component of the ''win-win'' narrative of large-scale land deals.[113][114] The classification of this project within the catchy category of land grab depends on the definition and parameters adopted, which are connected to the notion of legitimacy. This paper argues that to account for smallholders in the production process is not a sufficient

[112] Anseeuw, W., et al. "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project." Rome: ILC, 2012
[113] Von Braun, J., et al. (2009) " Land Grabbing" by Foreign Investors in Developing Countries: Risks and Opportunities. International Food Policy Research Institute
[114] IFAD (2009). The Growing Demand for Land. Risks and Opportunities for Smallholder Farmers. Rome, Italy: IFAD Governing Council

measure to ensure a fair share of benefits between the private sector and the community, nor it is a guarantee of equality within the community.

From a gender perspective, the idea of transforming peasants into commercial farmers is particularly significant. The lack of specific gender provisions unveils the assumption that women and men will benefit equally from the opportunities that commercial agriculture can generate. On the contrary, commercial agriculture is rather likely to reinforce the marginalized role of women in rural areas.[115] Men and women farmers access land and employment differently. It is acknowledged that in rural Africa women's labor supply is very inelastic and additional labor is likely to be detrimental of their well-being and that of other household members.[116] Similarly, a decrease in accessing forest and arable land has a different impact on men and women who rely on those resources for distinctive activities. Women play a crucial role in agriculture, but they face specific constraints that limit their access to land and its control, since they still must contend with a patriarchal society and a strong gender division in labor that assigns the responsibility of cash crops mostly to men.[117] Additionally, the increase in cash-income within the household can intensify negotiations over the allocation of resources, as household members bargain to satisfy their needs.

Within the limited gender contributions to the land grabbing debate, the prevalent orientation has been to consider women as a "vulnerable group",, more prone to the risks of being harmed by large-scale deals vis-à-vis with men.[118][119] Daley[120] stresses the vulnerabilities that women face in terms of (i) access, ownership and control over land (including the recognition of their rights often discriminated against in customary settings); (ii) socio-cultural and political relations, especially in their contribution to the decision making process; (iii) relative poorer cash-income; (iv) physical vulnerability vis-à-vis with men on the occasion of violent evictions. Moreover, women often have the main responsibility of providing food for the family. Thus, the impact of reduced access to arable land in case of land acquisitions has greater impact on them and their entire family.[121]

This article adopts a feminist political ecology perspective, where the gender variable intermingles with class and cultural components to shape resource access and control, as they impact on female and male struggles to achieve sustainable development.[122][123]

Gender analysis cannot however, be isolated from the larger socio-economic context, given that relations between men and women are informed by the surrounding social norms and material conditions. Accordingly, Daley[124] reasons that "whether and how women (or men) benefit from, or are negatively affected by, individual land deals depends on their socio-economic position and status; thus many of the issues for particular women are of course also those that affect the poor and disadvantaged generally." As such, this paper contributes to this embryonic body of literature by looking at land deals through a gender lens in an effort to enhance gender equality in commercial agriculture. It aims to understand how women and men negotiate to gain and maintain access over arable land in the context of changing patterns of land control due to oil palm expansion.

The theoretical framework adopted is based on the access framework of analysis, combined with the notions of bargaining power and shifting frontiers of land control. The Ribot and Peluso access

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115 Behrman et al. (2012), The Gender Implications of Large-Scale Land Deals." Journal of Peasant Studies 39.1:
116 Kasente Deborah, et al. (2000)"Gender and the Expansion of Non---Traditional Agricultural Exports in Uganda." Geneva: United Nation Research Institute for Social Development
117 FOWODE and UNWOMEN (2012), "Gender Policy Brief for Uganda's Agricultural Sector." Kampala, Uganda: Forum for Women in Democracy
118 Daley, E. (2011) Gender Impact of Commercial Pressure on Land. Rome
119 Behrman, J., et al. (2011) "The Gender Implications of Large---Scale Land Deals." International Food Policy Research Institute
120 Daley, E. (2011) Gender Impact of Commercial Pressure on Land. Rome
121 Daley, E. (2011) Gender Impact of Commercial Pressure on Land. Rome
122 Rocheleau, D., et al. (2006)"Gender and the Environment." The environment in anthropology: a reader in ecology, culture, and sustainable living: 27
123 White, Julia (2012) Ben White. "Gendered Experiences of Dispossession: Oil Palm Expansion in a Dayak Hibun Community in West Kalimantan." Journal of Peasant Studies 39.3-4, 995---1016
124 Daley, E. (2011) Gender Impact of Commercial Pressure on Land. Rome, 56

framework[125] is adopted to identify the mechanisms that shape power relations over land, going beyond the notion of property, and considering the ability to benefit from land resources, which women are not necessarily formally entitled to it. The framework considers rights-based, structural and relational mechanisms to analyze the different influential factors that determine one's ability to benefit. Power relations are part of these mechanisms.

Consequently, in order to engender the access analysis, the study focuses on a specific category of power that shapes how men and women negotiate material and symbolic differences, or, in another words, they use their bargaining power.[126] In turn, this challenges the unitary model of the family that considers households homogenous entities, where production and consumption choices are made jointly to maximize indistinctly all the members' wealth,[127] Agarwal[128] laborated on a bargaining approach for households. In the bargaining approach, interactions in the household are characterized by cooperation and conflicts due to competition over resources, and the outcome is determined by the relative bargaining power of household's members. One person's bargaining power with another's is determined by his/her fall-back position, which represents the ultimate alternative in the situation that household ceases in a definite way, for instance due to divorce.

Nevertheless, extra-household elements can influence intra-household patterns of negotiation. Extra-household bargaining power is played out in the market, community and even State arenas, where individuals can benefit from the envisaged opportunities or be excluded and marginalized. Thus, the patterns of land control that characterizes the surrounding context influence the possibility to pull the multi-layered strands of the power web.
The expansion of oil palm production and the introduction of new actors and processes in Kalangala, have established a new territory. In other words, oil palm expansion has shifted the frontier of land control, since "authorities, sovereignties, rights, and hegemonies of the recent past have been challenged by new enclosures, property regimes, and territorialisation, producing new 'urban-agrarian-natured' environments, comprised of new labour and production processes; new actors, subjects, and networks connecting them; and new legal and means of challenging violent previous land controls".[129]

After a description of the Kalangala district and the background notions of relevant land tenure in Central Uganda, this paper will analyse the new context created by the Kalangala oil palm project, with its emerging elites and new powerful actors. The access analysis will focus on the gendered benefits and the mechanisms that shape access to arable land for men and women in Kalangala. Taking closer look at the most representative households, the paper will concentrate on bargaining power relations between husband and wife, considering the household one of the most relevant arenas of negotiation to determine gender equality in benefit sharing.

Kalangala district and oil palm expansion
In the oil palm component of the VODP, the production model is made up of plantations and smallholder plots. Oil palm production takes place in Kalangala, a district located in Central Uganda, in Lake Victoria. Only 4,8 % of the district area is land (432km2), the rest of the district is composed of 84 islands. The biggest island is Bugala, which has an area of 293 km2, with forest coverage of 73 km2 [130] Today oil palms occupy 10,000 ha of land in Bugala, nearly 1/3 of the island, and production is quickly expanding to other nearby islands.

The history of Kalangala affects the modern demographic composition of the islands. These are also known as Sse Sse islands for the high presence of the tse tse fly. In the early years of the 20th

[125] Ribot, J. C.N. L. Peluso.(2003) "A Theory of Access." Rural Sociology 68.2: 153---81
[126] Agarwal, B. (1997), ''Bargaining'' and Gender Relations: Within and Beyond the Household." Feminist Economics 3.1, 1-51.
[127] Becker, G.S. The Economic Approach to Human Behavior. University of Chicago Press, 1976, & 'Treatise on the Family.' Harvard University Press Cambridge, MA:, 1981
[128] Agarwal, B. (1997), ''Bargaining'' and Gender Relations: Within and Beyond the Household." Feminist Economics 3.1, 1-51
[129] Peluso, N.L.C. Lund. (2011), "New Frontiers of Land Control: Introduction." Journal of Peasant Studies 38.4: 667-81
[130] KDLG. "Kalangala District Development Plan 2011---2015." Kalangala, Uganda2010

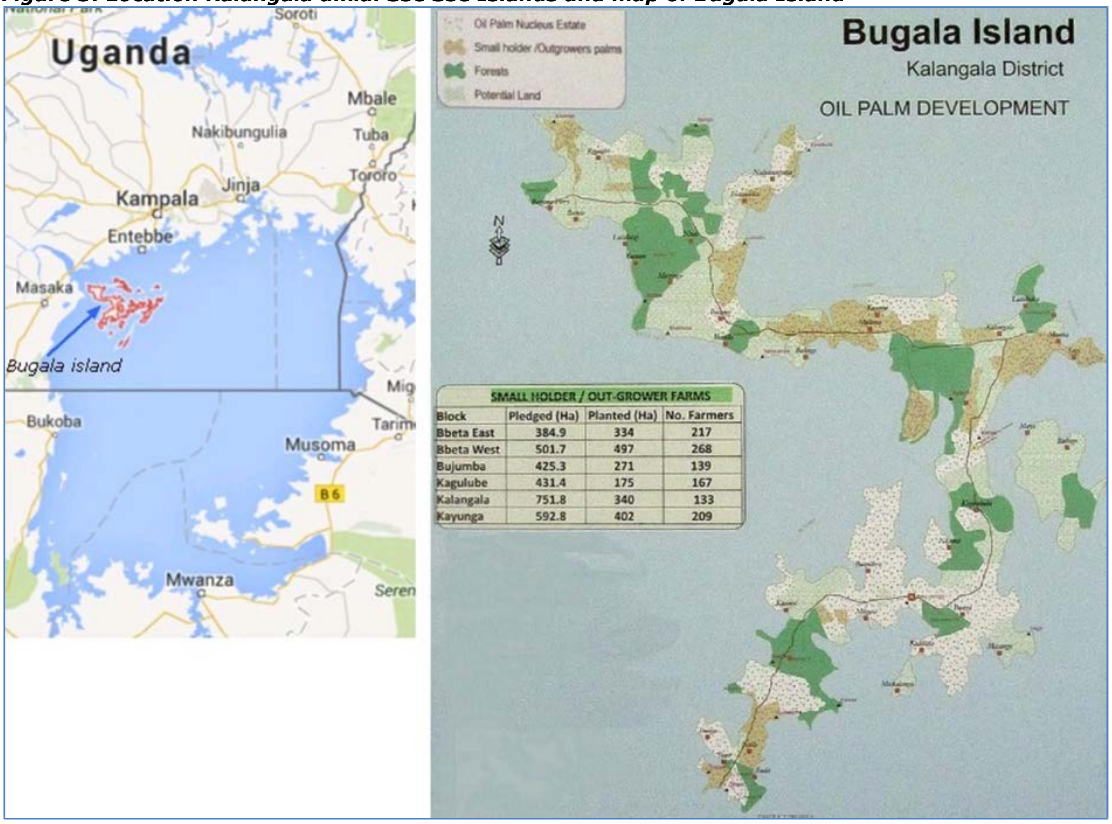
century, the islands were affected by an epidemic presence of sleeping sickness[131] spread by the flies. To fight the deadly disease, the authorities evacuated the islands, which were sprayed to kill all the contagious flies. Left without inhabitants, spontaneous forest started to grow on the islands, covering most of the surface, and attracting monkeys and other wild animals. The population that used to live on the islands only returned in the late '50s, interested in the fishing potential of Lake Victoria's waters. Most of the returned people settled on the shores of the islands, in un-permanent settlements by the fishing sites.

The original inhabitants of Kalangala are called *basese* (singular *musese*), and today they represent the islands' minority population. Fishing and oil palm attract (mostly male) migrant workers from other areas of the country, shaping the actual demographic composition with a strong prevalence of single and young men coming from other areas of the country. Despite NGOs using the presence of indigenous peoples' in a strategic way to connect this case to greater global claims[132] the more pressing demographic issues of interest are related to migration.

The dominant form of tenure on the island is *mailo*, an inheritance of the British colonial time.[133] Mailo landlords historically overlooked Kalangala, whose land was considered to have very little value due to the forest cover, which made it uncultivable, the lack of infrastructure, and the abundant population of monkeys that would attack crops. As a result, most of the land is occupied by *bibanja* tenants. The *bibanja* typically never meet their absent landlords who live in far away cities such as, Masaka or Kampala. Prior the introduction of oil palm, there was very little commercial agriculture in Kalangala, and the economy was mainly reliant on fishing activities in Lake Victoria. Traditionally, fishing activities were male dominated, with women engaging in marginal and limited roles, mostly obtained through the exchange of sex.[134]

[131] The sleeping sickness, or African tripanosomiasis, affects the lymphatic and neurological systems. Without treatment, the disease is invariably fatal, with progressive mental deterioration leading to coma and death.
[132] The recent Friends of the Earth report (2012) on land grabbing talks about the Kalangala oil palm expansion as a case of expropriation of indigenous people's land, citing the case of a farmer that is not native of the island.
[133] When the British established their protectorate in Uganda, they rewarded the king and chiefs of Buganda kingdom with land plots of 1 square mile. Kalangala is part of the Buganda kingdom and the word mailo (derived from the English mile) is still used to indicate this kind of tenure. Mailo tenure historically introduced the distinction between ownership and use of the land, so mailo owners were often absentee landlords that let tenants farm on their land. The main differences with freehold tenure consist in the special protection of occupants that, because of the long absence of their landlords, need to receive protection for the development done on the lands. The Land Act contains provisions to register occupants on mailo land, but this requires the active collaboration of the landowner that has to recognize the tenant, demarcate the occupied land and negotiate a rent . See: Batungi, N. (2008) "Land Reform in Uganda: Towards a Harmonised Tenure System"
[134] Medard, M. "Relations between People, Relations About Things: Gendered Investment and the Case of the Lake Victoria Fishery, Tanzania." Signs 37.3 (2012): 555

Figure 5: Location Kalangala a.k.a. Sse Sse Islands and map of Bugala Island[135]



Furthermore, people living in fishing settlements, called landing sites in Kalangala, often occupied non-permanent housing. In fact by 2002, 89% of households in Kalangala inhabited temporary houses.[136] The fishermen's lifestyle is argued to be among one of the main causes of the incidence of HIV/AIDS in the district. In Kalangala, between 24 and 30% of the population is HIV-positive, whereas the national rate is 6.4 %.[137] Behavioural drivers behind this spread of HIV include high levels of alcohol abuse, especially in the landing sites, high rate of defilement, significant levels of women being shared among men, and the high turnover of labor, which was predominantly male.[138] Moreover, the islands attract widows and widowers whose partners have passed away due to HIV, as the islands provide a level of anonymity. Without intervention it is expected that the incidence of HIV will continue to increase in Kalangala.[139]

Oil palm production was introduced to the island of Bugala in the '80s to test the feasibility of this crop in the specific climatic conditions of Kalangala. The Agricultural Officer from Kalangala District Local Government (KDLG) strongly promoted oil palm through the establishment of trial gardens. He considered oil palms an alternative to the declining coffee market, and a good opportunity for farmers.

Oil palm has been regarded as a good tool to reduce poverty among farmers because when the palms became productive (3-4 years after being planted) they can be harvested bimonthly for 25 years,

[135] Source: KOPGT manager
[136] KDLG (2010) "Kalangala District Development Plan 2011-2015." Kalangala, Uganda
[137] Ibid.
[138] Ibid.
[139] Ibid.

providing a stable income to farmers.[140] Naturally, this requires an investment from the farmer, and the establishment of a local value chain, as the fresh fruit bunches (ffb) need to be processed within 24 hours. The VODP addressed these production issues through the creation of Public Private Partnerships (PPP) ensuring oil palm production was established in Kalangala. PPPs are supported as a way to share benefits and provide beneficial solutions for all involved actors.[141] Among the institutional arrangements that regulate the global land rush, the establishment of PPPs is a notable trend, which is likely to increase in the coming years.[142]

The general efficiency of PPPs in providing public services is highly debated. On the one hand, PPPs are believed to improve the functioning of markets by reducing the government's role and providing services and products in a more effective and efficient way.[143] The neoliberal assumption behind this conviction is that partnerships that are good for the market are good also for the poor, because they create jobs and promote development.[144][145] Miraftab[146] challenges this belief and labels PPPs a "Trojan horse" for private sector firms that take advantage of their disproportionate power towards local governments of the Global South. The simple participation of local public entities in a PPP does not assure equity of benefit sharing, nor accountability. It is therefore important to look at the specific characteristics of each PPP, in terms of how roles, responsibilities and power relations are defined.[147]

Supporters of PPPs see such institutional arrangements as a way to positively impact on the local population, while guaranteeing company profits. It has been demonstrated however, that PPPs d not necessarily lead to the creation of job opportunities, in terms of wage employment, or integration in the supply chain. In Kalangala, the participation of the GoU in OPUL guaranteed the adoption of a fair price mechanism that ensures against monopoly of the value chain.[148]

Nevertheless, the plantation economy component of the production model introduced jobs, but with very poor working conditions and low salaries. These jobs opportunities do not necessarily represent an improvement in the life of local communities. This sentiment is echoed by the ILC Report, *"one-sided dependence on a landowner or a processing company, whatever the form of the contractual arrangement, is unlikely to be an advantageous one for smallholder farmers or agricultural workers".*[149]

The PPP established in Kalangala has been backed by the financial and political support of IFAD. In 1997, this UN agency approved the project and provided financial support to the GoU. The project faced several delays because the first winner of the bid did not respect the terms of the contract to establish the nucleus plantations and the milling factory, and BIDCO was contracted out late. Moreover, the project faced negative publicity that affected the participation of smallholder farmers.

In the original IFAD's appraisal, the project should have targeted 3,000 farmers, including relocated landless farmers from the mainland, and spontaneous farmers using their own resources. The initial

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[140] Ibid.
[141] Anseeuw, W., et al. (2012), "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project." Rome: ILC
[142] Borras Jr, S.J. Franco (2010), "From Threat to Opportunity? Problems with the Idea of a Code of Conduct for Land-Grabbing." Yale Human Rights and Development Law Journal 13.1: 507
[143] Linder, S.H. (1999), "Coming to Terms with the Public-Private Partnership." American Behavioral Scientist 43.1: 35-51.
[144] World Bank (2001). World Development Report 2000/2001: Attacking Poverty. Washington, DC: World Bank,
[145] Miraftab, F. (2004), "Public---Private Partnerships the Trojan Horse of Neoliberal Development?" Journal of Planning Education and Research 24.1: 89-101
[146] Ibid.
[147] Ibid.
[148] The mechanism is based on a formula that attaches the price paid to smallholders to crude palm oil value on the world market. The formula is ffb=(H/J)xK where ffb are the fresh fruit bunches, H is the price of crude palm oil per ton, J is constant and K is the oil extraction rate per ton (Governement of Uganda 2003) cit. in (Skolout 2011). A commission composed of MAAIF, VODP, OPUL, and KOPGT representatives is in charge of applying the formula and determining the monthly farm gate price (EI.II). The price paid to farmers from January 2010 to April 2012 increased from 215,000 to 443,000 UGX/tons, with an average price of 256,000 UGX in 2010, 426,000 UGX in 2011, and 408,000 UGX in the first four months of 2012.
[149] Anseeuw, W., et al. (2012) "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project." Rome: ILC

project design had a strong pro-poor focus: it gave a central role to smallholder farmers that were expected to cultivate on 77% of the total designated area, and it clearly tackled the landless and the diaspora, in an effort to foster local development. Nevertheless, no farmers in either of those two categories were really involved.[150]

One of the reasons for abandoning these pro-poor components is that BIDCO, the company that won the bid, requested 10,000 ha of oil palm, in order to run the milling factories in an economically sustainable way (ibid.). Negotiations were concluded in 2003, when Oil Palm Uganda ltd (OPUL) was established, as a Ugandan subsidiary of BIDCO. As a result, the GoU and BIDCO increased their financial contribution to the project from 12 and 120 million US$.[151] The first phase of VODP project ended in 2011.[152]

Land acquisition process
The land acquisition process for the establishment of the nucleus plantations is quite controversial. The GoU played a crucial role in this process, taking charge of setting up 10,000 ha of land dedicated to oil palm of which 6,500 ha was eventually put aside for OPUL's nucleus plantations. This was 5,500 ha more than the original project stipulated. Initially, the participation of the GoU in the PPP consisted of the lease of former public land to OPUL but because the KDLG could only dispose of 3,000 ha, additional land had to be acquired.

In 2001, the GoU established a Land Task Force.[153] The purpose of this Task Force was to acquire additional land through purchases and de-gazetting[154] of public secondary forest (IFAD 2011). The land purchased had to be suitable for oil palm production, bought according to the willing buyer/willing seller principle,[155] and it had to be free of occupants.[156] Thus, the Land Task Force bought approximately 3,500 ha of land, converted it into freehold, and leased it to OPUL for a period of 99 years.[157] This land conversion undertaken by the Task Force raised a number of questions about how the land will be used once the lease has expired given that it is unclear what the status of the land will be when OPUL stops its operation in Kalangala, and whether the land will be redistributed to the citizens of Uganda.
On the other hand, the National Environment Management Authority (NEMA) imposed restrictions over a 200 m coastal strip of protected shoreline, and other areas that were not suitable for cultural and ecological reasons [158](IFAD 2011).

Negotiations to buy the land were drawn out owing to complexity of land tenure in Kalangala. *Mailo* landlords were difficult to identify, often being absent from the island for a very long time or deceased. Furthermore, landlords were often unwilling to recognize the *bibanja* operating on their land, and several conflicts about demarcation of land boundaries arose, complicating the compensation of tenants. The role of the KDLG was to help the parties find an agreement, ensuring that the landlords would compensate their *bibanja*. However, the main responsibility of KDLG's officers

[150] IFAD (2003), Promoting Market Access for the Rural Poor in Order to Achieve the Millennium Development Goals.
[151] Agreement between the Government of Uganda and Bidco Oil Company Ltd. For the Oil Palm Component of the Vegetable Oil Development Project "Ministry of Finance, Planning and Economic Development.Kampala, Uganda, (2003)
[152] A second phase, called VODP2, has been launched to extend oil palm production to neighboring islands including Bunyama, Bubembe, and Bukasa. Reulting in an additional area of 1.200 ha (IFAD 2010).
[153] The Task Force was set up to negotiate the acquisition of land. It was composed of representatives from Ministry of Lands, Ministry of Justice, MAAIF, Ministry of Finance, Planning and Economic Development, National Environmental Management Authority (NEMA), the Uganda Investment Authority and KDLG.
[154] Forest reserves, national parks, wildlife reserves, lakes, wetlands, and other natural areas of environmental or touristic interests are regulated under the trusteeship of the local/national government in the form of gazetted land. The process of de---gazetting opens up the possibility to lease, alienate or issue concessions over these areas (Government of Uganda 2001).
[155] According to the 1995 Constitution, land could not be compulsorily acquired, except for reasons of security, or public health.
[156] The project was clearly trying to avoid the displacement of land occupants, with the KDLG intervening to mediate between the landlords and the occupants in order to elude land conflicts.
[157] The MoU between the GoU and OPUL is not publicly available, but qualified informants disclosed that the land was leased free of charge, thus representing GoU's in-kind participation in the PPP.
[158] IFAD (2011), Republic of Uganda. Vegetable Oil Development Project. Interim Evaluation

was to identify the owners of the suitable land and to conclude the transaction.

Local Involvement: miscommunication and smallholder farmers
The introduction of oil palm represents a tremendous change for Kalangala whose economy is now dominated by this new crop. All communication with the local community related to this transition has been focused on promoting the benefits that oil palm would bring to Kalangala and on encouraging farmers to participate as smallholder farmers or outgrowers in order to establish 3,500 ha of oil palm beyond the nucleus plantations. The difference between smallholders and outgrowers is signified by the degree of involvement they have in managing the field. Outgrowers pledge their land for 25 years and they receive a full range of services from OPUL for the first three years; while smallholders grow and manage oil palms on their own land, with the support of Kalangala Oil Palm Growers Trust (KOPGT) for loans, extension services and marketing of the ffb to OPUL. The outgrowers' plots are consolidated into the nucleus because of their proximity to the plantations, while smallholders' plots are scattered around the island.[159]

The KDLG has played a key role in introducing the oil palm project to the local community. Specifically, Agricultural officers from the KDLG encouraged farmers to become involved in the initial stages of the project as pioneer oil palm growers. The management of VODP, and the representatives of KDLG were proud of the efforts they made to disseminate information about oil palm production.

These efforts however, were mostly aimed at stimulating participation and involving the local population in farming, rather than informing it. The introduction of an activity that requires the allocation of all the former public land that was available, and which, dramatically impacts on the island's landscape, should have also necessitated the acquisition of a free, prior and informed consent from the locals. Indeed, the project represents an opportunity for farmers that join the production, and plantation workers, but it also has consequences for the entire population. For instance, the lack of public land limits the possibility to extend public infrastructures such as: schools, hospitals, and garbage collection sites.[160]

As a matter of fact, KDLG and VODP representatives held local stakeholder meetings, involving the entire local community, not just farmers, given that the project was conceived as an opportunity for everybody. Nevertheless, the respondents recall these meetings as being focused heavily on the improvements oil palm production brought to Asian countries (probably Malaysia and Indonesia). These meetings enforced the association of oil palm to modernity, portraying this crop as the entry gate to a new era characterized by electricity, decent road network, sanitation facilities, permanent housing, and so on.

At first, the project was presented as an initiative to fight poverty, through the creation of productive activities. It included social provisions, like the establishment of permanent settlements, and support to formalize *bibanjas.* Respondents recall how the role of the company was minimized, indicating that the oil palm would be produced by farmers, giving them the opportunity to secure tenure for their land. The support towards increased tenure security was expected to be twofold. Firstly the farmers could acquire a land title, thanks to the mediation of the KDLG, and the financial support of the project. Secondly, former public land would have been leased to *basese* and diaspora farmers.

Later, when the Land Task Force had to identify and acquire 6,500 ha of suitable arable land for OPUL's nucleus plantations, this focus on poverty alleviation was forgotten. The former public land was made no longer available for permanent settlement. Moreover, the Task Force focused on acquiring land to be consolidated in blocks, rather than facilitating the acquisition of a legitimate status for the tenants, to follow OPUL's requirements for the establishment of the plantations. Only a few female-headed households received financial support to register a land title or to buy land, and this provision only applied during the initial stages of the project.[161]

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[159] Ibid.
[160] KADINGO (2009), A Study to Identify Key Issues for Engagement About the Oil Palm Project in Ssese Islands, Kalangala District: A Case Study of Buggala and Bunyama Island in Kalangala District. Kalangala: Kalangala District NGO Forum, 2009
[161] Widows, orphans and youth from 55 households have been supported to acquire a certificate of occupancy over the land that they were already cultivating, or they received loans to buy a kibanja and to register it.

The lack of ongoing financial support to register land title or buy land was not clearly communicated, generating confusion, suspicion and disappointment in many local people who ultimately believed the project failed to fulfill its initial promises. As a farmer pointed out "they (the KDLG) said that the project was for the *basese,* but then they gave all the land to OPUL". Farmers that decided to join as smallholders had to register with the KOPGT. This organization was established to represent the farmers that wanted to grow oil palms, and it sits on OPUL's management board to defend their interests. According to KOPGT manager, the institutional setting of the PPP is based on three pillars: the government, the private sector (OPUL) and the farmers, represented by KOPGT. However, the structure of KOPGT and its modus operandi lead many to believe the KOPGT was representing the government,[162] rather than farmers. For this reason, in 2009 smallholders decided to create their own association: the Kalangala Oil Palm Growers Association (KOPGA), to have an autonomous space for discussion and political representation.

Originally, the project was designed to involve outgrowers in 1,250 ha (with an average plot size of 250 ha), and 2,250 ha for smallholders, making 3,500 ha in total.[163] Initial involvement from these two categories of farmers was quite low. Negative publicity affected the project badly, influencing farmers' decision to join in; the outgrowers' scheme suffered particularly and was less successful than the smallholders' scheme. Farmers however, started to join during 2009 and 2010, when the first generation of farmers began harvesting and the financial benefits became visible. The available information provides the following picture: in 2012, the total number of farmers registered at KOPGT is 1,082. In all likelihood, this total number would have included farmers that were extending their operations on neighboring islands. This translated into a total area of 3,087 ha of pledged land from smallholders and outgrowers and 2,019 ha of planted land. Moreover, the area is divided in six blocks that identify zones of production in the nucleus estates and the smallholder gardens. Smallholder farmers designate a block representative to be spokesperson for them at KOPGT and KOPGA. Notably, some area was put aside to enable expansion by the smallholders.

The introduction of oil palm also tremendously increased the value of land, which was 300% higher in 2012 compared to 2001 levels. If this increase is considered positive by local authorities and landowners, it clearly represents an obstacle for farmers that want to join the project now, especially for women that have little access to off-farm income opportunities.

Loss of forest

It is not possible to evaluate the exact amount of forest that covered Bugala Island before the introduction of oil palm. As pointed out by a local officer of the National Forest Authority (NFA), there are no resources to map the forest beyond the reserves. According to VODP data from the Monitoring and Evaluation department of the program, in 2004 private forest in Kalangala accounted for 10,800 ha, while in 2010 this area decreased to 7,200 ha.[164] In fact, the KDLG[165] reports a smaller area in 2010: just 3,190 ha of private forest. This amount is likely to be significantly reduced going forward given that most of the farmers joined oil palm production in the later stages of the project, and they cleared their land from forest to prepare the soil for oil palms. On the other hand, the district forest reserves account for 8,861 ha, of which 6,462 ha is on Bugala island.[166] In these reserves, any kind of extraction activity is forbidden.[167]

In any event, the project has imposed a monoculture plantation on nearly 1/3 of the island's surface. Subsequently, environmental NGOs have raised several concerns about the project in terms of its impact on the island's forest coverage and biodiversity.[168] In terms this affects the livelihood of the

[162] On the board of KOPGT there are only three farmers, while the other nine members are representatives form KDLG, MAAIF, Ministry of Finance, VODP, and local NGOs (EI.V).
[163] Even after several solicitations, it has not been possible to gather complete information by KOPGT about the exact area planted by smallholders involved in oil palm production.
[164] IFAD (2011), Republic of Uganda. Vegetable Oil Development Project. Interim Evaluation
[165] KDLG (2010) "Kalangala District Development Plan 2011-2015." Kalangala, Uganda
[166] Ibid.
[167] In Uganda there are three types of forest management regimes: forest reserves, managed by the GoU through the NFA; local forest reserves managed by the district government; forest growing on private land.
[168] KADINGO (2009), A Study to Identify Key Issues for Engagement About the Oil Palm Project in Ssese Islands, Kalangala District: A Case Study of Buggala and Bunyama Island in Kalangala District. Kalangala: Kalangala District

local population as forestry products such as timber and firewood become scarcer and thus, forestry-related economic activities disappear.

In general, there are two extreme feelings about the loss of forest, well expressed in the words of two farmers. For one (male) farmer, the forest will be replaced by a palm forest and there will be no loss, neither ecologically or economically. For the other (female) farmer it is painful to see people cutting young trees that will take many years to grow again. These reactions are ascribable to the two opposing discourses about oil palm expansion in Kalangala. On the one hand, the male farmer benefits from the economic value generated by oil palm. One male farmer reflected on the idea that development always brings gains and losses, and in Kalangala the economic gains exceed the environmental losses. These ideas imply a "faith" in modern growth, which is considered incompatible with nature preservation. On the other hand, the female farmer elaborates a more emotional affection to forest trees. Probably also given her old age, she fears a change in the surrounding landscape that cannot be easily recovered. The farmers' wording reflect the general discourses of a modern and commercial agricultural society as opposed to the preservation of traditional and "indigenous" way of living, where forestland represents the main source of common goods for the local communities.

In terms of a benefits analysis though, the loss of forest generates some short-term opportunities and long term losses, which in turn have a different impact on men and women who both rely on the forest for their livelihoods. Men are directly involved as timber cutters, or charcoal burners, and indirectly as carpenters and boat makers. Women are normally in charge of collecting firewood for cooking, together with the children in the household. Moreover, selling charcoal represents an economic alternative for women too, as they often engage in informal trade in the villages. In addition, farmers that also own cattle rely on forestland to graze their animals.

Deforestation is continuing at a fast pace in some areas of Bugala and on other islands. This is due to famers who have recently joined the project to produce oil palm are currently in the process of clearing land. The job opportunities for timber cutters actually increase during such periods, because they are often asked to come and cut the trees, without paying the fee that they would normally negotiate with the owner of the forest (as is the case for private forest). In addition, such periods also attract workers coming from the mainland to engage in the process of clearing the forest. In the longer term however, there will be little private forest left. As previously mentioned, the small amounts of District forest reserves that are preserved do not allow any kind of exploitation.

Girls and boys, sometimes with a woman's supervision and support, are put in charge of the collection of firewood. This activity is now challenged by the reduced amount of forestland available, and the increased use of fences to separate private property.

The reduced availability of older trees is also affecting fishermen, who previously would have their boats made from local timber, but no longer can in Kalangala. Boats are now made with timber that comes from the Democratic Republic of Congo, because the wood in Kalangala is too expensive, given its scarcity. Moreover, at the landing sites women are normally in charge of smoking fish, before it is sold at the local market. This activity potentially requires a lot of wood and it is challenged by the reduced coverage of private forest, putting mounting pressure on the available forestland close to coastal strips that should primarily function as a deterrent for soil erosion.

The oil palm frontier of land control

During the last 10 years, Kalangala has seen the emergence of a number of new economic actors and activities, the delineation of a new farming identity and the reduced access to arable land because of the new bundle of powers that define the territory.

OPUL, the public-private company, replaced the previous absentee landowners, and with its economic activity gave new value to land that was considered redundant and underexploited. Moreover, the required land for the establishment of the nucleus plantations increased the concentration of land property on the island. In 2001, the Land Task force bought 3,000 ha of land from 38 owners, 11 of which were women. The property was already highly concentrated since five landlords owned almost half of the land (48%). Nevertheless, the acquisition process increased the concentration in terms of land control and this area is now under OPUL's responsibility. Even though the land is formally owned by the KDLG and leased to OPUL, it is de facto privatized, as OPUL has the right to use it for the next 99 years. The two processes of concentration and privatization are therefore intermingled. In mediating between the landowners and the *bibanja*, local authorities often went beyond their regulative scope, adopting a rent-seeking behavior, to obtain a favourable outcome for OPUL. Among the respondents, two farmers shared such stories. At first the Agricultural Officer tried to involve them in the oil palm production as outgrowers because their plots (*bibanja*) were near the nucleus plantations. Later, when the landowners were identified, the negotiations pushed the Land Task Force pushed for land purchase, without giving the occupants the opportunity to buy the land nor guaranteeing them fair compensation. Local administrators were clearly under the pressure of the GoU, who was committed to acquiring all the necessary land for OPUL plantations.

Beyond the privatization and concentration processes, property relationships over arable land have been increasingly formalized in Kalangala. In order to register as smallholder with the KOPGT, farmers need to demonstrate their legitimate status on the land. In the beginning, KOPGT required a land title or a certificate of occupancy to register one person per plot. This requirement drove two changes: it required the individualization of family land, and it urged on *bibanja* tenants to have their occupancy status recognized by their landowners.

From a gender perspective, the former effect produced an empowering outcome for those women that already had strong bargaining power with their husbands and thus, could negotiate an individual plot of land, but it disadvantaged those with a weaker voice in the family decision--- making structure. On the other hand, the outcome of the negotiations with the landowners was characterized by their unwillingness to negotiate with the occupants, causing several conflicts about the recognition of the *bibanja*. As a result, the KOPGT relaxed its requirements for proof of occupancy and on required a letter from the Local Council and the support of five witnesses. As will be described later, one's position in the community played a crucial role in determining the ability to benefit from this entry rule.

These mechanisms however, resulted in the increased legalization of property and land use rights, defining the entitlement, and the thus the right to participate in the smallholder scheme. As a result, farmers that had always worked on their *bibanja* become illegal squatters when their landlords failed to recognize their status and faced the destruction of their crops as the land was readied for oil palm production.

Commercial agriculture has been introduced extensively with oil palm, and many people that were not formerly farmers joined the production. Beyond the original intention of involving landless and diaspora basese, the Kalangala oil palm project introduced new patterns of land control that created a new farming identity: the oil palm smallholder grower.

The prevailing economic activity of the island used to be fishing, with the fishermen having a unique social status. The introduction of oil palms gave a higher social status to the successful oil palm growers, as they contribute to the most important economic activity of the island, and their social influence increased with the engagement in the smallholders' scheme. Moreover, the status of an oil palm grower is dependent on an individual's ability to establish land ownership, which enables them to register with the designatedorganizations. Indeed, smallholder farmers have to register in KOPGT to benefit of financial services and loans to clear the land, to maintain it, and to buy fertilisers. The organisation also delivers extension services to improve the cultivations, and marketing services to collect the ffb and sell them to OPUL. Since membership is a fundamental step to be involved in oil palm, KOPGT acts as gate-keeper and it is a powerful actor in the new context of oil palm expansion.

As an economic opportunity, oil palm production is supposed to be less gender biased than fishing. Its introduction in Kalangala was also expected to generate off-farm wage jobs suitable for women too. Gender equality however, is challenged by the constraints face women in accessing and controlling land, which inhibits them from producing oil palm as smallholder farmer. Women's limited capacity to own land reduces their possibility to acquire a full oil palm grower status, even though they are often engaged in the farming activity on the plot of their husbands.

On the other hand, the recent establishment of KOPGA provides its members a new arena for participation and discussion of farmers' issues. Members have a space to formulate joint proposals and requests that will then be negotiated within KOPGT, while previously only few farmers could attend KOPGT meetings, without any structured form of participation for the other farmers.

Nevertheless, the association has no resources to run its own activity and its effective power to influence decisions is still quite low.[169] To be an active member of the smallholder's association is similar to participate in public matters, since the oil palm production has a strong influence on the island's economy. Key figures in KOPGA have been politically active in the past and today they exercise their influence on the community because of their economic role as smallholder farmers. Typically, these bodies are male dominated. Even though the by-laws prescribe a quota of 2 women and 3 men for executives, women cover roles with less decision-making power, as general and publicity secretaries. Moreover, among the 6 blocks representatives, only one is a woman.

Shaping access

Applying the access framework of analysis, in order to evaluate one's capacity to benefit from a resource, it is important to identify the benefits the said resource generates and the mechanisms that determine one's capacity to enjoy them. With the introduction of oil palm in Kalangala, access to arable land generates several gains connected to the acquisition process and the smallholder scheme. The project also generated job opportunities that will be outlined in this paper. Even though the main focus of analysis is on smallholders, the study acknowledges that off-farm opportunities represent a potential alternative for rural communities in Kalangala. *"Those that sold the land made money, those that leased public land can plant oil palms" Lupere Mpofu Henry Fred (male farmer not growing oil palm).* As mentioned above, the Land Task Force was established to buy land from private owners, in order to provide 6,500 ha of land under lease agreement to OPUL. At the time of the land acquisition (2001-2002), the Task Force paid average price of 250-375,000 UGX per ha.[170] In 2009 OPUL started to harvest and the remunerative potential of oil palm became clear, the value of land increased dramatically on the island. In 2012 an acre (1 acre = 0.404685642 ha) of land in Bugala is valued at 2 millions UGX. It is therefore highly debatable whether the price paid to the landlords by the Land Task Force was fair considering that the purchasers were aware of the investments planned in the area, and the value of arable land was expected to increase.

The possibility of gaining from this opportunity is clearly defined by property rights, or rights-based mechanisms to use Ribot and Peluso's nomenclature. Nevertheless, legality also defines the tenants through occupancy[171] rights, since the Land Act recognizes that they should receive the first option if the owner wishes to sell the land[172] (Government of Uganda 1998). None of the respondents knew of any *bibanja* that had not managed to buy their landlord's land, nor that were given this option. Therefore, because of their property status, *mailo* landlords had the power to control access to their land and they indirectly favored OPUL, rather than their *bibanja*.

Thus, access to benefits generated by the acquisition process was shaped by the property rights regime, which favored *mailo* landlords, since tenants could only negotiate for compensation. Numerous conflicts arose about the recognition of the lawful or bona fide status of the occupants, who were at risk of losing compensation when the land was developed and sold off[173]. Tenants that lack recognition of their status access land illegally, meaning their access is "defined against those (forms of access) based on the sanctions of customs, convention, or law".[174]

Therefore, even though their action might be considered legitimate by the common morality or values, it is still considered criminal by the law, if the recognition of their tenancy is not enforced. Indeed in

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[169] Before the design of VODP2 KOPGT should have been closed by the end of 2011. Its assets (office and equipment) were supposed to be distributed to the farmers represented and associated with the KOPGA. The prolongation of the project reneged this plan. KOPGA had invested all the resources received by IFAD to buy the land where KOPGT office has been built (EI.VIII).

[170] Exchange rate at 30/06/2012: EUR1=3,162 UGX; USD1= 2,480 UGX (European Commission 2012; United States Department of the Treasury 2012).

[171] The term refers to lawful and bona fide occupants (Government of Uganda 1998, see note 73).

[172] Government of Uganda (1998)"Uganda Land Act." Ed. lands, Ministryof. Kampala1998

[173] Skolout, John (2011), "Land Tenure and Access in the Kalangala Oil Palm Development and Possible Implications for Biofuel Feedstock Production." Imperial College

[174] Ribot, J. C.N. L. Peluso (2003), "A Theory of Access." Rural Sociology 68.2: 153-81

Buganda, laws define the access of farmers that encroach on land without a tenancy by occupancy as illegal. Similarly, a *kibanja* who does not manage to pay the *buzuru* to his/her landowner is considered a squatter by law. Among the respondents, there were two cases of tenants considered illegal squatters by their landowners. As such, they were treated as unlawful occupants and the landlords refused to meet them and could not collect tenancy fees. In both cases, landowners sold off the land to the Land Task Force. OPUL's caterpillars then destroyed the crops previously growing on the land, in order to plant oil palms. In these cases, the act of OPUL is legal, and backed up by the lease granted by the GoU. Nevertheless, the access gained with the violence against the personal belongings of the tenants is valued as highly illegitimate by the surrounding community that considered the farmers bona fide occupants.

Under the pressure of purchasing land, the promised allocation of former public land to diaspora *basese* was not possible because all the public land had been assigned to OPUL. Only a small portion of the former public land was not suitable to be consolidated into blocks because of its proximity to the villages. This land was then leased to farmers wishing to grow oil palm. Official documents about these leases are not accessible and the total area of the leased land ranges between 240 and 400 hectares in Bugala only.[175]

This land should have been allocated to diaspora or landless people. The great lack of transparency that characterized this process however, meant that these groups have not been prioritized in the land allocation process. On the contrary, proximity to political circles seemed to be the most important factor in determining land allocation. *"If you are from here, you work for BIDCO only if you are desperate" Martin Lukambwa (KOPGA chairperson).* The job opportunities provided by OPUL in Bugala are considered an important benefit for the island economy. The plantations however, attract mostly workers from other areas of the country, especially the poorest ones in Northern Uganda, which represent 90% of OPUL's work force.[176] For the local communities, working in the plantation does not represent a viable alternative, because of the harsh working conditions and low pay rates. These jobs are only considered viable for those with no alternatives i.e. those that have no access to arable land nor education. If *basese* men do not want (or cannot) engage in oil palm production, they typically work in the fishing or timber cutting sectors. Therefore, working for OPUL can potentially represent an option for *basese* women who have other alternatives.

OPUL's workforce however, is dominated by men, especially in the nucleus estates.[177] The reasons for this are threefold: a recruitment process that favors men, social prejudices regarding women's ability to work in the plantations, and the lack of gender sensitive policies implemented by the company. Furthermore, women can typically only access the lowest paid jobs due to gender divisions inhibiting them from engaging in the most lucrative tasks such as harvesting and pruning. These tasks are considered too hard for women that usually collect the loose fruits that fall on the ground during the harvest.

The prevalence of young men who have migrated from other regions also contributes to the existing abundance of male workers in Kalangala. Oil palm workers attract commercial sex workers to the plantation areas given their available cash income. This exacerbates violence and the spread of HIV, increasing the level of insecurity for women in the area. *"Coffee is the past, oil palm is the future. It's modern, it's like a Toyota Pajero!" Patrick Kikaka (male oil palm grower).* The smallholder component of the project is expected to have the greatest social impact at a local level by including small farmers in oil palm production. As the quoted farmer pointed out above, oil palm is portrayed as the crop of the future, of the modern agriculture. Many enthusiastic farmers associate oil palm with the possibility to pay for their children's school fees, the construction of permanent housing, the opportunity to open a small shop, and even buy a car. As a bottom line, oil palm provides a stable source of cash income.

The yield per hectare varies according to the age of the palms and the use of inputs. According to the

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[175] The KDLG is still allocating former public land to farmers also in other islands, in plots of 7 acres per person.
[176] Even though the public-private company is called OPUL, people often refer to it as BIDCO that has a share in OPUL's capital.
[177] OPUL employs 3,362 people in the plantations, 19% of which are women, 95 people work in the factory and the female percentage here is 12%.

MAAIF,[178] in a field planted with young oil palms (1-4 years) and low input use, the yield is around 6 tonnes/ha. Oil palms become more productive in the later stages of their life, reaching the highest rate production when they are between 11 and 20 years old. At this point the yield can exceed 80 tonnes/ha. The use of improved inputs, as chemical fertilizer instead of manure, can provide an even higher yield: from 22 to 400 tonnes/ha for oil palms that are 1-4 and 11-20 years old respectively.

Therefore, the benefits that farmers can generate from selling ffb depend on the age of the palm, the use of chemical inputs, and naturally the size of the area cultivated. A survey conducted in 2010 shows that 48% of the smallholder farmers allocated between 1 and 4 ha to oil palm production, 23.8% allocated up to 4 ha, and 28.2% more than 4 ha.[179] To contextualize the income generated by oil palms, farmers that participated in a focus group discussion were asked to rank the wealth of people living in Kalangala. They identified at the highest level a monthly income per person of 1 million UGX (USD 403), which could be earned by a fisherman or a farmer with 2,8 ha of oil palm. Yet, access to this "miracle" crop is shaped by coexisting mechanisms that range from the definition of land use rights to the market features, but they also include the possibility to rely to social networks and influential social norms that shape the gender division of labor.

As mentioned above, the KOPGT relaxed the initial requirement for the registration as an oil palm grower. In the absence of a land title or a certificate of occupancy,[180] a letter from the Local Council and five witnesses are sufficient to attest tenancy by occupancy if the landowner did not reclaim the land. This change shows how the definition of land property was reformed to include more beneficiaries in the smallholder component of the project.

From a gender perspective, this mechanism facilitated women's inclusion in the project, but it affected those women that worked on family land registered in the husband's name. Given that the KOPGT accepted only one farmer per plot, women had to either register with their own land, or negotiate for a portion of family land.

In 2012, 35% of the farmers registered in KOPGT are women.[181] This percentage clearly reflects the opportunity women have had to actively engage in oil palm production. In the eyes of IFAD, the project met the target of involving at least 30% of women. The male/female sex ratio of the District is 150:100. Therefore this target is considered high, given the demographic distribution of the island. Nevertheless, the strong male prevalence in Kalangala is mostly due to positive net migration, meaning that most of the men living in Kalangala do not live within permanent and settled households. Thus, inequalities still exist if we consider that among the permanent households family land was not shared equally among men and women.

Being property only one of the factors that influence the ability to benefit from oil palm in Kalangala, it is important to consider other influential power strands that are embedded in social, economic, and cultural relations. Some of these mechanisms are tangible, as is the case with access to technology, capital, markets and job opportunities, while others belong to the intangible spheres of identity, knowledge, and authority.

The gender division of tasks within smallholder famers' families confirms findings from previous gender analyses of oil palm production.[182] Within the farming production activities, women and men often engage together in agricultural production, yet the distribution of tasks is different. Kalangala

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[178] MAAIF (2006), Oil Palm Baseline Survey Final Report. Kampala, Uganda: Ministry of Agriculture, Animal Industry & Fisheries

[179] Masaba, Connie Magomu (2011), "The Effects of Public---Private Partnerships (Ppps) on Smallholder Farmers Households' Income: A Case Study of the Oil Palm Project in Kalangala District, Uganda." Eastern and Southern Africa Management Institute (ESAMI)

[180] The Land Act of 1998 requires tenants to register at the land office. The responsibility for the registration is on the landowners, but this obligation was only implemented in 2012 alongside the issuing of the first certificates of occupancy.

[181] This is the only available figure about the quantity of women that own a plot of land suitable for oil palm production. No data are available about the size of the land owned by these women, neither their male counterparts. In 2009, the average size of smallholders' plot, regardless their gender, was 3,5 ha (IFAD 2011).

[182] White, Julia, Ben White (2012), "Gendered Experiences of Dispossession: Oil Palm Expansion in a Dayak Hibun Community in West Kalimantan." Journal of Peasant Studies 39.3-4 : 995-1016

women are in charge of crops that feed the family, but if a surplus is generated the men are generally responsible for selling it at the market. Oil palm differs because men perform more tasks in the cultivation of this crop.

The division of tasks is influenced by the social perceptions about what women and men can and cannot do. In the case of oil palm, there are tasks that are perceived as not suitable for women. In particular, women are considered not strong enough for clearing forestland, spraying pesticides, pruning the palms, harvesting and transport the ffb. As an example of the reasons given to explain this division, farmers (men and women) agreed that harvesting is too physically strenuous for women. An ffb from a fully productive palm can weigh up to 30-35 kg. Moreover, they are covered by prickles, and are carried on the shoulders from the field to the nearest collection point by the road. This is considered a men's task, while women engage in the collection of loose fruits that fall from the ffb. Loose fruits are normally collected in bags that can weight up to 40 kg, and that are then carried to the streets. The transport of the bags represents the main obstacle for some female smallholders, but many of them manage to engage in this activity successfully, often with the support of the children present in the house. The Table below shows the gender division of labor as described by the participants in the focus group discussion.

Table 1: Gender Division of Labour in oil palm production in the household.[183]

	MAN	WOMAN	BOYS	GIRLS
TASK		**% of time spent**		
Selecting the field	75	25		
Clearing the land	70	10	20	
Lining the holes	80		20	
Planting seedlings	45	25	15	15
Removing weeds	50	25	15	10
Spreading manure	40	30	15	15
Spraying pesticides	60		40	
Pruning the palms	70		30	
Harvesting ffb	80		20	
Harvesting loose fruits		70		30
Transport ing the harvest to the road	80		20	
Mean over total production	**59**	**17**	**18**	**6**
Selling	70	30		

A crucial mechanism that determines the possibility to be a smallholder grower is access to credit provided by the KOPGT. Oil palms take 3-4 years to become productive, and they require constant maintenance to be sure that the palms will grow correctly. In addition, oil palms have been planted on former forestland. Therefore, for many farmers, land clearance represented an important initial cost to planting oil palms.

The KOPGT manages a fund financed by IFAD to provide loans to farmers that need support in this initial phase of their investment. The loan scheme provides an "advance" to farmers, during the first 4 years of oil palm's life. This enables farmers to pay for family or external labor, and it can also take the form of in-kind contributions (seedlings, fertilizers, and seeds for cover crops).[184][185] Thus, KOPGT's loans aim to support farmers that already have access rights over land. Through the loans, farmers can maintain the access to their arable land, by planting a perennial crop like oil palm. Planting perennial crop enforces the rights over the land: it is a way to maintain access to land.

The loan scheme does not foresee any more credit disbursement to buy land, or to secure a land title, since this was possible only at the early stage of the project. This provision could have facilitated the participation of women that did not manage to buy their own land, or to negotiate part of the family land. Nevertheless, some (female and male) farmers made strategic use of the loans, for instance applying for land clearance even if the land was not covered by forest, or getting financial support to pay external laborers, even though they only employed family labor. By doing so, they could afford to buy an extra *kibanja* from the previous tenants. This practice increased their access to land, but their tenure security still relayed on the willingness of the landowner to cooperate on providing a certificate of occupancy.

[183] Source: primary data
[184] IFAD (2011), *Republic of Uganda Vegetable Oil Development Project. Interim Evaluation*
[185] The interest rate applied to the loan is 10%, and farmers start repaying it with their harvest, from which a quota of 33% of the ffb sale is deducted (EI.V). The loans are guaranteed by oil palms that serve as collateral instead than the land (ibid.). In March 2012, the loan portfolio amounted to almost 8 billion UGX (2.500.000 €), with an average loan of 11.729.000 UGX (3.710 €) (KOPGT 2012).

Among the factors that influenced each individual's bargaining power, and consequently his/her ability to access land through negotiations, is support networks.[186] Traditional networks include family and kinship, but powerful relations can also be established among political networks. Farmers that were aware of the opportunity to lease out former public land managed to capitalize upon this opportunity because of their relations with the District Land Board and their quick action. This opportunity was not publicized to the landless, and given the limited amount of land available, only a few people could benefited, mostly men.[187]

The rights-based, structural, and relational mechanisms outlined above represent the power strands that one individual can draw on to enjoy the benefits generated by oil palms. They are not mutually exclusive and they can coexist in a multi-layered form. The ability to pull one or more strands of the power web is influenced by one's status in the community, including their gender identity, and one's position in the market and State arenas. However, gender plays a crucial role in the sharing of benefits at the household level, posing challenges for equality at a micro level.

Bargaining power relations
Focusing now on the negotiations that took place in households between married (or cohabiting) couples, the analysis reveals that the equal benefit sharing is strongly determined by the ability to bargain within the relationship. Here the intertwined processes taking place in the community, market and State influence the division of benefits. As a matter of fact, in the smallholder scheme, the possibility to register only one farmer in the KOPGT encouraged the division of land among family members. Therefore, for a gendered analysis of land access in Kalangala, marriage and cohabitation are the most relevant factors within which to observe, and to analyze bargaining power relations.

It has been already established that this analysis moves from the critique of a unitary view of the household, but it rather privileges a bargaining model, where different combinations of cooperation and negotiation can take place. In analyzing bargaining relations among married Kalangalan couples, the fall-back position is an important determinant of one's bargaining power. Rationally, cooperation is fostered until the involved parties benefit from it more than they would benefit from non-cooperation.[188] Nevertheless, the possibility to break the marriage and run a life individually is often just not feasible, for economic, social and cultural reasons. Thus, the divorce option is not considered a credible threat for every day decisions, nor is it a privileged sign of autonomy. People may rather stay in the marriage and develop "separate spheres", for instance in the division of labor.[189]

Hence, the following analysis of the negotiations will focus on participation in the decision-making process in the household. In addition, the outcome of such negotiations is analyzed to evaluate whether the introduction of oil palm reinforces the existing inequalities, or if it challenges them.

The negotiations need to be understood within the specific stories of individuals and couples. Therefore, selected stories will be described and discussed, to represent the diversity of relational patterns observed among the respondents. It is important to point out that the high presence of de facto polygamy in Kalangala. Even if the majority of the population follows the Christian religion, it is a common practice to have more than one wife. Normally, the man has an official wife, who he has married in Church, and a second one living in another house.

In the study, couples have been considered married also when they just cohabit, since they establish a permanent union by living under the same roof.[190] In the analysis of household bargaining power, the focus is on the relationship between one man and one woman. However, the presence of a second

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[186] Agarwal, B. (1997),''Bargaining'' and Gender Relations: Within and Beyond the Household." *Feminist Economics* 3.1: 1-51
[187] Even though the complete list of people that leased the land is not available the respondents that managed to lease the former public land were men and they pointed out that very little women seized this opportunity
[188] Agarwal, B. (1997),"''Bargaining'' and Gender Relations: Within and Beyond the Household." Feminist Economics 3.1: 1-51
[189] Lundberg, S.R.A.Pollak (1993). "Separate Spheres Bargaining and the Marriage Market." Journal of Political Economy: 988-1010
[190] The terms household and family are used interchangeably, referring to the relations that hinge an adult couple that lives under the same roof.

wife is taken into account, because it represents an importance feature for the negotiations and resource sharing.

The following paragraphs tell the story of three selected couples. All experienced the introduction of oil palm yet their household conditions and patterns of cohabitation do vary. Nevertheless, their stories are representative of the changes that women and men have experienced in their daily lives in Kalangala. The stories reported have been made as true to the respondents' narrative as much as possible. Therefore, comments and analysis are outlined in separate paragraphs.

Joseph and Evelyn
Joseph was born in Masaka (on the mainland) in 1961. In 1982 he moved to Kalangala where he met his first wife. He has always worked as a timber cutter. In 1997 he separated from his first wife in Kalangala, and he received 1,2 ha of land in exchange for the house where he was living with his wife. When he acquired the land, he was considering returning to Masaka, his ancestral land, but he kept the land in Kalangala. Even though he left the land uncultivated, he considered it a good opportunity for future investments as farmers had already started planting oil palm trial gardens. He felt that the land would have increased its value.

Back in Masaka, he met a woman with whom he had a daughter. He returned to Kalangala after a couple of years, left his wife and daughter in Masaka living on his ancestral ground and met Evelyn, his actual cohabitant woman. In 2006, he started growing oil palm on the 3 ha of land, and in 2007 he bought 2 more ha to expand his production. He recently bought an additional half ha so he could be buried in Kalangala, as he now feels that he belongs to the island.

Joseph believes that women only have a limited role in oil palm production. In the production of oil palm on his lands, he takes decisions in an autonomous way, with very little involvement of Evelyn.

Evelyn's story starts in Kalangala, where she was born in 1982, and where she completed her primary schooling. Later she studied in Masaka for three years to become a tailor. She tried to start her own business in Masaka, with the support of her mother who rented her a sewing machine. In Kalangala Evelyn used to live with her grandfather, who one day summoned her to the island and never let her return to the mainland, as he believed Evelyn belonged to the island, and his father's land.[191] In going back to Kalangala, Evelyn lost the money that she had invested with a friend to start up her own business as a tailor.

She met Joseph in Bugala, and she soon fell pregnant. She stayed at her grandmother's place until the birth of the child, and then she moved in with Joseph. Since then they have lived in a semi-permanent house, shared with other families. Later they had another girl, still living in the same conditions. Housing is Evelyn's biggest concern as she would prefer a permanent home for her family, but she has not been able to convince Joseph to build a house. When Joseph was in a position financially to build a house he decided instead to buy additional land to grow oil palm, and for his burial ground. Evelyn hopes that on the same land there would also be space for a house, but she is not sure about it.

Evelyn takes care of the two children and she cultivates a small portion of Joseph's land with bananas. She has a small trade stall to sell the bananas in a very remote area, with few customers. She often asks Joseph for support to improve her trade, but he does not contribute to her business. On the contrary, he sometimes asks for soft loans from Evelyn that he does not pay back. Evelyn also wanted to go back to her tailoring profession, and she needed some money to buy, or rent, a sewing machine, but again she was unable to negotiate for this with her husband. She feels powerless in her household's decision-making process, which is dominated by Joseph. According to her, things have not improved since he started growing oil palms. She does not even know how much land Joseph purchased and she can only guess how much money he generates from the oil palms based on the amount over famers make in the area.

Joseph has the clear perception that his cash income has increased. Nevertheless, his family does not

[191] In Buganda the children belong to the father, and if the parents separate they stay on the father's land, so it is very common that grandparents raise them

benefit from it. Evelyn struggles alone to provide decent food and clothing for her children. One of the reasons their conditions are not improving as a family is because of Joseph's new relationship with another woman. According to Evelyn, he spends all his money with her so very little is left for his family.

For Evelyn, oil palm has not brought any change in her life or her children's. She hopes for a permanent house, but it seems unlikely. Joseph's increased cash income from the oil palms makes the negotiations between the two even more strained, according to Evelyn. She believes he now feels as though he can do whatever he wants, even taking another woman.

Reinforcing inequalities
The story of Joseph and Evelyn shows how increasing cash income can reinforce existing inequalities within the household without contributing to the improvement of all the family members. Before engaging in oil palm production Joseph had control over the majority of the household's, assets. He believes oil palm has brought many benefits while his wife, Evelyn, has seen little improvement in her and her children lives.

Focusing on land access, Joseph's advantageous position in terms of assets under his control gave him greater household bargaining power. This enabled him to buy, acquire, or inherit land in the first place. Family land is traditionally passed down via the males and it is up to them whether it is shared with his wife. The power to decide about land use and land control gives Joseph's stronger role in decision-making within the household. For instance, he does not involve the wife on his decisions, and he does not take into account Evelyn needs or aspiration when it comes to decide the allocation of resources. In addition, Joseph can enjoy the short-term benefits derived by the clearance of forests, since he was engaged in activities connected to the exploitation of forestry products.

An element that plays an important role in the negotiation is the presence of a second wife. This influences the share of resources between man and wife. Indeed, Joseph considers the cash income generated by oil palms an individual benefit, an additional means to fulfill his needs, without taking into account those of his family.

In Buganda, masculinity is measured also by the number of children that a man has. Thus, polygamy often represents a strategic behavior to achieve a higher number of children. Increased income accelerates and facilitates this process , which is already embedded in the local culture.

In terms of outcomes related to household decisions, Evelyn is unable to secure a plot in her name to cultivate oil palm, nor improve her family's living conditions. Her lack of involvement the production of oil palm means that she must negotiate with her husband to try and benefit from any of the increase cash income. Not only do the negotiations over land constitute a negative outcome for her, but their story also illustrates how little influence she has in strategic household decisions. Her partner, Joseph, fails to acknowledge her, and her children's priorities.

Moreover, Evelyn's working position outside the family is very weak. She ceased her off-farm activities before getting married, which makes her fall-back position much more vulnerable than her husbands, and she is unable to raise cash for her small trade business to significant level. Employment that provides a stable wage could provide Evelyn with a means to build up her individual assets, in order to improve their actual condition, or in case of breakage of the marriage. In Evelyn's case, access to job opportunities is not prevented by the gender division of labor in the desired job, but by her total commitment towards reproductive tasks. Moreover, her lack of access to credit to develop her business represents a major obstacle. Looking at her capacity to influence strategic decisions, it is possible to imagine a similar weakness in negotiating an equal share of benefits derived by oil palms. Indeed, she faces a man with increased economic power, and she manages to enjoy a very little share of the gains.

Like other *basese* women, Evelyn lives in area that attracts men. This makes it more likely for her to remain nearby the family of origin. On the contrary, women in Buganda traditionally leave their family to follow the husband and to live on his land. As experienced by other older women, the burden of care-related activities it is likely to increase in the near future, since women add to the reproductive tasks of their own family the care of the elder members of the family (mostly the parents). In the traditional family structure, the old parents move to one of their children's house (often one of the daughters'). However, the demographic changes occurring in Kalangala put basese women in a difficult position taking care of their own children and their elderly parents, as this requires taking care of two households. This increased burden of work represents an additional constraint to engaging in commercial agriculture.

Tom and Annet
Tom is 42 years old, and he has two wives, although he did not formally marry either of them. He is a musese and when he was younger, he worked as a fisherman. He recalls these times as the period when he was the poorest. Annet is originally from the mainland, and she moved to Kalangala when she went cohabiting with Tom. They had five children together, which is considered a small number in Buganda, but Annet wanted to emulate the educated people, so she decided not to have more.

Annet has always been in charge of growing food crops for the family. She would manage the 0,8 ha of family land in order to feed the family and would sell the surplus at the market. Even though the land was in Tom's name, she had full control of it while the husband was fishing. With the surplus generated on this land, she bought her own land to grow a variety of bananas that is used to brew local alcohol.

Tom started planting oil palm in 2007. At that time land was very inexpensive. He bought a *kibanja* on 4 ha for 700,000 UGX (221€/282$). All the land is in his name, and the oldest son is the next of kin, so he will inherit this land. Yet Tom considers this land as joint family land. He works in the oil palm gardens with his second wife, claiming that Annet is not interested in oil palms. He also thinks that women are too weak to grow oil palm alone.

Annet has a very different perception. She thinks that when her husband started growing oil palm, and his cash income increased, he was spending the additional money to meet his own needs, and to take another wife. She refused to share the house with Tom's second wife and demanded that he still take care of the children, which he does by paying their school fees. In addition, Tom built a brick house for Annet and the children they had together. She decided however, to buy her own land to increase her independence. Recently her bananas were infected with a disease that affected the production, so in 2012 she switched to oil palms.

Annet is aware that her relationship with Tom could be broken and they would go on to lead separate lives. She was however, very clear with Tom: if he wants to break the "marriage", she will stay in the house with the children.

Challenging gender roles
The household just described shows that there are changes taking place in Kalangala, with regards to access to arable land within the marriage. Annet had a weak starting in the household decision---making process in comparison to Tom if we consider asset ownership. Yet, she was able to build up more independence has she gained control over arable land. She could decide what to grow on the land, and take control over the income generated by selling surplus food crops. Her successful negotiations have given her the possibility to engage in oil palm production.

The story of Annet demonstrates that she already had power over an important arena of decision--making in the household, namely family planning. Even if Annet had to accept Tom's decision to take another wife, she could impose her conditions on the arrangement. For instance, the fact that she would stay in the house with the children, and Tom would provide a good education for them.

Even though the relationship is not satisfactory, Annet and Tom did not dissolve the union, and they have developed separate spheres of autonomy. Their livelihood strategy considers the marriage instrumental to safeguard the children wellbeing, but the two adults developed individual economic activities, even though the woman built her asset thanks to the control of joint family land.

Constantine and Florence
Constantine and Grace met on the mainland, even though Constantine is a musese. Grace had a previous husband that died, and when she met Constantine she moved to Kalangala. Constantine already had 7 children from his previous marriage, while Grace had 4. Together they had girl. Grace is

a teacher, and she works as a headmaster in a school in Kalangala, while Constantine has always been engaged in farming activities. Most of their children are grown up, and only the youngest daughter lives with them, while the others are married or attending school in Kampala. Initially Constantine used to grow coffee on 4 ha of land, and he started in 2007 to grow oil palm on 1,5 ha. After several acquisitions, the family now has 19 ha planted with oil palms, 3,5 ha for coffee, and 1,2 ha for food crops. Constantine also managed to acquire former public land from the District Land Board. It was too late when Grace knew about this opportunity so she could not acquire any land for herself.

Nevertheless, they bought together a *kibanja* of 3 ha but put it in Grace's name so that she could register with the KOPGT. Thus, she has 3 ha of oil palms on her name. Constantine kept 8 ha in his name, and gave 0,8 ha each to his three eldest sons. Some land was also given to Grace's older sons (1,5) and to the young girl they had together (2 ha).

According to Grace, the negotiations were more difficult when Constantine used to grow coffee. Now she can access the bank account that KOPGT opened in her name to enable her to manage their loan repayments. The bank accounts are accessible only by the person registered at KOPGT. Therefore, this facilitates Grace's access to the money. Within the household every potential outlay or expense is discussed before it is committed too. Thanks to oil palms, they can afford a car, a small shop, and university fees for the older children.

Constantine is a Christian Catholic and he does not want to have a second wife, he thinks that polygamy is against the Christian faith. He believes that women can engage successfully in oil palm production. Being a block representative, he saw many women achieving good results.

Grace manages to balance her work in the garden, at the school, and at home, and relies on hired workers for the oil palm gardens. She is very busy during the school holidays, because this is when she personally works in the gardens. Notably, they also kept part of their land as forestland to generate firewood to fuel cooking in their home. This is a considerable advantage for her household as she is regularly exposed to the school's difficulties in securing firewood as they have no land and fences prevent the collection of firewood from the neighboring plots.

Emerging Agricultural entrepreneurs
Constantine and Grace's story is characterized by a successful negotiation of the benefits derived from oil palms. This is no doubt contributable to Grace's pre-existing status in the community as a headmaster, which reinforces her bargaining power in the household. When comparing Grace and Constantine however, Constantine has stronger access to political networks, which enabled him to lease former public land. Nevertheless, Grace's bargaining power allowed her to have common land registered on her name, which is now in her full control meaning that she can benefit from the income generated by it.

Moreover, the household has a high level of diversification among its income sources. Oil palms do not represent the only source of income, and this relaxes the competition over control of this resource. One more factor that makes the negotiations less conflicting is the absence of a second wife. Thus, the sharing of resources takes place in a less clashing way, with an outcome that benefits Grace and Constantine both.

Grace and Constantine started with relatively equal bargaining power before the introduction of oil palm in comparison to other couples in their community. Grace held off---farm employment and the family held considerable arable land assets. For households like this, growing oil palm can represent an opportunity to scale up the existing farming practices, and to engage successfully in commercial agriculture.

Conclusions
This paper has discussed two competing discourses framing the Kalangala oil palm project that oppose the stories of successful farmers engaged in commercial agricultural activities to the narrative of expropriation of arable land for the indigenous people of Kalangala. The perspective adopted in the present discussion focuses on the distribution of benefits generated by oil palm production and the risk to increment inequalities within the community and the households, especially from a gender perspective.

This research states the need to identify the nuanced outcome generated by oil palm expansion along gender relations. Yet men and women are distinguished in Kalangala by their social status in the community, which determines their ability to play influential roles in the market and the State. Thus, gender identity intermingles with social identity, and it plays a crucial role in intra---household negotiations.

At first, the Kalangala oil palm project was been portrayed with a strong pro-poor focus and was perceived by the local communities as an opportunity to improve and secure access to land, and engage in wage opportunities in the plantations. Once initiated the project shifted focus to the interests of OPUL, its wish to secure 6,500 ha of oil palm plantations that was driven by a monopolistic transformation model. In addition, oil palm expansion caused a severe decrease in forestland coverage, affecting women and men that relied on forest products for their livelihoods.

The Government of Uganda identifies the main advantages of the project, and oil palm production, as:

- Development of Kalangala
- Job creation
- Involvement of small-scale farmers in a co-production scheme.

This paper however, questions whether such the project, and oil palm production more broadly, brought equal benefits to the local population. As the findings show, this paper asserts that the project actually produced negative effects that are particularly more harmful for the most vulnerable sub-groups of Kalangala communities.

The work in the plantations is attracting mainly men from the poorest area of the country, with little benefit for basese man and women that do not consider it a viable alternative. It has reinforced gender divisions in the Kalangala economy, which was previously driven by fishing activity that was male dominated, and it failed to introduce a less gender biased off-farm alternative forms of employment for women.

Potentially, opportunities to secure salaried employment could have represented an important outcome for the poorest women in Kalangala, especially those with limited access to arable land. Strong gender division in the labor force and the lack of specific gender provisions in recruiting and organizing workers however, has left women with wages that are not even above the poverty line. On the other hand, the possibility to engage in the smallholder scheme is determined by the several multi-layered mechanisms that shape individual access to land. These range from rights---based mechanisms that define legal and illegal access to land to relational mechanisms shaped around power relations, and influenced by people's access to political and social networks. These mechanisms are not gender neutral.

Indeed, patterns of land control shifted considerably after the introduction of oil palm: privatization characterized the allocation of former public land to a private firm, therefore removing a resource that used to be at the disposal of the community. The acquisition process carried out by the Land Task Force increased the concentration of land ownership in Kalangala and has resulted in 1/3 of the island's territory now being controlled by a one actor. In addition, the introduction of commercial agriculture over a large part of the island caused a dramatic appreciation in land prices, consequently further marginalizing the poor who can no longer afford to acquire land.

This new form of enclosure came along with an increasing formalization of land ownership. To be engaged in oil palm production as a smallholder, the project required the individuals to prove legitimate control over land. Several bibanja formalized their status, at least with verbal agreement with their landowners. From a gender perspective however, this caused an individualization of family land, a process that had positive and negative effects on women's empowerment, depending on their negotiating power within the household. Even though women in Kalangala have formal land rights, they still face several constraints in accessing arable land, because of limited control over family income, and their relative weakness in addressing authority and political circles vis-à-vis with men. Therefore, they rely predominantly on intra-household negotiations. A woman's social status in the community however, also influences their capacity to negotiate with their husbands.

When looking at intra-household negotiations, three outcomes can be surmised:

- Among couples where the relationship is already characterized by strong inequality, in terms of asset ownership (especially arable land), and participation in household decision-making processes, the introduction of oil palm is likely to reinforce these inequalities, limiting women's potential to enjoy the benefits generated by the new crop;
- Other couples developed separate spheres of autonomy, managing to build individual assets within the family pooled resources. Within these households, women are challenging the traditional division of labor, and oil palms can support their increased autonomy;
- A new group of male and female commercial farmers has also emerging in Kalangala. They built on assets previously gained, and they benefited from the proximity to political circles. A cooperative model prevails within these households, allowing a more equitable distribution of benefits between men and women.

The analysis elaborated in this research shows that the effects of oil palm expansion on local communities are much more multi-faceted than the positive versus negative scenarios depicted by the two prevailing narratives. The determination of a positive outcome is influenced by one's ability to access political networks, previous asset ownership (especially arable land). For women, strong bargaining power within the household can determine a share of family land on their name. In this case, oil palm can represent an empowering opportunity.

On the other hand, marginalization increased among the landless and those women that do not manage to share the benefits generated by oil palm, because of their weak position in the community, the excessive burden of work in the household and the weak bargaining position vis-à-vis their husbands.

The adoption of a framework of analysis that combines the categories of access theory with the more recent concepts of shifting land control allows the introduction of a dynamic approach, and the evaluation of the changes initiated by large-scale land deals. Moreover, the framework has been engendered, something that has previously been overlooked in literature on land grabbing.

The challenges posed by this combined framework lay on the coexistence of different levels of analysis that go from the political and economic context to the household. This can compromise the detailed breakdown of each level, and it probably represents an obstacle to clearly locate the contribution of the study within a debate that concentrates on the impact on local communities, and the analysis of the processes of agrarian change at national, regional and global level. Nevertheless, the choice of a gender sensitive approach justifies the adoption of the household as privileged unit of analysis, but it requires the understanding of the surrounding socio-economic context where gender relations take place. The adopted framework enables this research to move between these different levels of analysis.

Given the limitations of the present study, this research wishes to stimulate further investigation over the disaggregated effects of oil palm expansion in Kalangala, and on the gendered impact of land deals in Uganda. For instance, moving from the insights provided by the present research, a study that quantifies the disaggregated gains and inequalities introduced by oil palm expansion would be valuable. Further research could also contribute to understanding more comprehensively the potential of commercial agriculture in creating equitable development that does not leave behind marginalized rural men and women.

Annex: Local realities as reported by NAPE

The Kalangala project is being promoted as a poverty-reducing endeavour, yet according to local and international NGOs it is causing displacement of people, food insecurity, water pollution and deforestation. The Ugandan NGO NAPE reports that in Uganda the seemingly good practices seem to have been suppressed by the local dynamics in the country where political interference, corruption, violation of human rights and poor implementation of laws is rife. The environmental and social assessments emphasised positive outcomes while downplaying the project's potential negative social and environmental impacts. NAPE has studied the results of the palm oil production on the island. In Uganda's Vegetable Oil Development Project land, environmental, livelihood and food sovereignty issues are sidelined. Local communities lost their sources of livelihood. Interviews with local people reveal that a large number of families in Kalangala are today poorer than they were before the coming of the project.[192] About 25 families (150 people) lost land to the company and their income has been gravely affected. According to NAPE and Friends of the Earth International.[193]

Legal issues:

- EIAs: While public hearings for the project were organized, they took the form of public rallies and did not provide for constructive engagement and debate on the benefits and the impacts of the project. The EIA was not translated into a language the local communities can understand.
- No Free and Prior Informed Consent of the project affected persons was sought. Affected communities were informed about the project, but were not consulted, did not participate in decision making, and never gave formal consent.
- Monitoring and Evaluation of compliance to regulations were not adequately carried out.

Land rights:

- Displacement of families without or with inadequate compensation. More than 20 families have registered complaints.
- Some small holders said that they were effectively forced to sell land they owned after planting oil palm because they were not able to pay for the fertiliser and other inputs needed. With no income from the oil palm, and no land for growing food, they faced little option but to sell.[194]
- The report by NAPE and FOEI shows how due to lack of constitutional protections, with the defunct land tribunals, the communities continue to lose land.

Environmental impact:

- Deforestaton, soil degradation, loss of biodiversity, pollution of community water sources.
- Extensive use of agrochemicals in the oil palm plantation. They end up in the lake and affect the marine ecosystem, especially fish species on which communities have depended for ages.
- No bufferzone protection.

Food security and communty income:

- Low income due to low wages in the plantations (outside laborers taking jobs and low farm prices).
- Over-fishing with large scale commercial methods due to inmigration and population growth.
- The project has worsened food insecurity as the residents who used to grow beans, yams, maize, among other crops, for cash and sale to neighboring islands now have to import everything.
- The costs of running a small farm are very high, yet the benefits are low. Reasons are that farm inputs are expensive and farmers have a bad bargaining position in the market: they do not have alternative markets for their produce when the prices are low, or the traders collect their produce too late (quality loss). In addition, the farmers do not have an influence on the pricing of their produce and they are loaned farm inputs at very high costs. Around 50 out-grower farmers have had to sell off their oil palm plots.

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[192] For videos with testimonies of local people see http://www.foei.org/journalistic-resources/uganda-plantations/uganda-watch-these-short-personal-and-moving-testimonies-by-people-affected-by-wilmars-plantations-on-kalangala/

[193] Friends of the Earth International, 2012. Land, Life and Justice. How land grabbing in Uganda is affecting the environment, livelihoods and food sovereignty of communities

[194] http://www.independent.co.ug/cover-story/5725-world-bank-under-attack-for-aiding-land-grabs-in-uganda

The case of the Tana delta irrigation project, Kenya

By Violet Matiru Millennium Community Development Initiatives (MCDI) & Halinishi Yusuf, Environment Liaison Centre International (ELCI), November 2014

Introduction
The Tana Delta Irrigation Project (TDIP) is an initiative of the Tana and Athi River Development Authority (TARDA), a state corporation under the Ministry of Environment, Water and Natural Resources (MEWNR). Following a feasibility study that was funded by the Dutch government, the development of the TDIP started in 1990 with a bilateral loan from the Japanese government.

Almost immediately after construction was completed, the TDIP suffered extensive damage during the El Níno floods of 1997. The Government of Kenya has been providing TARDA with resources to repair the damage through the Economic Stimulus Programme for Food Security. More recently, TARAD has sent out Expression of Interest (EOI) advertisements inviting investors to participate in the TDIP.

The Government of Kenya has also initiated other irrigation schemes, such as the Galana/Kulula Food Security Project between the Athi and the Tana Rivers through a Public-Private Partnership agreement signed in 2014 between National Irrigation Board and Green Arava (GA), a fresh produce company from Israel.

Country context
Kenya is a medium-sized country on the eastern coast of Africa with an area of 582,600 km2 (compared to the Netherlands at 41,526km2)[195] and a total population of about 40 million (38.6 million in 2010 and projected to be 60 million in 2030).[196] About 80% of the total land area of Kenya is classified as arid and semi-arid (ASAL).

As indicated in Figure 1, there are regional imbalances in water availability and utilization, with areas at the coast, central highland areas and around Lake Victoria having relatively better water access. Distribution and access are significant issues in Kenya, which is defined as a water scarce country.[197] Despite plenty of water sources, the central and western parts of the country are classified as "moderately stressed" by the Ministry of Environment, Water and Natural Resources (MEWNR). The recent discovery of a large aquifer in Turkana County[198] in the arid northern part of the country further emphasizes the challenges the country faces in terms of access rather than availability.

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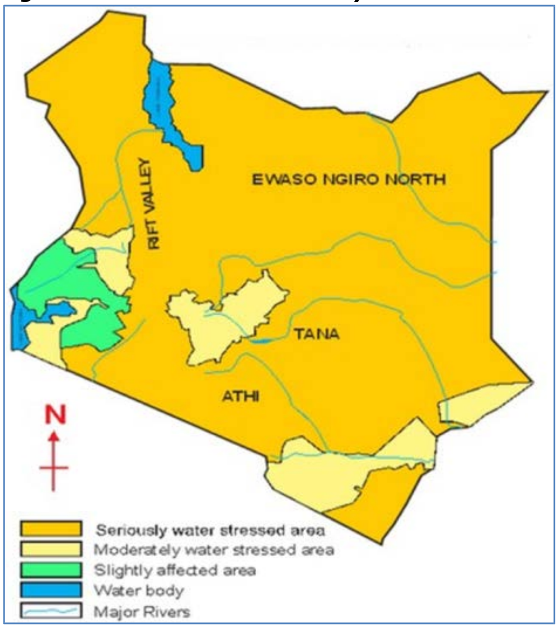
[195] http://www.worldatlas.com/aatlas/populations/ctyareal.htm
[196] Kenya National Bureau of Statistics (2010): *Kenya: 2009 Population and Housing Census*.
[197] The United Nation's recommendation of minimum 1,000 m3 with Kenya's status of renewable fresh water per capita of 647 m3
[198] In 2013, the government announced that a huge underground aquifer, covering 4,164 km2 and holding 200 billion m3 of freshwater had been discovered in Turkana County.

Figure 6: Water Situation in Kenya



About half of Kenya's estimated 38.5 million people are poor, and some 7.5 million people live in extreme poverty, while over 10 million people suffer from chronic food insecurity and poor nutrition. In recent years, it is estimated that at any one time about two million people require assistance to access food. During periods of drought, heavy rains and/or floods, the number of people in need could double. The recent government strategies have yielded some positive results in that in 2006, absolute poor were reduced from 56% to 46% of the population. However, in ASALS, the poverty incidence has been on the rise rather than decline.[199]

The threat of starvation continues to loom large over a significant number of Kenyans, especially when there is drought. For example, in August 2014, the government announced that 1.5 million Kenyans were facing the threat of starvation mainly in the ASAL areas including the Tana River County with the leaders urging the national and county governments to invest heavily in irrigation.[200]

In Kenya, agriculture is the pillar of the country's economy, accounting for approximately 30% of the Gross Domestic Product (GDP), 60% of income from exports (mainly coffee and tea) and 75% of the working population. The agriculture sector has been identified in Vision 2030 as one of the key drivers through which the envisaged target of 10% annual economic growth rate will be achieved.[201] Vision 2030 is the national government's development blueprint that sets out the strategies and priorities that will transform Kenya into a middle-income country by the year 2030.

In accordance with the National Food Policy developed in 1981, the Kenyan government made efforts to increase the production of maize, wheat, rice and other foodstuffs and attaining self- sufficiency in terms of food became one of its core development plans. In its Sixth Development Plan (1989-1993), the government positioned the development of irrigated agricultural land for the production of rice and other cereals as a priority, in addition to increasing agricultural productivity through improvement of methods, creation of high-yield rice varieties, mechanization and other measures. Although the principal food for Kenyans is maize, preference for rice has grown with changes in eating habits, especially in urban areas. In 1989, approximately 59% of the 43,000 tons of rice that was consumed in the country was domestically produced with the remaining being imported. Further, the supply-demand gap was expected to increase with the rapid growth in the urban population.

The Tana Basin

The Tana River with its total length of about 1000 km is the most important river in Kenya. The catchment area covers about 95,000 square kilometers (which equals to about a sixth of the nation) can be divided into three physiographical areas[202]:

1. The upper catchment area (9,300 km2) upstream of Kamburu, with altitudes above 1,000m.

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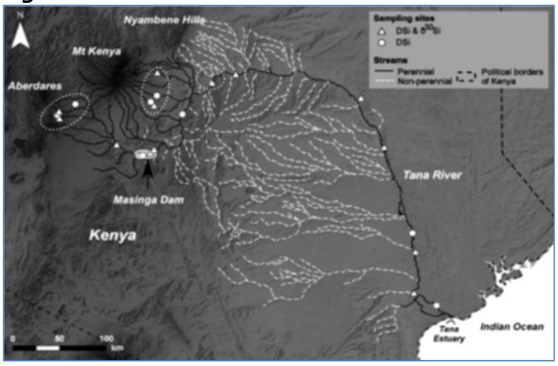
[199] Republic of Kenya (2011) "National Food and Nutrition Security Policy" Agricultural Sector Coordination Unit (ASCU). Nairobi.
[200] http://www.capitalfm.co.ke/news/2014/08/1-5mn-kenyans-facing-starvation-threat/
[201] Ministry of Agriculture, Livestock and Fisheries (2014)
[202] Haskoning Royal Dutch Consulting Engineers and Architects (1982) *"Feasibility Study of the Tana Delta Irrigation Project"*

2. The middle catchment area (15,700 km2) between Kamburu and Kora Rapids, with altitudes between 200 and 1,000m.
3. The lower catchment area (70,000 km2) downstream of Kora rapids, with altitudes below 200m.

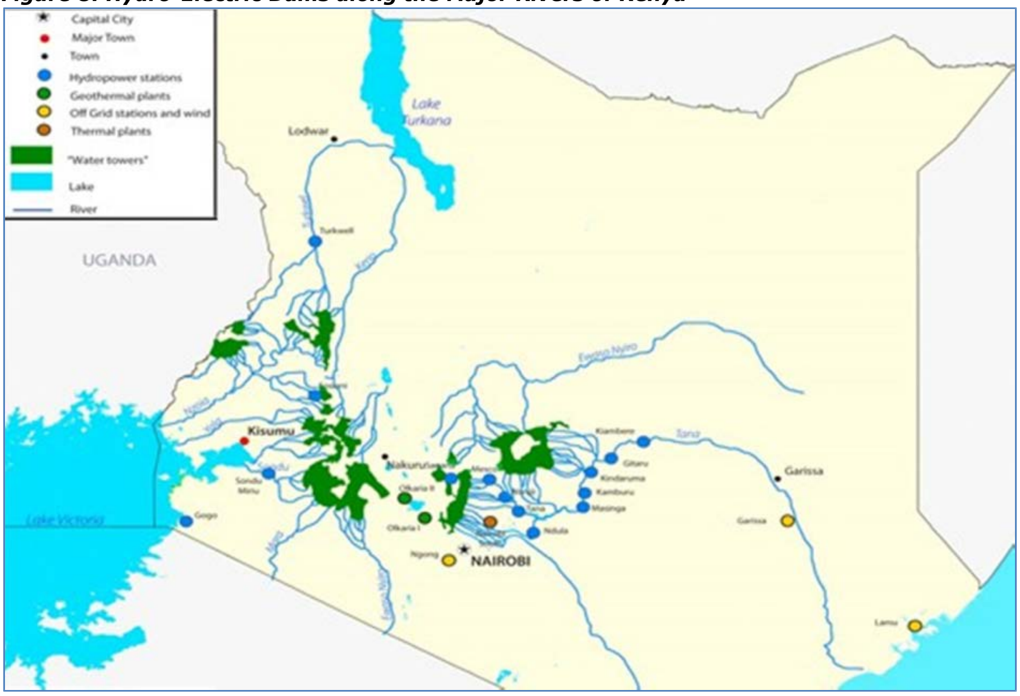
Figure 7: The Tana River Basin[203]



As illustrated in figure 7, the Tana River rises in the Aberdare and Mount Kenya ranges of central Kenya and runs through the arid and semi-arid lands in the eastern part of the country to enter the Indian Ocean through a fan-shaped Delta which covers approximately 1,300 km2. The Tana's catchment covers an area in excess of 100,000 km2 and contains more than 4 million people. The Tana River is the only permanent river in this extremely dry region, and constitutes a vital water resource for all sectors of the human population.[204]

Kenya is highly dependent on hydropower and the bulk of the electricity produced in the country is obtained from five generating plants along the Upper Tana River Basin, namely Masinga (40 MW), Kamburu (94.2 MW), Kindaruma (44 MW), Gitaru (225 MW) and Kiambere (156 MW), typically known as the Seven-Forks Dams (Figure 3). The Kenya Electricity Generating Company (KenGen) is the leading electric power generation company in Kenya, producing about 80% of the electricity consumed in the country.[205]

Figure 8: Hydro-Electric Dams along the Major Rivers of Kenya[206]



[203] Source: Hughes, H.J. et. Al. (2012)
[204] Emerton, L. (2003) *"Tana River, Kenya: Integrating Downstream Values into Hydropower Planning*, Case
[205] Oludhe, C., (2010) *"Impacts of Climate Variability on Power Generation within the 7-Forks Dams in the Tana River Basin"*. University of Nairobi.
[206] Source: UNEP

The Tana Delta: Physical Features
In Kenya, the Tana River has the greatest volume of freshwater and the highest amount of sediment. An average of 4,000 million m3 of freshwater are discharged annually with peak flows occurring between April and June and a shorter high flow period during November/December. The Tana River also discharges some 3 million tonnes of sediment per year.

About 30 kilometers before the Tana River enters the Indian Ocean, it gives off a branch which leads to the complex of tidal creeks, flood plains, coastal lakes and mangrove swamps known as the Tana Delta. The Tana Delta covers some 1,300 km2 behind a 50m high sand dune system which protects it from the open ocean in Ungwana Bay. There are a number of small shallow oxbow lakes that are remnants of the various meanders of the Tana River. Two good examples of such lakes are Bilisa and Shakabobo. These lakes are either recharged through ground water seepage or by the periodic flooding of the Tana River.[207] About 69,000 ha of the total 130,000 ha of the Delta are regularly inundated. The head of the Delta is below Lakes Giritu and Bilisa south of the Tana River Primate National Reserve. Administratively, the Tana Delta is found largely in the new Tana Delta District (Garsen Constituency).

The Tana Delta: Population and Socio-Economic Status
The 2010 Constitution established 47 Counties in the country. The Tana River County has an area 35,375 km2 and a population of 240,075 according to the 2009 National Population Census. The County is divided into two districts; Tana River and Tana Delta and 3 Constituencies (Bura, Galole and Garsen).

Agriculture and livestock keeping are identified as the most predominant economic activities in the Tana Delta district, contributing to 82.2% of the household income (Odhengo et al., 2012c). The primary ethnic communities living in the delta are the Pokomo (44%) who are sedentary farmers and the Orma (44%), nomadic pastoralists and the Wardei pastoralists (8%). Other ethnic groups (Luos, Luhyas, Wataa/Sanyes, Malakote and Munyoyaya) account for the remaining 4 percent. Luo and Luhya are fresh water fishermen (GRAIN et al.,2014). About 72% of the population in the County is classified as poor, compared to about 50% at the national level.[208]

The delta is an important dry season grazing area for the pastoralists who come from as far as Garissa, Wajir and Mandera. Pastoralists maintain a higher standard of living than the agriculturalists and oppose any project which could threaten their livestock and grazing areas. The Pokomo practice flood recession agriculture along the banks of the river, growing maize and bananas and other vegetables for subsistence and rice and mangoes as cash crops.[209]

The life of the people living in the Tana Delta has always been highly regulated by the river dynamics, which they have little control over. According to Lebrun,[210] from discussions with different groups it appeared that migrations of entire villages and clans were often a necessity due to extreme floods (See map and photograph of the Delta during the floods of 2003 below).

Before 1900, the three largest villages in the TDIP area were referred to as Gadeni, Rubenmwewe and Ababidu. In 1958 people from Abadibu were forced to leave because inexplicable deaths were threatening the villagers. Together with families from Chunoni and Chikosi, two other nearby villages, they created Kulesa. Heavy floods in 1961 also caused many people to migrate, which resulted in the creation of Hewani and Shika Lako (former members of Gadeni); Wema and Langu Moyoni (former members of Rubenmwewe), Vumbwe and Sailoni. The most significant flooding in the twentieth century took place in 1914, 1961, 1980 and 1997. They all led to migrations. The floods of 2007 forced people from Baandi to move to Gamba for several months.

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[207] UNEP (1998) *"Eastern Africa Atlas of Coastal Resources: Kenya"* A Project of UNEP with support of Government of Belgium. Nairobi, Kenya.
[208] http://kenyadecides.co.ke/county/tana-river/
[209] Temper,2012
[210] In: Hamerlynck, O., J. Nyunja, Q. Luke, D. Nyingi, D. Lebrun and S. Duvail (2010) "The communal forest, wetland, rangeland and agricultural landscape mosaics of the Lower Tana, Kenya: A socio-ecological entity in peril" in: the Sustainable Use of Biological Diversity in Socio-ecological Production landscapes, CBD Technical Series 52.

Figure 9: Tana Delta Area and characteristics[211]

The construction of hydroelectric power dams between 1968 and 1988 in the upstream parts of the Tana substantially reduced peak flows. Maingi and Marsh[212] also noticed a decrease in run-off and meandering of the Tana, and the related deposition of sediments. This resulted in an overall reduction of the floodplain fertility and has negative impacts on the unique riverine forest occurring along the Tana River. Emerton states that the decreased flooding regime also led to a disruption of the traditional patterns of transhumance (the movement of people and their livestock between wet and dry season grazing areas).[213] It also increased the grazing pressure and it has intensified the conflicts between pastoralists and floodplain agriculturalists over land and the use of resources on the banks of the Tana. Examples of these clashes include the killing of 130 people in 2001 and 52 people in August 2012 that include 34 women, 11 children and seven men as the two communities fight over land, pasture and water, especially during droughts when the pastoralists' livestock invade the farms as they try to access the waters of the Tana River.[214]

For the local people, the Tana River is a source of water that also provides a wide range of wetland-associated ecosystem services, including recession agriculture, irrigation, fishing, dry-season pasture, wetland plants and animals used as food, medicine and thatching materials, reeds, clay and sand, bathing, swimming and cultural practices. It also provides for river transport, especially for farm and fisheries produce and is an important security barrier against bandits, which is enhanced by the

[211] Source: http://reliefweb.int/sites/reliefweb.int/files/resources/CAC2F5096E289C71C1257474002E7191-depha_FL_ken080624.pdf
[212] Maingi, J.K., & Stuart E. Marsh (2002) "Quantifying Hydrologic Impacts Following Dam Construction along the Tana River, Kenya.
[213] Emerton, L. (2003) "Tana River, Kenya: Integrating Downstream Values into Hydropower Planning, Case Studies in Wetland Valuation #6" IUCN.
[214] http://www.capitalfm.co.ke/news/2012/08/48-people-killed-in-tana-river-clashes

presence of crocodiles and hippopotamuses.

Local people have also taken advantage of traditional small-scale irrigation. An example is the Lower Tana Village Irrigation Project (LTVIP) which was funded by the Dutch Government through the Kenyan Ministry of Agriculture in the 1980s. This project was aimed at implementing the minor irrigation schemes of Oda, Ngao, Hewani, Wema and Mnazini. The outgrowers that were contracted under the TDIP were placed under the LTVIP.

The Tana Delta Irrigation Project
The Tana Delta Irrigation Project (TDIP) is located in Tana Delta region, in Garsen constituency (formerly Garsen division) along the most downstream of the Tana River with a population of about 105,363[215] distributed in about 50 villages (see Figure 5 below).

In 1982, a detailed feasibility study report of the Tana Delta Irrigation Project was produced. The study was conducted by the Haskoning Royal Dutch Consulting Engineers and Architects for the Tana and Athi River Development Authority (TARDA) with funding from the Dutch Government. According to the feasibility report, the basic objective of the study for the Tana Delta Irrigation Project was to prepare a development plan comprising a nucleus estate and an outgrowers scheme for an area of about 10,000 ha, with the main crop envisaged being rice. The Report includes detailed studies on the area's hydrology, morphology, soils, agriculture, organization and management, farm mechanization, plant operation and project infrastructure.
Some of the recommendations of the feasibility report are summarized in Box 1 below

***Box 1: Feasibility study of TDIP: some recommendations**[216]*

Given that the viability of the Project is acceptable, once the Client has decided upon the development of the scheme, the following programme of action is expected:

- To take the necessary steps to ensure transfer of the land within the Project boundaries to the Tana and Athi River Development Authority;
- To approach potential donors;
- To embark simultaneously upon the detailed engineering design and preparation of the tender document;
- To operate the estate according to commercial principles through a fully state- owned enterprise, possibly a subsidiary of TARDA;
- To decide upon the organization, terms and status of the outgrowers. It is suggested that they should be placed under the umbrella of the Lower Tana Village Irrigation Programme in order to avoid two types of outgrowers and/or tenants in the area.

Further, the report indicates that the highly mechanized large estate type of operation that was envisaged for the Tana River Delta Irrigation Project was made using past experiences in establishing large-scale rice projects of similar magnitude, amongst others the Wageningen Estate in Surinam and extensive information gathered from various mechanized operations in Kenya at the time.

[215] Kenya National Bureau of Statistics (2010): Kenya: 2009 Population and Housing Census
[216] Source: Royal Haskoning (1982) "Feasibility Study of the Tana Delta Irrigation Project: Skeleton Report"

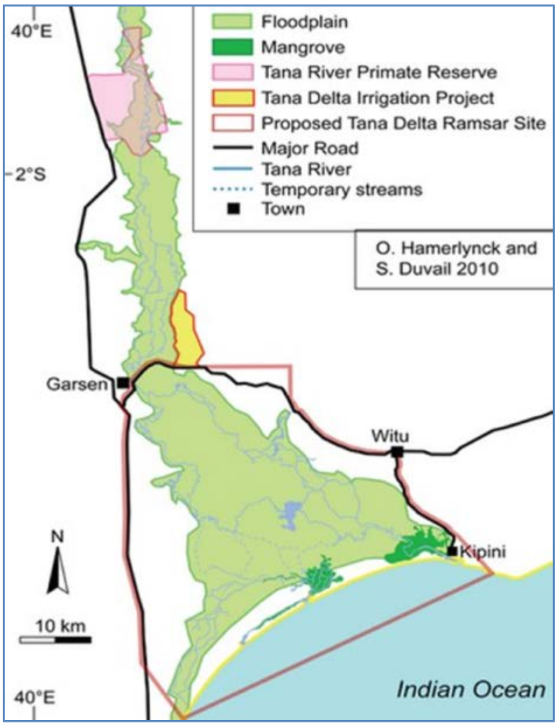

Figure 10: Location of the TDIP[217]

TARDA started the construction of flood protection banks in 1989, with funding from the Government of Kenya. In 1990 GoK/TARDA entered into a loan agreement with the Overseas Economic Co-operation Fund of Japan (OECF) for Japanese Yen 6,024 million. In 1991, the "Pre-Construction Environmental Impact Study for the Tana Delta Irrigation Project" was submitted to TARDA by a 7-person study team.[218]

According to a JICA evaluation report of 2001,[219] the planned implementation schedule for the TDIP was for 76 months (about 6 year) from June 1990 to October 1996, however the project took 88 months (about 7 years) instead with a total irrigated area of 2,126 ha[220] being constructed against a planned area of 2,180 ha. At the time of planning, the total project cost was ¥7.096 billion of which ¥6.031 billion, accounting for 85% of the total, was to be covered by the ODA loan. The final disbursement was ¥6.025 billion, however.

Six villages were part of the TDIP scheme; Baandi (204 households), Hewani (150 households), Vumbwe (20 households), Wema, Kulea and Sailoni.[221] Most of the villages are inhabited by Pokomo, with the exception of Vumbwe, which has a Pokomo community of 20 houses (312 people) and a Wata family that consists of 7 houses (24 people). The Wata used to rely principally on hunting and gathering but nowadays they mainly make a living from farming. Baandi is the only Orma village (204 houses, 1,000 people) within the TDIP. Although Orma people are traditionally pastoralists, they have increasingly combined this activity with agriculture since their settlement in the Tana Delta.

Almost immediately after the project was completed in December 1997, it sustained extensive damage from the El Nino rains, meaning that it was not possible to attain the planned level of effectiveness in terms of irrigated area and rice yield. The flood was of a scale comparable to those of a once-in-50-year probability and exceeded the design scope of the protection banks. TARDA was therefore forced to suspend all project activities.

The JICA report also reported that the Japan Bank for International Cooperation (JBIC) undertook a survey on "Special Assistance for Project Sustainability of the Tana Delta Irrigation Project" in July 1998 and proposed recovery plans and temporary measures to the Kenya government and TARDA. In 1999, based on these proposals, TARDA began temporary construction, allowing production to be restarted in certain areas that had sustained relatively less damage. The Kenyan government also made a request to the Japanese government for a loan to fund the recovery plan, but their request was not granted.

In 2009/10, with funding from the Government of Kenya to TARDA under the Economic Stimulus Program (ESP) for Emergency Food Production, TARDA rehabilitated some of the farm infrastructure

[217] Source: Hamerlynck O. and S. Duvail (2010)
[218] The Study Team was made up of Prof. J.K. Maitha, Prof. D.A. Obara, Dr. D. Kimenye, Dr. J.M. Gekonyo, Mr. J. Mukinya, Mr. P. O. Odiyo and Mr. C.A. K. Ngalyuka.
[219] http://www.jica.go.jp/english/our_work/evaluation/oda_loan/post/2001/pdf/e_project_82_all.pdf
[220] According to TARDA Phase I covering 1,763 Ha was completed in October 1987 (see URL below)
[221] See: Hamerlynck, O., J. Nyunja, Q. Luke, D. Nyingi, D. Lebrun and S. Duvail (2010)

thereby opening up 1,300 ha for rice production.[222] Planning for further rehabilitation is underway to expand further the area and irrigation infrastructure from the current 2,000 to 12,000 ha and embark on sustainable agribusiness management of farm production including research and seed multiplication as well as offering support to the Lower Tana Village Irrigation Projects (LTVIP)[223] schemes. TARDA has put out adverts seeking for Expressions of Interest for Partnership for Sustainable Agri-Business Development of the Tana Delta Irrigation Project.[224]

Legal and Policy Framework: Then and Now

The key policy documents that guided decisions relevant to the TDIP when it was initiated and that continue to provide guidance to date are summarized below. When the TDIP was being conceptualized in 1982, the policy and legal environment was significantly different from what it is today.

Following the failed coup d'etat by some Kenyan Air Force officers in 1982, during the reign of the former President Moi, the government sought to consolidate power and decision making was heavily top-down. In 2002, a coalition of opposition parties came together under the National Alliance of Rainbow Coalition (NARC) and took over power from President Moi's 24-year rule. In 2005, the country went through a referendum to decide whether or not to adopt a proposed constitution, which was rejected by the majority of Kenyans. Following the 2007 national elections, there was widespread, although relatively brief ethnic violence and a coalition government was formed.

During the tenure of the coalition government, the country passed a new constitution in 2010, following a referendum where the majority voted to accept the proposed constitution.

The opening up of the democratic space in Kenya has also meant that more citizens are progressively participating in decisions that affect them, including in the management of natural resources.

Constitution of 2010

Following the promulgation of the 2010 Constitution, a new devolved system of government was established after the 2013 general elections that established 47 counties, which are semi- autonomous and ruled by an elected Governor and Members of County assemblies (MCAs) elected from their respective Wards (which is the lowest administrative unit with several Wards making a District.

At the national level, there is a Parliament, made up of elected leaders at the constituency level; and a Senate made up of elected Senators from the 47 Counties.

Some of the relevant policies and laws relate to agriculture, food security, national development and water management.

Vision 2013

Developed in 2007, Vision 2030 is a national long-term development blue-print to create a globally competitive and prosperous nation with a high quality of life by 2030 that aims to transform Kenya into a newly industrializing, middle-income country in a clean and secure environment. The vision is anchored on the three key pillars of economic, social and political governance.

The Vision has Flagship Projects in various sectors. Under the agriculture sector, the Flagship Project aims to increase the area of arid and semi-arid land under irrigation. It will initially be implemented in the Tana and Athi basins to bring between 60,000 - 100,000 hectares under irrigation.[225] Specifically, the Vision aims at bringing 400,000 hectares under irrigation in the Galana Kulalu Food Security

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[222] http://www.kenyan2013.com/2012/05/22/tarda-eoi-for-partnership-for-sustainable-agri-business-development-of-the-tana-delta-irrigation-project-may-2013/

[223] The Lower Tana Village Irrigation Projects were offshoots of the 1974-1978 and 1979-1983 development plans, which stressed the need to promote development throughout the country. With assistance from the Netherlands government five schemes were implemented in 1982 and became operational in 1984 with Rice as the major crop grown. The implementation of the Tana Delta irrigation Project (TDIP) incorporated two schemes i.e. Wema and Hewani with a total developed area of 147 Acres supporting two hundred families.

[224] See at http://www.kenyan2013.com/2012/05/22/tarda-eoi-for-partnership-for-sustainable-agri-business-development-of-the-tana-delta-irrigation-project-may-2013/

[225] See: http://www.vision2030.go.ke/index.php/pillars/project/Economic/35

Project in Tana River and Kilifi Counties.[226] Further, small scale irrigation projects will also be supported, including the development, expansion and rehabilitation of irrigation infrastructure so as to increase the area under irrigation.

The National Food and Nutrition Security Policy
The Sessional Paper No. 4 of 1981 on National Food Policy has as the central objective to ensure adequate supply of nutritional balanced food in all parts of the country at all times. Malnutrition and food insecurity continue to be challenges that the country is still grappling with as outlined in the 2011 National Food and Nutrition Security Policy. The situation has been exacerbated by the negative effects of climate change to which the country has responded by developing the National Climate Change Response Strategy of 2010 and Action Plan of 2013.

Regional Development Authorities
Kenya has six Regional Development Authorities[227] that were created in the 1970s and 80s. These Authorities were modelled along the ideal of the Tennessee Valley Authority in the USA with the aim of developing the river basins of Kenya in a coordinated manner.

Established in 1974[228] as the Tana River Development Authority (TRDA) and subsequently in 1981[229] incorporating the Athi River, the Tana and Athi Rivers Development Authority (TARDA) is the oldest regional authority in Kenya. TARDA's area of jurisdiction covers approximately 138,000 km2, roughly a third of Kenya, and serves a population of 15 million.

Box 2: Mandate and Functions of TARDA

- To advise the Government on development and maximisation of the use of the basin's water and other resources;
- To develop and maintain a comprehensive resources data base;
- Initiate such studies/surveys necessary to assess alternative water and land demands of various land use options;
- Develop and undertake projects;
- Maintain liaison among development partners and/or stakeholders.

TARDA was the lead agency through which the government developed most of the hydroelectric dams along the Tana River. However, in 1998 the Kenya Electricity Generating Company (KenGen) was created and all the dams were transferred from TARDA to KenGen. The effect of this was the financial ruin of TARDA, as KenGen was pretty much "given" the dams for free and although the company was supposed to pay a royalty to TARDA, this never happened.

The Environmental Management and Coordination Act (EMCA)
In 1999, the Environmental Management and Coordination Act was passed by Parliament. The EMCA established the National Environmental Management Authority (NEMA) as the agency to coordinate environmental matters in the country. Under the EMCA, Environmental Impact Assessments (EIAs) are required BEFORE the start of a project that has potential to affect the environment and to propose mitigation measures. Further, there is a requirement for annual audits of these projects.

During the development of the TDIP, although the ecological impact study was conducted in 1985 prior to the commencement of the Project, the pre-construction environmental impact study was submitted in 1991, after the Project started.

Water Sector Policies and Laws[230]
In recognition of the importance of water both for the social and economic development of the country, at independence in 1963, the Government of Kenya set out to bring water closer to people. The National Water Master Plan of 1974 had the express aim of bringing safe water to all households

[226] See: http://www.nib.or.ke/research-centre/84-nib/127-galana-kulalu-ranchirrigation-project-green-revolution.html
[227] The six are the Tana and Athi Development Authority (TARDA), the Ewaso Nyiro South (ENSDA), Ewaso Nyiro North (ENNDA), Coast (CDA), Lake Basin (LBDA) and Kerio South (KSDA)
[228] Through an Act of Parliament, the Tana River Development Act, No. 7 of 1974
[229] Through the Tana River Development Authority (Amendment) Act, No. 8 of 1981
[230] See the Community Guide to the Water Act at http://www.environett.org/books/wateract/wateract.html

by the year 2000 ("Water for all by 2000"). However, various studies that were conducted between the 1970s and the 1990s revealed that the government had failed and was not likely to succeed using the past strategies, because it did not have the necessary financial and institutional capacities to provide water for Kenyans. These findings therefore resulted in a change of strategy, whereby the government sought to create a suitable legal and institutional framework that would allow for a broad spectrum of players to contribute to the water sector, with the government playing an oversight and regulatory role.

The Water Policy of 1999
The Government passed the Sessional Paper No. 1 of 1999 on National Policy on Water Resources Management and Development that was aimed at addressing the weaknesses that had been identified in the sector and to promote an integrated water resources management approach.

The Water Act of 2002
Based on the 1999 Water Policy, the Water Act of 2002 was enacted. The Act sought to separate water service provision from the management of water resources, including catchment protection and rehabilitation. It created an institutional framework that reflects this separation of mandates and that also encouraged the participation of communities in the management of the water resources within their localities through their membership in Water Resource Users Associations (WRUAs).

The Water Resource Management Authority (WRMA) is the government institution mandated with coordinating the conservation, rehabilitation and protection of water catchment areas. It does this through the Water Resource Users Associations, which are established by communities living in specified/defined sub-catchments throughout the country. WRMA has regional offices for the six gazetted catchment areas, i.e. Lake Victoria North, Lake Victoria South, Rift Valley, Athi, Tana and Ewaso Ng'iro water catchment areas.

The National Irrigation Board
The National Irrigation Board (NIB) was established in 1966 as a State Corporation with the mandate of promoting irrigation in Kenya through the development of national irrigation schemes, such as the Mwea, Hola, Perkerra, Ahero, West Kano, Bunyala and Bura irrigation schemes.

Kenya National Water Master Plan 2030
Finalized in 2014, the National Water Master Plan is aligned to Vision 2030 and provides a conceptual framework for the management of water resources in Kenya. Some of the objectives of the master plan are to improve water and sanitation availability and accessibility to all by 2030 and increase the area under irrigation to 1.2 million hectares. The Plan seeks to address the adverse effects of deforestation and catchment degradation, soil erosion and pollution and provides for the preservation of watersheds and habitats and the management of irrigation and drainage systems.

Other Relevant Policies and Laws
The Forest Act of 2005 was passed after a period of wanton destruction of forests in Kenya and it seeks to involve communities in forest conservation through the establishment of Community Forestry Associations.

The Land Policy
Chapter Five of the 2010 Constitution is on Land and Environment. It re-classifies land in Kenya under the three categories of public, community or private land. Previously, land was classified as either Government land, Trust land or private land.
The Constitution and National Land Policy of 2009 establish the National Land Commission to address the many land issues in the country. The Commission is to manage land on behalf of the national and county government and to conduct research and make recommendations on various land management issues.

Kenya: A Country in Transition
The country is currently in a transition from the old, highly centralized system of government to a new devolved system. There is an on-going process to rationalize various institutions, policies and practices and bring them in line with the new system that encourages the active and equal participation of citizens in the management of their natural resources.

There is a Task Force on Parastatal Reforms that has recommended the reduction of the current 262 State Corporations to 187 through merging, dissolution and transfer of roles. A total of 42 parastatals, mostly in the agriculture sector, will be dissolved. The Task Force has recommended the merging of the Kenya Forest Service, the Kenya Wildlife Service, the Kenya Water Towers Agency and the conservation functions of the Nyayo Tea Zones Development Corporation. The fate of Regional Development Authorities (RDAs) is to be decided after further consultations between the national and county governments. The mandate of the National Irrigation Board is to be reinstated, further demonstrating the critical role irrigation is poised to play in the future of this country.

Roles/Responsibilities: National and County Government
The Fourth Schedule of the 2010 Constitution is on the distribution of functions between national and county governments. All water resources are classified as public land, managed by the national government. The national government is responsible for the protection of the environment and natural resources with a view to establishing a durable and sustainable system of development.

The county governments are responsible for implementing specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry.

The Prevailing Situation during the Design & Development of the TDIP
In the 1980s and early 1990s, there was a highly centralized government system and the participation of communities in decisions that affected them was discouraged and even suppressed violently. With regard to land tenure, the government could allocate land that was classified as either Government Land or Trust Land through a system of allotment, whereby an institution or individual could request to be allocated a piece of land, irrespective of whether or not it was currently occupied and after getting their letter of allotment, evict those on the land, who would then be classified as "squatters" despite the fact that in some cases they had occupied this land for generations.

Although the TDIP project started in the late 1980s, TARDA only applied to be allocated Trust Land in 1995, suggesting that the Regional Development Authority illegally set aside land for the irrigation project, including displacing the local communities and only later "regularized" this occupation. Several attempts in court by civil society organizations to challenge this allocation failed, because of technicalities and delays occasioned by TARDA. With the introduction of devolution, it will be now possible to challenge government decisions at various levels and using various mechanisms. For example, communities that have formed Water Resource Users Associations (WRUAs) and Community Forestry Associations (CFAs) and now better placed to challenge the actions of government corporations as compared to the past. A case to illustrate is the successful court case that the National Alliance of Community Forestry Associations (NACOFA) instituted and won in 2012 to challenge the allocation of forest concessions to key forests around the country to private sector entities by the Kenya Forests Service (KFS).

After the passing of the EMCA, EIAs are now a requirement that has to be adhered to before the commencement of any project that is defined as requiring an EIA in the law. The difference between the TDIP and the more recent attempts by TARDA to implement a sugar irrigation scheme in collaboration with Mumias Sugar Company is that there was an EIA that was made public and therefore communities, with assistance from civil society organizations could raise their objections to the project before it commenced.

The operations of TARDA, as was the case with many government corporations in the past were not transparent and/or open to scrutiny by the public. In the article by Jason Lakin (2012)[231] the author notes that although the budgets for RDAs has significantly reduced over the years, the lack of transparency of their financial reporting makes it difficult to know how much money they actually received and how they used it. Although it is acknowledged by many analysts that there is need to have coordination in the development of catchment areas that cross administrative boundaries, the jury is still out as to whether Regional Development Authorities are the way to go. That could be one of the reasons that the Task Force on Parastatal Reforms has left this issue pending until there is

[231]http://www.theeastafrican.co.ke/OpEd/comment/The+case+for+reform+of+regional+development+authorities/-/434750/1538028/-/iypao3/-/index.html

further consultation between the national and county governments.
Another important difference is the growth and strength of advocacy NGOs and civil society in general. In the 1980s, many of the NGOs were involved in welfare-type projects, ostensibly to supplement the efforts of the government in meeting the pressing livelihood needs of the citizens. However, with more democratization and civic awareness of the linkage between good governance and development/prosperity, there are now more NGOs that focus on awareness creation and advocacy as tools to ensure that the duty-bearers provide the necessary goods and services to the citizens as a right and not a privilege.

The growth in information and communication technologies has made it easier to reach communities in remote areas and bring their issues to a national and international audience. In 1980s, there was very limited use of mobile telephones and the land-line system was unreliable. However, today, it is easy to use short messaging services (SMSs) to launch and sustain an advocacy campaign.

The Galana/Kulalu Ranch Food Security Project[232]
The one constant between the situation in the early 1980s and now is that there is still a large percentage of the population that is greatly food insecure and irrigation is still considered as one of the ways to address this issue. In response to this pressing need, the government launched the Galana/Kulalu Ranch Food Security Project in August 2014 after signing a KES 14.5 billion (about 130 million Euros) deal between the National Irrigation Board and Green Arava (GA), an Israël fresh produce export company. This is one of the Jubilee.[233] Government's agriculture flagship project which aims at putting one million acres of land under irrigation in the next five years through a Public-Private Partnership (PPP) model.

The 700,000 ha Galana/Kulalu ranch is located between Tana River and the Galana River (a section of the Athi River) which was established in 1968 as a game and trading company before being acquired by the government through the Agricultural Development Corporation (ADC) to provide a buffer zone between Tsavo National Part and surrounding communities. Two hundred thousand ha of the ranch will be put under maize; 120,000 ha under sugarcane and 80,.000 ha under beef and game animals. Another 60,000 ha will be used for horticulture production, 40,000 ha will serve as a dairy farm, while 20,000 ha will be put under fruits such as mangoes and guavas.

Critics of the project on social media are being rebuffed by proponents who argue that instead of merely criticizing, people should propose alternatives. See box 2 for a sample of comments.

Box 3: Galana/Kulalu Food Security Project: People's comments[234]

1. "Why use taxpayers' cash to put up a project with a vision that the latter will be handed over to some individuals (private sector) afterwards? I maybe not very conversant with economics but I can see where we are being taken for a ride. It is like this all over the world these days. Governments make projects viable then sell to the private sector at throw away prices. This state of affairs continues with everybody accepting the myth/lie that the government cannot run any business effectively. Meanwhile the taxpayer is financing a few individuals who are investing world wide in privatized government industries/parastatals. The UK and France are abandoning this daylight robbery of the taxpayer called public/private partnership. Too many conmen are invading the globe, they are the same who create havoc by emptying government coffers all over the world."

2. "Give us your blueprint or solution instead of eternal criticism. It's really juvenile to just oppose for the sake of it. So what should the government do if they were to listen to you and the so called environmentalists who want us to remain beggars forever? Give alternatives and be specific and realistic. Furthermore your alternatives must meet the criteria of results expected. Famine is unacceptable year in year out. If you are unable to offer a suitable alternative with specifics on how to achieve it please move out of the way."

[232] http://www.standardmedia.co.ke/business/article/2000132114/state-signs-sh14b-deal-to-kickstart-multi-billion-galana-irrigation-project
[233] The current government came into power in 2013, which is the same year that Kenya celebrated 50 years since attaining its independence from the British. The winning coalition of political parties chose to be called the Jubilee coalition in celebration of the 50 year anniversary of independence.
[234] http://mobile.nation.co.ke/business/Galana-Irrigation-Scheme-Agriculture-CS-Felix-Koskei/-/1950106/2422072/-/format/xhtml/-/vvin2e/-/index.html

Key actors and stakeholders
The key actors in the TDIP include:
The local communities, TARDA, national and local government institutions, local leaders, national and local civil society organizations, bilateral and multi-lateral funding agencies and the local and international media, including social media.

Local Communities
The different, sometimes conflicting, interests of the local communities make them vulnerable to external exploitation and manipulation. For example, although the Pokomos support the acquisition of more secure tenure to the land through the land adjudication processes that have been initiated by the government, the pastoralists see this as a means to deny them unfettered access to the banks of the Tana River to water their livestock especially during droughts.

High poverty levels, with the resultant low levels of literacy and awareness of their rights, makes the local communities unable to negotiate for fair treatment from TARDA. For example, although the feasibility study and the EIA recommended a livestock corridor to ensure continued access of livestock to the water resources, when TARDA reneged on this this, the local communities could not successfully challenge the organization.

County Government
The newly formed county government still lacks the capacity to engage with TARDA and to secure the livelihoods of its citizenry.

Local Leaders
The local leaders are divided in their opinion about the TDIP. In one report, the Tana River Senator told journalists that the Tana Delta Irrigation Project should be stopped as water that is blocked by TARDA to control it for irrigation increases the pressure levels and causes more floods.[235] However, some of the local leaders are in support of the TDIP, and indeed any other project in the area, as think it will act as a factor for development and economic growth, thus leading to alleviation of poverty, which is high in the area, providing alternative sources of livelihoods, improving quality of life and raising material living standards among the area inhabitants.

Civil Society Organizations
The key civil society organizations in the TDIP area are environmental advocacy organizations and research-based NGOs.

Environmental advocacy organizations include Arocha Kenya, East African Wildlife Society, the Kenya Wetlands Forum, Nature Kenya and its international affiliate, Birdlife International and the Lower Tana Delta Conservation Trust, which is an organization of local communities.

Research institutions include the Kenya Wetlands Biodiversity Research Group (KENWEB) that is made up of researchers from various disciplines affiliated with the French Institute of Research for Development, the National Museums of Kenya, Kenya Wildlife Service and the University of Nairobi. (Others researchers include those who have written articles in national and international technical journals, such as the Chemical Geology,[236] Water Alternatives,[237] the Journal of Geography and Regional Planning[238] and the CBD Technical Series).[239]. Through the combined efforts of these two groups of civil society, the Tana Delta was declared a Ramsar Site, (October 2012) meaning that it be under the Convention on the wise use of wetlands. This classification is useful for drawing national and

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[235] http://www.the-star.co.ke/news/article-119127/tana-delta-leaders-want-irrigation-project-stopped
[236] Hughes, H.J., S. Bouillon, L. André and D. Cardinal (2012) The Effects of Weathering Variability and Anthropogenic Pressures upon Silicon Cycling in an Intertropical Watershed (Tana River, Kenya). Chemical Geology Journal.
[237] Duvail, S., Médard, C. , Hamerlynck, O., Nyingi, D. W. (2012.). Land and water grabbing in an East African coastal wetland: The case of the Tana delta. Water Alternatives. 5(2): 322-343.
[238]Kuria, D., D. Ngari and E.Waithaka (2011) Using geographic information systems (GIS) to determine land suitability for rice crop growing in the Tana delta, Journal of Geography and Regional Planning Vol.4(9), 525-532
[239] Hamerlynck, O., J. Nyunja, Q. Luke, D. Nyingi, D. Lebrun and S. Duvail (2010) "The communal forest, wetland, rangeland and agricultural landscape mosaics of the Lower Tana, Kenya: A socio-ecological entity in peril" in: the Sustainable Use of Biological Diversity in Socio-ecological Production landscapes, CBD Technical Series 52.

international attention to the Delta, including making fund-raising efforts easier.

The advocacy NGOs have used research data to lobby against the allocation of land to TARDA and also against the TDIP and other irrigation projects, such as the Tana Delta Bedford Biofuels and the Mumias Sugar proposed projects.

Due to their conservation focus, in some cases there is more information about the flora and fauna of the area than about the inhabitants. Further, limited financial resources and technical competencies have sometimes made the NGOs lose court cases, such as when it was dismissed with costs on a technicality. The reality of NGOs is that they may have sustained action in an area when there is available funding and then completely move out of an area when funding ends.

In some instances, the NGOs tend to do their lobbying and advocacy on behalf of the communities, with limited effort to instill the necessary skills and competencies in the local communities so that they can lobby and advocate on their own behalf. For example, although the law allows for the formation of Water Resources Users Associations and Community Forestry Associations, there is no mention of such groups in the Delta. WRUAs and CFAs, because of their legal recognition can be powerful vehicles for lobbying and advocating for the concerns and interests of local groups.

To date, the Delta seems to have mainly attracted conservation organizations, and relief/emergency ones for obvious reasons, with little mention of development organizations operating in the area.

National Government
The key national government institutions are the Kenya Wildlife Service and the National Irrigation Board. KWS has had a sustained interest in the Delta, especially due to the presence of highly endangered monkeys (Tana Mangabey (*Cercocebus galeritus*), Tana River Red Colobus (*Procolobus rufomitratus rufomitratus*) and White-collared Monkey (*Cercopithecus mitis albotorquatus*).

Due to concerns expressed by a growing number of conservation organizations and the frequent violent clashes between ethnic groups in the Delta, in 2011, the then Office of the Prime Minister established an Inter-Ministerial Technical Committee composed of 18 ministries to coordinate the sustainable management of Deltas in Kenya, starting with the Tana Delta. The Committee provided guidance to the preparation of a Land Use Plan for the Tana River Delta to guide policy formulation and decision-making on future development of the Delta. The LUP was then subjected to a Strategic Environmental Assessment based on guideline by the Technical Committee. Unfortunately, the Office of the Prime Minister ceased to exist after the 2013 general elections and it is not clear where this initiative is currently hosted.

More recently, the Tana River Basin is attracting the attention of the ruling Jubilee government due to its potential for irrigated agriculture (see 4.3 Galana Kulalu Ranch Food Security Project).

National Private Sector Entities
National private sector entities, such as the Mumias Sugar Company are drawn to the Delta because of its potential to generate profits through agricultural development. However, private sector companies are normally brought in by government institutions, such as TARDA. Although tourism in the Delta is reported to have the potential to generate substantial revenue, there are few private sector companies venturing into the area, especially due to insecurity and poor road infrastructure.

International Community
The international community consists of bilateral and multi-lateral funding agencies, foundations and NGOs, investors, researchers and international advocacy organizations is another category of actors in the Delta. By availing substantial amounts of funding, the donor community can draw attention to an area that is otherwise remote and marginalized. The Dutch funded feasibility study of the Delta that was conducted by Haskoning Royal Dutch Consulting Engineers and Architects, which obviously required substantial financial resources is very detailed and it is quoted by other stakeholders with an interest in the Delta.

Further, in the recent past, there has been an upsurge in the number of NGOs operating in the Delta, due to availability of donor funding. This has helped to highlight the plight of the natural resources and the people of this area.

Investors have also taken a keen interest in the Tana Delta, due to its touted potential to generate significant profits. This attention from private investors can stimulate the national and county governments to invest resources into developing the infrastructure of the area. However, the interest of investors can also have adverse effects on both the communities and the natural resources, due to over-exploitation and displacement of communities to pave way for large projects that do not directly involve them.

Media
The local and international media has played a significant role in bringing the attention of national and international stakeholder to the Tana Delta. This is coupled with social media, which makes it easier to transcend from a national to an international audience. However, one short-coming of mass media is the limited in-depth analysis of the underlying issues that are at play in an area.

The implementation of the TDIP and its implications
The Tana Delta Irrigation Project (TDIP) was implemented as an estate system where TARDA was in charge of infrastructure, production, marketing and sales, administration, operations and maintenance. Thus TDIP did the ploughing, harrowing, sowing, harvesting, provision and distribution of seeds, fertiliser and chemicals etc. while a small number of locals were employed as casual workers for weeding, bird and wildlife scaring, sluicegate management and surveillance. Though infrastructure was only completed in 1997, production started in 1993 and was about 2.5 metric tons of polished rice per hectare, much lower than projected 6.5 tons and without a significant impact on rice production within Kenya.

After mechanical harvesting by TARDA, the local communities benefited mostly from collecting the leftover rice grains in the fields. The construction of the embankment and the exclusion of a large area of floodplain from flooding caused an increase of the water level upstream which destroyed the perennial crops of traditional farms. The embankment, in combination with the shift of the dominant flow from the eastern to the western channel, reduced flooding of the forests and lakes to the east of the TDIP between Sailoni and Lango la Simba.[240]

According to Lebrun,[241] in 1995, TARDA agreed to adopt a "tenant system experiment" for one season. During that season the farmers di the agricultural work – irrigation, weeding, scaring away wildlife and birds that eat the rice – while the other services, such as ploughing, harrowing, broadcasting and seeds, water, fertilizer and chemical application, were provided by the TDIP. A great part of the labour was also mechanized. At the end of the season, the harvest went up to 3.5 metric tonnes/ha, whereas from 1993 to 1995 the TDIP productions resulted in 2.5 metric tonnes/ha. Once harvested, the rice was sold to TARDA, the price being negotiated. Even though a proposal to prolong this idea was taken to Nairobi, no agreement was obtained.

After damage by El Nino, the project did not fully recover. Lack of funds meant that increasingly, TARDA could not make payments for casual labourers and sometimes was forced to pay them with rice instead.

The loss of income from the project and the negative impacts of the project on the traditional livelihood options they used before the project forced them to turn to poaching of wildlife, charcoal production and firewood collection for sale.

Conclusion and prospects
The TDIP has generated a lot of interest and research from a diversity of stakeholders, nationally and internationally. Attempts have been made to draw lessons that can assist in the implementation of future interventions. The national policy and legal environment at the time created a fertile ground for a top-down, colonial style intervention to be implemented and were it not for the El Nino

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[240] Hamerlynck, O., J. Nyunja, Q. Luke, D. Nyingi, D. Lebrun and S. Duvail (2010) "The communal forest, wetland, rangeland and agricultural landscape mosaics of the Lower Tana, Kenya: A socio-ecological entity in peril" in: the Sustainable Use of Biological Diversity in Socio-ecological Production landscapes, CBD Technical Series
[241] Ibid.

phenomenon, one can only guess how the Project would be doing today. The ability of governments to secure large financial resources, especially through loans remains an issue of contention, especially when the communities and the citizenry that bears the brunt of such borrowings are not involved in the decision-making processes that lead up to the acquisition of the finances. Once such project fail, the lender does not bear any responsibility – and yet they have a lot of decision-making power during the implementation of the initiative.

Food insecurity exposes a nation to negative international attention, that makes it difficult to generate revenue from sectors such as tourism e.g. if an international audience sees starving children, they are less likely to think of such a country as a romantic destination because of its beautiful sandy beaches. Further, a government's frantic efforts to feed its citizens can result in rush decisions, especially aimed at mega-projects to address the problem once and for all as opposed to exploring small incremental interventions that could cumulative address the problem more sustainably in the long run. For example, one of the differences between the LTVIP and the TDIP is the scale of the projects, with the LTVIP implemented on a small scale and involving the villages directly in the management of the scheme, while the TDIP was initially designed to be wholly implemented by TARDA, with the community playing only a peripheral role. Further, when the "tenant system" was implemented under the TDIP, it was only on an experimental basis and for one season.

Irrigation will continue to be viewed as a panacea to the current food shortages. How to implement irrigation projects that are actually cost effective and sustainable in the long run remains a challenge, especially because of the huge capital outlays it is difficult to judge the success of a project until the initial funding is over and the initiative is left to "stand on its own feet." By that time the environmental damage may be huge and irreversible.

In order to avoid expensive mistakes, communities, civil society, county and national government stakeholders need to invest more in understanding failed initiatives and the underlying factors that resulted in the failures. All too often, focus is on "miracles" and the assumption that they are easy to replicate without due attention to the factors that need to come into play for the "miracles" to actually happen and the fact that they are usually as a result of many failed attempts.

Although policies and laws may create room for communities to actively participate in decision-making process on the management of their natural resources, communities still lack the necessary capacities to take advantage of these opportunities. Further, in a bid to remain relevant, many civil society organizations prefer to lobby on behalf of communities, as opposed to empowering the communities themselves to voice and defend their rights and interests, which in turn makes it easier for the NGOs to raise funds. Government agencies, on the other hand, rarely have genuine commitment to enhance the participation of communities in decision-making processes that were previously a preserve of government officers. These factors combine to result in limited resources, interest and commitment towards genuine empowerment of communities in natural resource management processes. Many funding agencies also prefer to see tangible projects and feel that capacity building and empowerment initiatives are a waste of precious/scarce resources.

Institutional reforms, such as those being witnessed in Kenya due to the devolution process and historical ones, such as those that saw the formation and prosperity of Regional Development Authorities, such as TARDA in the 1980s and their decline as the government's strategies and priorities changed can result in the loss of institutional memory. For example, the many lessons that have been learnt by TARDA in implementing irrigation projects may not be used to inform new initiatives such as the Galana/Kalula Food Security Project that is currently being implemented by the government through the National Irrigation Board (NIB).

Large versus small; that is the big question! Many funders prefer to do large disbursements of funds because they consider the administrative costs of moving small amounts of funds to be prohibitive. However, smaller funds allow communities and their supporters to learn from doing and create a larger sense of ownership of the initiative. According to Oosterbaan[242] of the International Institute for Land Reclamation and Improvement in Wageningen, the Netherlands, right from the beginning, the decision to undertake the feasibility study for the TDIP was made "top-down", which meant that the

[242] http://www.waterlog.info/pdf/irreff.pdf

problem analysis started from the national economy and government policies, from which it was concluded that rice production in Kenya had to be increased and that the Tana Delta offered possibilities for this national target and that the project should be of the state-enterprise type; only one proprietor of both land and water under hierarchical management and with contracted labour. He analyses the impact assessment study of the TDIP that was conducted by EcoSystems Kenya and other project documents and concludes that many new irrigation project have disappointing results that stem from a combination of factors, such as the overestimates of the benefits and the underestimates of the costs, losses and damages; that direct costs are often higher than expected because they are underestimated to make it easier for the project to get financing and not all direct costs are recognized or foreseen. Also, the prevention of negative secondary (environmental) effects requires unforeseen additional measures, which further increased the direct costs.

The case of the Cherangany Hills, Kenya - State forest protection is forcing people from their lands

Justin Kenrick, Forest Peoples Programme, November 2014

Background
This concerns a World Bank funded project: the Natural Resource Management Project (NRMP) in Kenya's Cherangany Hills. Support for this project, in which the World Bank was joined by various other donor agencies, including the Finnish government, is in aid of the Kenyan Forest Service to protect the Cherangany Hills in order to secure their key water catchments functions. The foreign funded interventions by the KFS led to massive evictions of the region's traditional occupants, the Sengwer people, plus others who had moved into the area more recently. These developments led to international controversy and, following complaints, the World Bank's Independent Inspection Panel investigated the case. The Panel issued a report which highlighted serious violations of the Bank's own safeguards and Kenya's obligations under international environmental and human rights conventions.

The Cherangany Hills ecology
The Cherangany Hills cuts across four administrative districts in Rift Valley Province. The hills are largely covered by a series of indigenous forests. These forests are made up of 12 administrative blocks.[243] The Hills are important biodiversity hotspots as they harbour several forest types and regionally threatened species such as the Lammergeyer, African Crown Eagle, Red Chested Owlet, Sitatunga and Thick Billed Honey Guide. Several Ecosystems depend on water originating from it, including: Lake Victoria (Shared by Kenya, Uganda and Tanzania), Lake Turkana and Saiwa Swamp National Park. The watershed of Cherangany Hills forms major conservation areas which include: Saiwa Swamp National Park (known for Sitatunga, an endangered antelope species), South Turkana National Reserve, Rimoi Game Reserve and Kerio Valley National Reserves.[244]

The Cherangany Hills form an undulating upland plateau on the western edge of the Rift Valley. To the east, the Elgeyo Escarpment drops abruptly to the floor of the Kerio Valley, while westwards the land falls away gently to the plains of Trans-Nzoia District. The hills reach 3,365 m at Cheptoket Peak in the north-central section. The hills are largely covered by a series of Forest Reserves. These are made up of 13 administrative blocks, totaling 95,600 ha in gazetted area. Of this, ca. 60,500 ha is closed-canopy forest, the remainder being formations of bamboo, scrub, rock, grassland, moorland or heath, with ca. 4,000 ha of cultivation and plantations. Apart from a large south-eastern block along the escarpment crest, the forests here are fragmented and separated by extensive natural grasslands, scrub and (especially in the central part) farmland.[245] In clearings, Acacia abyssinica occurs among scrubby grassland with a diversity of flowering plants. At higher altitudes, the forest is interspersed with a mixture of heath vegetation and swamps.[246]

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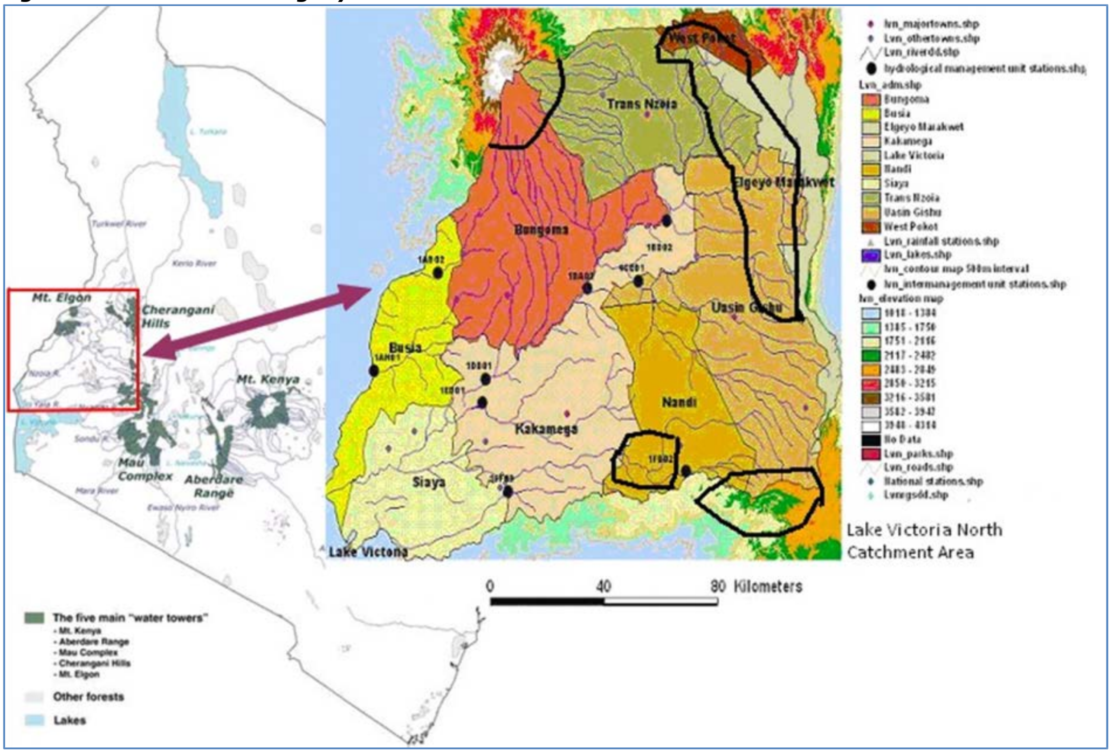
[243] Namely: Kapolet, Kapkanyar, Kipteeper, Sogotio, Chemurgoi, Kaisungor, Kerer, Empoput, Kipkunur, Lelan, Toropket and Cheboi
[244] Kiptum, Y. and Odhiambo, C. Safeguarding Sengwer Territory, Land, Culture & Natural Resources. Participatory 3-Dimensional Modeling of Cherangany Hills. p.2.
[245] The lower western parts of Kiptaberr-Kapkanyar are clothed in Aningeria-Strombosia-Drypetes forest, with a large area of mixed Podocarpus latifolius forest on the higher slopes. The southern slopes hold Juniperus– Nuxia–Podocarpus falcatus forest, with heavily disturbed Podocarpus falcatus forest on the eastern slopes. Valleys in the upper peaks area shelter sizeable remnants of Juniperus–Maytenus undata–Rapanea–Hagenia forest. Tree ferns Cyathea manniana occur in stream valleys, and there are patches of bamboo Arundinaria alpina, though no bamboo zone as such. Source: Birdlife,
[246] http://www.birdlife.org/datazone/sitefactsheet.php?id=6433

Figure 11: Location Cherangany Hills[247]



The Cherangany forests are important for water catchment - also referred to as one of Kenya's five ''Water Towers''[248] -and sit astride the watershed between the Lake Victoria and Lake Turkana basins. Streams to the west of the watershed feed the Nzoia river system, which flows into Lake Victoria; streams to the east flow into the Kerio river system.[249] The rivers serve as sources of water for hydroelectric generation, irrigation, agriculture and industrial processes downstream. Cherangany's forests and biodiversity are a revenue earner through tourism. They are an immediate source of livelihood, culture and identity for local communities, such as the Sengwer.

The Sengwer People

The Sengwer (also Known as Cherangany or Dorobo) is an ethnic minority hunter-gatherer indigenous people living along the slopes of Cherangany Hills. They live distributed in three administrative districts: Trans-Nzoia, West Pokot and Marakwet districts in and around Cherangany Hills. It is estimated that the current population of the Sengwer, considered as one of the most marginalised groups, is about 30,000. The Sengwer's cultural administrative organization is made up mainly of sub-tribes, clans and totems. The Sengwer livelihood, health system and culture depend on the natural resources found in the forests. Their traditional economies were based on herbal medicine, bee keeping, and hunting and gathering. The forests support their cultural practices and so provide spiritual anchorage.

To place the current social and ecological problems in Cheranagany in perspective, it is relevant to revisit the history of the area.

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[247] Map in 'Changes in forest cover in Kenya's five 'water towers'. See: http://projects.csg.uwaterloo.ca/lvbc/lvbc/html/Gachanja,%20Akotsi%20-%202004.html

[248] The other being the forests of Mt. Kenya, the Aberdare Range, the Mau Complex and Mt. Elgon

[249] Akotsi, E. and Ganchaja, M.,: Changes in Forest Cover in Kenya's ''Water-Towers'' 2000-2003, 2004. http://www.unep.org/dewa/Portals/67/pdf/forest_catchment_2003_report.pdf

The invasion of Cherangany Hills
The Cherangany Hills includes 12 forest blocks gazetted as government forests by the colonial government. The proclamation was enacted without the community's endorsement. It prohibited anyone from residing in the forest or carrying out activities without the Government's authority. After Kenya gained independence in 1963 the Sengwer thought that better times had arrived. Every tribe was celebrating Uhuru (freedom) because they were promised their traditional land. The Sengwer felt sure they would get back their land. They were extremely disappointed when they discovered that their land was given to other tribes due to what they saw as nepotism and corruption, as well as the ignorance of the Sengwer. The consequences of losing their land was not only losing a place to hunt, to collect honey and to find their traditional medicines, but also losing their social and cultural anchoring and sustenance.

The exercise led to a dramatic loss of forest cover and to the destruction of large forest ecosystems. This process accelerated in 1992 when thousands of hectares of land were excised through illegal alterations of forest boundaries and irregular allocation of the land to non-Sengwer. The largest excision areas extended over the top of the Cherangany Escarpment (Eastern Cherangany Forest Reserve), impacting tremendously on water resources and altering the flow regime of major rivers feeding Lake Victoria and Lake Turkana, a trend threatening the stability of the lakes" ecosystem. Portions had already been converted into Agricultural Development Corporations (ADC) farms, but in the 1990s the ADC farms were further allocated to politically influential communities and individuals leaving Sengwer peoples even more landless and alien in their own territory.

Forced evictions and displacements of Sengwer Indigenous Peoples from their ancestral land coupled with forced assimilations into dominant tribes; failure to recognise the rights of Sengwer to live in their ancestral homes (their forests), and, settling other communities on Sengwer land, led to an increase in deforestation and pressure on fragile ecosystems. Besides, until 2010 the lack of a constitution and or national land policy that even recognized ancestral lands/community lands led to continued marginalization, oppression and discrimination of ethnic minority hunter - gatherer Indigenous Peoples in Kenya today.[250] With the new 2010 Constitution and its recognition of such people's rights to their ancestral lands there is now a possibility of rectifying this situation, especially through the National Land Commission's Task Force on Historical Injustices. Forest Peoples Programme has been supporting the Sengwer and other traditional forest dwelling communities to engage with the Task Force in order to seek a resolution of their situation and, through that, rights-based protection for their forests.

The social impacts World Bank Natural Resource Management Project (NRMP)
The focus of this case study is the recent World Bank funded Natural Resource Management Project (NRMP) in the Cherangany Hills, Western Kenya and, in particular, it evaluates its impact on the region's notably population, the Sengwer people. The forestry aspect of the NRMP has been implemented by the Government's Kenya Forest Service (KFS). Its intention has been to build the capacity of KFS to help transform it from an institution whose conservation culture, policies and practice have been based on an enforcement and control approach, to one that is participatory and able to effectively engage communities in the conservation process.

It has become increasingly obvious, first to the communities themselves, then to FPP (as a support organization called in by the communities to help them manage this situation), and finally to the World Bank itself, that far from enabling such a transformation, the NRM Project has been operating through at the very same time that KFS have been evicting Sengwer forest dwellers from their lands at Embobut.

Among the many policy violations committed by the NRMP (which are detailed in the World Bank Inspection Panel's 30th September 2014 report), is the finding that the Bank was non-compliant with its safeguard policies because it's project sustained the conditions for further evictions by failing to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to eviction "before, during and after the conclusion of the NRMP".[251]

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[250] Kiptum, Y. and Odhiambo. C., p. 4
[251] World Bank Inspection Panel Report: paragraph 27, Executive Summary.

For the Sengwer people, an outdated eviction approach to conservation has been pursued for decades, and most recently under the guise of the apparently 'participatory' NRMP. This approach has seen their whole culture outlawed. For decades, Sengwer children have grown up seeing Forest Department Guards and then KFS forest guards, along with police, routinely burn their families' homes, destroying food stores, school uniforms, books and blankets in the process.

Sengwer Peoples history in relation to displacement
The Sengwer indigenous people are a traditionally hunter-gatherer/forest people, whose ancestral lands are located in the Rift Valley province in western Kenya, in and around the forests of the Cherangany Hills. Their current predicament arises from continued discrimination and marginalization, in particular from the appropriation of their ancestral lands for 'forest conservation'.

Subsistence hunting and continued occupation of areas that have been legally designated as protected conservation areas has long been illegal in Kenya. Where they have not yet been forcibly evicted from their forestlands, the Sengwer rely on a combination of keeping beehives and cattle, as well as gathering and small scale cultivation in the forests and glades in places like Embobut forest.

The Sengwer were initially forcibly displaced from the lower reaches of their territories (considered as richer lands for agricultural purposes) by the British colonial administration, but were permitted to occupy the less agriculturally fertile highland forest and moorland areas of the Cherangany Hills

These forest highland areas – formerly held by the County Council as Trust Lands – were subsequently legally declared by the Government of Kenya as national forest reserve in 1964. Forest legislation in Kenya – consistent with the increasingly outdated 'fortress conservation' approach that excludes communities from living in protected areas – effectively outlawed Sengwer occupation of their ancestral lands, without regard for their customary ownership rights, and without regard for what makes for effective forest conservation.

NRMP Impact and Sengwer Response
The most recent expression of this fortress-conservation approach has been evident in the impact of the World Bank funded Natural Resource Management Project (NRMP), running from 2007 to June 2013 and becoming the subject of a World Bank inspection panel visit at the request of the Sengwer.

The World Bank invested $68.5 million in the NRMP and states that the "objectives of the Natural Resource Management project are to enhance the institutional capacity to manage water and forest resources, reduce the incidence and severity of water shocks in river catchments, and improve the livelihoods of communities participating in the co-management of water and forests.".[252]

The key point to make is that – whereas the NRMP is billed as working with communities to protect the forests – the funding has been through the Kenya Forest Service which has (as acknowledged in the Inspection Panel report) continually evicted the Sengwer from their forest lands while working with more dominant neighbouring communities and thereby increasing Sengwer marginalization.

Instead of supporting the Sengwer to conserve their forests, the NRMP has further marginalized them, putting the future of the forests in the hands of an institution (Kenya Forest Service) that is well known for destroying indigenous forest at Mt Elgon and elsewhere as it pursues an institutional and also (for many) personal focus on profit making.[253]

[252] Kenya - Natural Resource Management Project' http://www.worldbank.org/projects/P095050/kenya-natural-resource-management-project?lang=en
[253] This has been evident in court cases involving the institution, (e.g. at Mt Kenya) and most recently evident at Mt Elgon where it was only when the forest dwelling community there (the Ogiek) began arresting charcoal burners themselves that charcoal burning was (temporarily at least) halted. Similarly the Ogiek had to persuade the KFS that their shamba system – a system that encourages people to move from elsewhere to the margins of the forest, ostensibly to reforest through planting trees amongst their crops – was responsible for a large amount of indigenous forest destruction. KFS finally had to accept the truth of this and declared a temporary moratorium on their shamba system there.

Analysis of the legal and policy framework of the initiative in the context of national and local legal decision-making

The most important legal frameworks governing the management of such natural resources in Kenya are the existing Forests Act of 2005 which forbids communities from living on their ancestral lands, and the Wildlife Act (passed December 2013) which prohibits their hunting and gathering and does not require the Government to seek their FPIC (Free Prior and Informed Consent, as required by international law) when turning their land into 'Protected Areas'.

Communities have placed a lot of hope and time in contributing to the development of a Community Land Bill which, along with an Evictions and Resettlement Bill, are not yet before Parliament. Meanwhile an ongoing review of the 2005 Forests Act is being kept very much out of the public's eye.

The two key Ministries are the Ministry of Lands and the Ministry of the Environment, Water and Natural Resources. The latter oversees the KFS and Kenya Wildlife Service who undertake the eviction and control aspects of the conservation process with the assistance of the police. As well as these eviction and control processes, these bodies also manage the compensation processes that can work well for dominant people in neighbouring communities. These dominant players can doubly benefit from:

1. No longer having traditional forest dwellers present to curtail their appropriation and unsustainable use of forest resources; and from
2. Using their privileged positions to take advantage of compensation schemes established to secure their support for KFS 'control' of these resources.

In their letter to President Kenyatta subsequent to the publication of the World Bank Inspection pan el report, forest dwelling communities make clear their analysis of the legal and policy situation, and the changes required to ensure effective rights based conservation and effective rights based development. In their letter in October they ask the President to direct his government to meet four key requests:

1. Ministry of Environment, Water and Natural Resources, Kenya Forest Service and the Kenya Wildlife Service to adopt new conservation paradigm in which Forest Indigenous Communities are made the custodians of their forests under the supervision of the said conservation agencies.
2. The National Land Commission to actively, effectively and efficiently implement their constitutional mandate of resolving the issues faced by forest dwelling indigenous communities and more so addressing issues of Historical Land Injustices,
3. Review of the Forest Act 2005 to be in line with Constitution of Kenya 2010 and National Land Policy with active, effective and efficient consultation and participation of Forest Indigenous Communities.
4. Kenya Forest Service to respect the rule of law (Conservatory Injunctive Orders issued by Eldoret High Court in March 2013 with respect to the case filed by Sengwer of Embobut forest) and to stop continued harassment and any other form of forceful eviction and displacement (destruction of property, burning of houses, arrests, intimidation, etc.) of members of Sengwer indigenous community from their ancestral homes and lands in Embobut forests.

The formal Government of Kenya policies which offer the framework within which this World Bank funded project can be placed includes, most directly, the 2005 Forest Act. The larger framework is set by Kenya's Vision 2013 and the World Bank's support for Kenya's five year plan. The Kenya Vision 2030 is understood as being the national long-term development blue-print that aims to transform Kenya into a newly industrialising, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment.[254]

The Vision comprises of three key pillars: Economic; Social; and Political:

- The Economic Pillar aims to achieve an average economic growth rate of 10 per cent per annum and sustaining the same until 2030;

[254] http://www.vision2030.go.ke/index.php/home/aboutus

- The Social Pillar seeks to engender just, cohesive and equitable social development in a clean and secure environment; while
- The Political Pillar aims to realise an issue-based, people-centred, result-oriented and accountable democratic system.

The three pillars are anchored on the foundations of macroeconomic stability; infrastructural development; Science, Technology and Innovation (STI); Land Reforms; Human Resources Development; Security and Public Sector Reforms

Connected to the 2030 Vision is the World Bank loan facility of 348 billion Kenyan shillings which has been approved. This is focused on supporting the development of the 20130 blueprint which aims at creating a globally competitive and prosperous nation with a high quality of life by 2030.[255]

From the outside it can be easy to be persuaded that such Visions and Blueprints are what is guiding action on the ground, but this might lead to a misunderstanding of the nature of political decision making here.

On the one hand this 2030 Vision and World Bank support can be understood as reflecting a global preoccupation with:

1. accelerating economic growth through facilitating the growth of the private sector (often including sweeping land tenure reform which facilitates the privatization of collective land tenure systems); and
2. seeking to use enforcement and restraint approaches to stem the inevitable environmental consequences of such a growth trajectory.

On the other hand, this broader policy framework is mediated through both:

1. an approach to local development and forest conservation which seeks to break peoples connection to their forest lands in the name of supposedly improving their development prospects and supposedly protecting the forests; and
2. it is mediated through kin and political networks where patronage and reward can redirect policies and practice into ways to build and reward networks of political patronage rather than to secure the objectives of the policy as it is conceived in the abstract, and conveyed on paper.

The World Bank and the Kenya Forest Service
Before moving on to focus more sharply on the role of the World Bank and Kenya Forest Service (KFS), it is important to note that there are no NGOs that address land rights issues operating in this area. Forest Peoples Programme began to work with the Ogiek of Mt Elgon in 2011 in response to a call for help, and in the process became acquainted with the Sengwer situation, providing some support but only beginning to work very fully with the Sengwer as a consequence of the evictions they experienced in 2013.

The World Bank, as well as the Finnish Government through their Miti Mingi project, have been funding KFS. As mentioned above, a major part of their intention has been to help transform its top-down enforcement and control approach to a participatory one. However, as acknowledged in the Bank's Inspection Panel report, they have failed to do so. One of the absolutely key reasons for this failure is that they have thought that the weakness is in implementation and training. They have continued to see KFS as a 'weak' institution in need of strengthening through more finance, whereas it has proved to continue to be a very strong organization that continues to strongly pursue not only an enforcement and control approach but also, from the top down, an approach which sees forest as a means for making money as an institution and as individuals in the institution. In this context it is important to note that although the World Bank currently has very good Indigenous People safeguards, and developed a very good Indigenous Peoples Planning Framework for the NRMP, at the end of the day the impact of funding depends both on the management side of the Bank which is driven by the need to get funding out, and it depends on the quality of the implementing agency (in this case KFS) and the quality of the Bank's analysis of this agency (something the Inspection Panel found was very inadequate).

[255] http://www.cnbcafrica.com/news/financial/2014/06/09/world-bank-to-support-kenya-in-5-year-plan/

This broader political economy and policy analysis is in sharp contrast with the analytic starting point of the Bank or the Finnish Government. This is evident in, for example, the following extract from an evaluation the Finns carried out on their funding:

"The Forest Act (GoK 2005) established the Kenya Forest Service in February 2007 which is a semi-autonomous institution governed by an independent board. KFS aims to become a financially viable institution that sustainably manages Kenya's forest resources for the benefit of the State and Kenyans. The Forest Act also sets up a framework for participatory forest management by creating Community Forest Associations (CFAs) adjacent to government forest reserves. The Act also allows for the development of management agreements, concessions and partnerships between KFS and the private sector regarding the long-term management of forest plantations.

"Participatory forest management (PFM) is yet to effectively take off in Kenya. The Forests Act of 2005 gives some indications on PFM aspirations but offers different interpretations on the role, function and application of PFM between KFS and civil society institutions. PFM plans were developed in 2007 with support from UNDP, PFM Guidelines and a PFM Manual were prepared by the then Forest Department in collaboration with civil society. Pilot sites were established in the Mt. Kenya area and nine management plans were elaborated and endorsed. However, several PFM issues remain unresolved which include policy position on suitability of PFM for different forest types (plantations, indigenous forests), land tenure arrangements (state forest reserves, trust land) and policy position on how benefits/costs are shared between different parties".[256]

Where this analysis says "several PFM issues remain unresolved" it then goes on to not include in its list the two key points:

1. The need to address the institutional culture of KFS that is focused on extracting benefits for individuals in, and the institution of, KFS itself; and
2. The fact that the Community Forest Associations (CFAs) - that Finnish funding has helped promote - can be extraordinarily counterproductive. As we know from the extensive literature on commons regimes, unless a community has long term ownership rights to their resources then it is hard to take a long term sustainable approach to those same resources. The CFA approach is specifically designed to benefit communities "adjacent to government forest reserves". Those forest dwelling communities such as the Sengwer or the Ogiek of Mt Elgon are not 'forest adjacent' they are forest communities who have strong cultural, social and livelihood relations with their forests and wish to continue to maintain those forests. These are the very people whose presence is criminalized by the interlinking set of institutional and legal arrangements described here, arrangements which also provides the means for the dominant elements of adjacent communities, and dominant elements in the wider society including KFS, to extract maximum resources from forests without any consideration for their long term well being.

Every year since 2007 when KFS began receiving funding from the World Bank for NRMP (apart from 2012) Sengwer homes have been being burnt by KFS guards in a process of harassment and intimidation that completely disregards the Bank's safeguard policies, as well as disregarding the Bank's own Indigenous Peoples Plan (IPP) that was drawn up prior to the project. The IPP highlighted the fact that unless the project secured Sengwer rights to their land, then far from improving livelihoods it would – as has been demonstrated – devastate communities.

Over the period from 2007 to the present the Sengwer have been offered land elsewhere but each time have refused to move from their ancestral lands. In a change of tactic, the new President and Deputy President came to Embobut in November 2013 and offered 400,000 Kenyan Shillings to a list of 2,784 'beneficiaries'. These included some of the indigenous Sengwer, as well as internally displaced people (IDPs) who are mostly landslide victims, as well as to the much larger group from more dominant neighbouring communities who have land elsewhere but have seen Sengwer land as available to cultivate since the Sengwer's right to their land is not recognised.

400,000 shillings may be a lot of money for an IDP or for someone who has simply come to benefit

[256] http://www.oecd.org/derec/finland/48479137.pdf

from cultivation. However, for the Sengwer eviction means being torn from their only lands, their ancestral lands, and it means the end of their community. For them 400,000 is nothing and will soon disappear.

The list of 'beneficiaries' has never been made public, probably because so many on the list are not residents of Embobut, but are politically connected to those who drew up the list. But more importantly, there was no consultation, and no agreement from the Sengwer. Most Sengwer residents of Embobut are not on the list, and for them, and even for those Sengwer who had money placed in bank accounts that were newly created for them for this purpose by the government, none had agreed to giving up their land for this temporary amount of money that requires those few families on the list to search for an acre of two elsewhere far from their own lands and far from each other, and requires those not on the list to squat on the edge of their ancestral lands with nothing to sustain them except through risking on-going access to their lands in the face of armed KFS guards.

Subsequent to the President's intervention in November 2013, and despite a High Court's court injunction secured by the Sengwer at Eldoret High Court in March 2013 (and still 'in force') forbidding their eviction from their lands, in January 2014 KFS began a process of forcefully evicting and burning all Sengwer homes in the Embobut forest and glades, forcing the thousands of Sengwer living their off their ancestral lands.

The World Bank Inspection Panel Report is very clear that:

1. The Bank failed its own Indigenous Peoples OP 4.20 safeguard policy, including "because the proper steps to address the potential loss of customary rights were not taken as provided by the policy". In other words it has not safeguarded Sengwer rights to their lands; and
2. The Bank was non-compliant with its safeguard policies because its project sustained the conditions for further evictions because it failed to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to eviction "before, during and after the conclusion of the NRMP".

The World Bank's response to the Inspection Panel's findings is evasive and seems to ignore the Panel's conclusion as cited above: ''Management shares the Panel's view that the NRMP has not caused the evictions. At the same time, Management acknowledges that the evictions were symptomatic of a complex underlying tension between GoK and forest communities that the Project was not well equipped to address.''[257] The Bank does, however, indicate that ''Management has viewed with concern the evictions that occurred during Project implementation and has responded diligently to those incidents, including bringing this to the attention of the borrower and facilitating a moratorium on evictions. Likewise, after Project closure Management has reacted to the reports of the widespread evictions that started in early 2014 and has called upon the borrower to adhere to good international practice in dealing with issues of resettlement and indigenous communities.''[258]

In a recent report by the Guardian it is noted: ''Forest peoples are being removed to protect water resources for burgeoning urban areas.''[259] In November 2014 Jim Yong Kim, the president of the World Bank, appealed to the Kenyan president, Uhuru Kenyatta, to resolve a Bank-backed Kenyan conservation project that has led to the eviction of thousands of Sengwer people living in the Embobut forest.[260] This latest experience with the NRMP and the KFS is simply one example of a much longer-term process the Sengwer have experienced.

Given that the President and Deputy President visited the area to dispense compensation and ensure

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[257] Management report and recommendation in response to the inspection Panel Investigation report Kenya natural Resources management Project (IDA Credit No. 42770): p. 11-12 http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/07/10/000442464_20140710100909/Rendered/PDF/893690INVR0P0900IPN0Request0RQ01302.pdf
[258] Ibidem.
[259] Vidal, J.:How the Kalahari bushmen and other tribes people are being evicted to make way for 'wilderness', The Guardian 16 November 2014, 'Racist' governments are forcing native people from their land, supposedly to benefit wildlife and environment, according to a report. See: http://www.theguardian.com/world/2014/nov/16/kalahari-bushmen-evicted-wilderness
[260] The Guardian, Monday 6 October 2014, ''World Bank chief steps in over evictions of Kenya's indigenous people'', See: http://www.theguardian.com/global-development/2014/oct/06/world-bank-chief-kenya-indigenous-people

people moved from Embobut, it would seem that the area is of strategic importance. However, to understand what is at stake for the Government of Kenya in the Cherangany Hills, it is important to distinguish immediate short-term political actions and motivations from the larger macro – political, macro -economic and macro-ecological perspective:

Immediate short-term political purposes:
The distribution of compensation by the President and Deputy President in November 2013 was part of a larger political strategy they were undertaking. This was a strategy of using compensation to move all of the IDPs (Internally Displaced People) from their camps in an attempt to demonstrate that the problem of IDPs was over. They are both charged by the International Criminal Court with crimes against, and this use of compensation to disperse IDPs was intended as a way of persuading the ICC that they were dealing with the consequences of the post-election violence issue that led to their being in court. The timing was very strategic in terms of the court case. Although the Sengwer situation has nothing to do with the post-election violence; IDPs, and other more local actors were happy to go along with this compensation process in order to be able to be beneficiaries off the money being distributed as a result of the land grab from the Sengwer. In other words the immediate reasons for the compensation programme were nothing to do with addressing any macro political, economic, environmental or social problems.

Larger macro – political, economic and ecological perspective:
As outlined above, the NRMP sought to address genuine water problems in Kenya. The World Bank justified the NRMP - and the Government of Kenya and KFS in particular justified the evictions that (in practice) are central to the NRMP - in terms of securing the water supply for large downstream populations. In fact securing their water supply cannot be secured through evictions but only through securing rights. A series of funding programmes from Finland then this World Bank funded NRMP, and now in November 2014 3.5 billion Kenya Shillings funding from the EU continues this process.[261]

Box 4: Quotes by the Ministry of the Environment, Water and Natural Resources on the latest funding from the EU

"Environmental protection has received a shot in the arm following the signing of a sh. 3.5 billion agreement to conserve two of the country's largest water towers and ecosystems.''
"Mt. Elgon and Cherangany water towers in western Kenya will benefit from the joint strategy between the Ministry of Environment, Water and Natural Resources and the European Union in an effort to protect long-term water needs in the region.''
"Hundreds of thousands of residents who rely on water supplies from Mt. Elgon in Trans Nzoia, Bungoma and Mt. Elgon Counties and those dependent on Cherangany Hills, including West Pokot, Uasin Gishu, Kakamega, Busia, Siaya and Counties will benefit from the program.''
"The joint strategy was signed by Dr. Richard Lesiyampe the Principal Secretary of Environment and Natural Resources on behalf of the Government and the Head of Development at the European Union in Kenya, Erik Habers. The country has five major water towers, including the Abadares, Mt. Kenya and Mau Forest.''
"The initiative will protect ground supplies of water which are essential for farming and improves Sanitation. The targeted areas are tracts of land that store rain water, enable regular river flows, recharge ground water storage, improve soil fertility, reduce erosion and sediment in river water, and host a diverse species of plants and animals.''
"During the signing ceremony held at the Ministry headquarters, Dr. Lesiyampe said "Kenya's water assets are vital to the country's future. They need to be conserved especially in this era of climate Change that is starting to hit Kenya". He said that conserving, restoring and regulating Kenya's water towers will benefit tens of thousands of people in ten counties and that action is needed now to build long term solutions to protect Kenya's future agriculture and water supplies.''

Clearly this latest 3.5 billion KSH funding from the EU is seeking to address a very serious problem. However, like the NRMP it is in the hands of those who address it in a way which pitches human rights against environmental security and thereby makes both worse rather than better.

Analysis of the implementation of the initiative and its implications

[261] Ministry of Environment, Water and Natural Resources. See: http://www.environment.go.ke/?p=589

The reason for the NRMP provided by KFS, by dominant neighbouring communities, and by bilateral agencies and donating Governments, is that the forest needs to be protected both for itself and as a critical water catchment for people living downstream and for the whole of Kenya. The problem with this analysis is that – as we have witnessed with the nearby KFS controlled forests at Mt Elgon – KFS control through armed guards and through 'Community Forest Associations' set up to benefit non-forest dwelling neighbouring communities, leads to the destruction not the protection of indigenous forests.

The Sengwer, like the Ogiek at Mt Elgon, are clear that a socially just and ecologically sustainable way to protect the forests and the water catchment area that it sustains, is only possible and sustainable through establishing rights based conservation that is built on the recognition of their rights to their ancestral lands.

This is an approach which has been clearly presented by forest dwelling communities to the relevant conservation authorities, political actors, World Bank, EU and other critical actors. This approach has been presented at the local level by the Ogiek at Mt Elgon (with the attendance and support of Sengwer representatives) through two field trips that brought County Government, IUCN, KFS, KWS, World Bank and other players to see the forest situation at Mt Elgon. It has also been presented to the National Land Commissions task Force on Historical Land Injustices, at the National and County level as outlined below.

Meanwhile, it should be noted that perhaps over 70% of the Sengwer have returned to their lands since being forcibly evicted form them, and are currently living in inadequate temporary shelters, being harassed and arrested by KFS guards. The key point to note here is that other peoples (who had either been moved into Embobut forest by the Government, or had taken advantage of the Sengwer's rights to their land being denied, and so had taken over land for cultivation) have not returned. That the Sengwer have insisted on returning, despite the ongoing harassment, highlights how vital their ancestral home is to them.

When the World Bank Executive Board met under the Chairmanship of President Kim on September 30th to decide its response to the Sengwer's situation. It had to decide between:

- The Bank's own Inspection Panel's strong criticisms262 of the Natural Resource Management Project (NRMP), and
- The Bank Management's proposed Action Plan in response to the Panel's findings. This plan was – from a Sengwer point of view - entirely inadequate, in that it tried to refute or deflect all criticism, and simply proposed a few inadequate responses.

Although the Inspection Panel could not prove a direct link between Bank funding and the KFS forced evictions of the Sengwer, the Panel had found that:

- The Bank failed its own Indigenous Peoples OP 4.20 safeguard policy by not safeguarded their rights to their lands, including "because the proper steps to address the potential loss of customary rights were not taken as provided by the policy"; and
- The Bank was non-compliant with its safeguard policies because the project sustained the conditions for further evictions by failing to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to eviction "before, during and after the conclusion of the NRMP".

Despite some differences of view in the Board, the Board responded by requiring a far more robust response from the Bank, including President Kim's commitment to contact President Kenyatta, which he subsequently did by addressing the issue in a face-to-face meeting with President Kenyatta in early November. Some argue that the problem with the World Bank offering to help solve problems it has created is that it uses the same approach that created the problems in the first place.

However, the affected communities have welcomed the Bank's, and have proposed a very clear plan of action to enable the Bank's intervention to support a real resolution that can secure the forests through securing forest peoples' rights. As noted above, forest dwelling communities have outlined a

[262] The Guardian, Monday 29 September 2014 , "World Bank accuses itself of failing to protect Kenya forest dwellers". See: http://www.theguardian.com/global-development/2014/sep/29/world-bank-kenya-forest-dwellers

very clear legal route through to rights-based conservation.

Analysis of the challenges and prospects within the initiative and their impact
If we turn from considering the situation in Cherangany in terms of the failed World Bank NRMP initiative, to considering the initiative being taken by forest dwellers themselves, in terms of the rights based solution being proposed by the Sengwer (the Sengwer Indigenous Peoples Programme) and the Ogiek (the Chepkitale Indigenous Peoples Project), then there is a possibility – no more than that – of a positive outcome.

Policy dialogue is continuing alongside the ongoing court cases. The Sengwer and the Ogiek are in dialogue with the World Bank, the KFS, and with key political players including the informal Human Rights caucus in Parliament, seeking to persuade them to pilot this rights-based approach at Mt Elgon and Embobut.

The key Sengwer representatives do not want to be named (they asked for their identity to remain anonymous in the request they sent to the World Bank) but they are key leaders in their community, and have held several crucial face to face meetings with the World Bank in Nairobi, as well as with KFS in the Cherangany Hills.

Persuading any players (for whom the protection of the forests or the protection of human rights) is fairly simple if they are willing to look a the evidence and to look at the proposals forest dwellers are putting forward for piloting an approach in which they are granted full rights to their lands on condition that they maintain the forests and ecological integrity of their lands. However, it is a very difficult task to persuade those whose primary focus is on retaining, gaining or facilitating those with political and or financial power.

In this context, the role of the Finnish Government (which, as noted above, has been a major funder of KFS and appears unwilling to challenge the fundamentally unproductive direction KFS is taking), the role of the EU (which has recently granted further funding to KFS despite the evidence that this will have the opposite effect to that purportedly intended) and the future role of the World Bank, are all critical, and bringing pressure from Europe on these key donors to help bring the activities of such key institutions as KFS in line with international human rights and scientific conservation is absolutely critical.

Interestingly enough, a USAID commissioned study reiterates the need for support for institutional reforms and improved governance; for example, for better stakeholder participation and for devolved/decentralized forest sector institutions, such as community forestry associations.[263] Point of departure, however, are the customary entitlements of the Sengwer people which should guide further institutional arrangements – as clearly voiced in the proposals tabled by the Sengwer to the Kenyan government and the concerned funding agencies.

It should, however, be noted that subsequent to the World Bank Inspection Panel's critical report on the NRMP, these players have become more open to listening to the solutions being proposed by the Sengwer and the other traditional forest dwellers of Kenya. These include the Ogiek of Mount Elgon, the Sengwer of Cherangany, the Yaaku of Mukogodo, the Aweer/Boni of Lamu District, and the Sanye of Lamu District. Although the Ogiek of Mau have expressed support for the proposals of these forest dwelling communities, and are in discussion with them, they are engaged in their own court processes and so are not signing up to these proposals at this moment.

In a presentation given by the Forest Indigenous Peoples Network to the NLC's Task Force on Historical Injustices in Nairobi on the 11th September 2014, the forest dwelling communities describe themselves and express their main demands. They are clear that they cannot do this without having their traditional land rights recognised. They want their forests recognised as community lands and formally transferred to them, to be held under community land titles provided for by the proposed Community Land Act. A proposal is formulated as follows: 'In return for restitution of our customary forestlands through a transfer from public to community land status, we are willing to be legally bound

[263] ECODIT: Kenya Tropical Forest and Biodiversity Assessment. Prosperity, Livelihoods and Conserving Ecosystems. A report prepared for review by USAID, 2011. http://www.brucebyersconsulting.com/wp-

to rehabilitate, conserve, and manage our forests for the people of Kenya. In fact, we look forward to that responsibility even although we know it will take a lot of work on our part.'[264] The conflict between the demands of forest conservation and their demand that their land rights be recognised need not exist because in their opinion traditional forest communities are potentially ideal conservators.

Conclusion
In addition to the information provided in the initial quick scan, this case study has sought to give a deeper analysis of: the motivations of the institutions and funders involved; the reasons for the negative impact of this funding and project, and a clear sense of the effective alternative which, if pursued, can meet substantial environmental and social needs rather than set one set of needs against the other, leaving those who wish to extract resources and power free to do so at the expense of the environmental and social worlds.

What is clear is that there is a huge amount to learn from what has been happening at Chernangany, and there is a huge amount of potential that positive learning and practice can follow from a willingness to re-orientate such projects so that, instead of opposing humans and their environments, they help secure forest conservation and watershed protection through securing forest peoples rights.

[264] forest dwelling communities position statement: Securing our rights, our lands and our forests. See: http://www.forestpeoples.org/sites/fpp/files/news/2014/10/Forest%20Dwellers%20Position%20Statement%

The case of the Boumba Bek–Nki Park Complex, Cameroon

By Silas Kpanan Ayoung Siakor, Forest Peoples Programme (with contributions from John Nelson, FPP), November 2014

General Analysis

The Tri-national Dja-Odzala-Minkebe (TRIDOM) landscape is situated within the Congo Basin forest eco-region; the world's second largest expanse of rainforest. This region covers 14.6 million hectares of forest across Cameroon, Gabon and the Republic of Congo. The TRIDOM conservation complex constitutes seven protected areas including the Minkebe National Park in northern Gabon, Odzala Park in northern Republic of Congo, and the Boumba Bek- Nki Complex in Cameroon, and covers a total of 3.6 million hectares.[265] Various resource extraction companies and conservationists have coveted this area for many years.

Figure 12: Location of Boumba Bek-Nki Complex[266]

In addition to its rich biodiversity, this region is also home to thousands of communities, including sedentary Bantu farmers and traders, and hundreds of indigenous Baka communities, whose livelihoods and culture have relied upon semi-nomadic (but increasingly sedentary) forest hunting and gathering across the region for eons. This heavily forested region has always been targeted for exploitation by logging companies who have secured government permission in the form of large (30 - 70,000 ha) logging concessions; there is also extensive industrial and artisanal illegal logging. In more recent years, permission for new mines for cobalt and iron ore have been allocated, and this has been associated with rapid investments in infrastructure development (mainly roads), increased numbers of illicit mining camps, and increasing migration into the zone by potential farmers, miners and commercial actors. All of this threatens the region's forests, and indigenous communities' customary lands and their way of life.[267]

The Boumba Bek-Nki Complex is made up of two parks joined by a park "inter-zone" that has become subsumed within the overall management framework for the two conservation areas. Outside the few local towns across the region, indigenous Baka make up the majority of the population, numbering around 8,000 people, with the majority aged 25 years old or under.

The government adopted a management approach for Boumba Bek Park based upon a policy of no access or use by local communities and indigenous people. Teams of paramilitary eco-guards charged with controlling illegal wildlife poaching enforced the restrictions. Around the Boumba Bek portion of the complex (Boumba Bek National Park), these guards swiftly earned a negative reputation for targeting local and especially indigenous peoples, resulting in massive conflict between park authorities and communities, reduced community welfare, and increasing poverty. Communities remained systematically excluded from the management of the park, in direct opposition to universal principles and policies requiring protection of community rights and governance of community forests

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[265] Ngono, Gregoire, Three Nations, One conservation complex, 2012 published in ITTO Tropical Forest Update 2012, p.11-13. See: http://www.itto.int/direct/topics/topics_pdf_download/topics_id=2490&no=0
[266] Map from: http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/cameroonbbekeng.pdf
[267] Forest Peoples Programme, E-Newsletter, October 2014. See: http://www.forestpeoples.org/enewsletters/fpp-e-newsletter-october-2014/news/2014/10/conservation-projects-harm-communities-threa

based upon their Free, Prior and Informed Consent (FPIC).[268]

The most significant development southwest of Nki park is an iron ore mine that is being established by the Cameroonian company Camiron. The main investor in Camiron is the Australian mining company known as Sundance Resources, who have been providing the cash and technical expertise to prove the resource, including substantial amounts of direct ship ore in the form of 95 percent pure hematite. The development programme for the mine includes construction of a 450 kilometer long railway and associated infrastructure between Mballam in southeast Cameroon and a new port south of Kribi. The railway will bisect community lands, and is the harbinger of a dramatic transformation of the landscape in and around the Boumba Bek-Nki Complex that is the home to the majority of Cameroon's indigenous forest peoples.

While the TRIDOM conservation complex broadly impacts the indigenous peoples of the region through restrictions that affect their social and economic wellbeing, the mining project will also severely impact their environment and way of life. This case study, however, is only concerned with the implications of the Boumba Bek–Nki Park complex on indigenous Baka communities in southeast Cameroon.

Legal and Policy Framework

Boumba Bek/Nki National Park forms part of a sequence of protected areas in South-east Cameroon (Lobéké, and Boumba Bek-Nki) that were first classified as Essential Protection Zones in 1995.[269] Ten years later in October 2005 the areas were declared national parks by presidential decree.[270] The Boumba Bek and Nki parks jointly cover an area of 648,600 ha. Together they comprise the largest protected area in Cameroon, followed by the Dja Wildlife Reserve covering some 526,000 ha.[271]

The parks fall under the purview of Cameroon's Ministry of Environment and Forests (MINEF), also responsible for allocating logging concessions. Other Ministries involved in land allocation include the ministries responsible for Agriculture and Lands. But due to poor coordination amongst these different ministries, often times land allocation by one ministry is not always informed by prior decisions of other ministries. For example, in some regions logging concessions issued by MINEF overlap with mining concessions that have been allocated by the Ministry of Mines. The resulting confusion caused by overlapping permits provided to industrial concerns has led to the multiplication of agriculture, mining and logging concessions being granted to companies and individuals as a new land rush stokes up pace. "The latest manifestation of the land-use conundrum has been the introduction of oil, gas, and mining permits inside protected areas; some of which are subject to international conventions.".[272]

Logging, mining and agriculture projects normally require social and environmental impact assessments as part of the concession granting process. These impacts assessments are intended to clearly map out the potential negative impacts these projects would have on local populations and to outline measures aimed at mitigating those impacts. However, these assessments are often neglected or poorly executed. The exceptions have been major impact assessments by mining companies, e.g. the Geovic Cobalt mine and the Mballam iron ore project, who have all noted the presence of communities in and around their concessions, including many indigenous Baka communities who use their lands in the same way as those around Boumba Bek National Park.

The decrees establishing the Boumba Bek and Nki National Parks restricts Baka communities' access and use of forest resources within the parks. With these restrictions, often imposed from the outside without consultation with the Baka people, creates diverse hardships for these communities. The

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[268] Ibid.

[269] Ndameu, Benoit, Cameroon – Boumba Bek: Protected areas and indigenous peoples: the paradox of conservation and survival of the Baka in Moloundou region (south-east Cameroon), July 2001. See: http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/cameroonbbekeng.pdf

[270] Ngono, Gregoire, Three Nations, One conservation complex, 2012 published in ITTO Tropical Forest Update 2012, p.11-13.

[271] Ndameu, Benoit, Cameroon – Boumba Bek: Protected areas and indigenous peoples: the paradox of conservation and survival of the Baka in Moloundou region (south-east Cameroon), July 2001.

[272] Schwartz, B., Hoyle, D., and Nguiffo, S., Emerging trends in land-use conflicts in Cameroon Overlapping natural resource permits threaten protected areas and foreign direct investment. See: http://awsassets.panda.org/downloads/cameroonminingenglish.pdf

approach has been critiqued for disregarding international conventions protecting the access and use rights of indigenous peoples to the resources being placed under protection.

The example of the Boumba-Bek National Park further illustrates this situation. For example, the government and conservation organizations decided and established the park boundaries without consultation with or securing the consent of local communities and the Baka Pygmy people who would be affected by the decision. These communities and their Baka neighbors, who are predominantly hunter-gatherers, are now excluded from hunting and gathering from these protected areas. The expulsion from the region and continuing marginalization in management arrangements for these protected areas are documented extensively.[273]

Cameroon is a party to the Convention on Biological Diversity (CBD), after ratifying the convention in October 1994.[274] The country developed its first National Biodiversity Strategy and Action Plan in 2000 (NBSAP) but revised it in 2012 to bring it in line with its national development strategy; noting that the implementation of the plan "was faced with the major challenge of evolving trends and emerging issues that rendered the 2000 NBSAP ill adapted as a strategic framework for intervention or response on biodiversity related issues".[275] Therefore the NBSAP II was adopted in 2012 to take into account the Vision 2035 "priority orientations defined within the Growth and Employment Strategy Paper (GESP) which provides development options to boost key production sectors that are largely depending on biodiversity" – a euphemism for prioritizing resource extraction and economic growth over environmental and social considerations. This contradicts the justification for the human rights abuses committed against local communities and indigenous peoples in the name of conservation.

The CBD and related internationally agreed principles, and a number of donor guidelines for developing, financing or implementing major conservation projects such as protected areas recognize the rights of indigenous peoples to use, own, and control their customary lands and territories, and to protect their traditional knowledge. The convention and related principles also strongly support the involvement of local communities and indigenous peoples in conservation initiatives based upon the principles of full and informed consent, as well as guarantees that they would share in the benefits of conservation projects.

In 2003 at the World Park Congress, series of recommendations were adopted to further strengthen globally recognized conservation guidelines and CBD principles. The Durban recommendations and action plan restated governments and stakeholders' commitment to the principle enshrined in the CBD and other conservation guidelines, but went a step further to request governments to review current laws and policies that impact on local communities and indigenous peoples, and to adopt new laws and policies granting local communities and indigenous peoples control over their traditional resources and territories including scared areas. The delegates agreed that in the future "the management of all relevant protected areas involves representatives chosen by indigenous peoples, including mobile indigenous peoples, and local communities proportionate to their rights and interests".[276]
Cameroon, as a party to the CBD and a participant in the TRIDOM conservation initiative, is bound by the convention's principles and donor guidelines. Although the decrees establishing the Boumba Bek and Nki National Parks restricts local communities and indigenous peoples access and use of forest resources within these parks, the country's obligations under the convention remain an integral element of the legal and policy framework governing protected areas in Cameroon; even if the government chooses not to implement them.

Key actors and stakeholders, and their motivations
To understand the perspectives of local communities and indigenous peoples affected by the current protected area management approaches, one needs only to listen to them. For example, a Baka man is quoted as saying: "we were born in the forest and we do everything there, gather, hunt and fish. Where do they want us to make our lives? They say we cannot go to the forest – where are we

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[273] John Nelson, From the Congo Basin - on communities challenged by conservation, in World Watch Institute, From Readers, Excerpted from the January/ February 2005 World Watch magazine, p.15 – 17.
[274] CBD Secretariat, Cameroon Country Profile, 2012. See: http://www.cbd.int/countries/profile/default.shtml?country=cm#thematic
[275] Republic of Cameroon, National Biodiversity Strategy and Action Plan II, 2012. See: http://www.cbd.int/doc/world/cm/cm-nbsap-v2-en.pdf
[276] Durban Action Plan, 2004. See: http://cmsdata.iucn.org/downloads/durbanactionen.pdf

supposed to live?"[277] This statement defines the relationship between local communities and indigenous peoples on the one hand, and the Government of Cameroon and big conservation organizations on the other. It also highlights the conflict brought on by the exclusionary approach to protected area management.

Although there is an abundance of literature on the exclusionary approach to managing protected areas is unsustainable, conservation organizations, donors and the Government of Cameroon seem to still be some way off from reforming this problematic approach and bringing it in line with generally agreed principles outlined various global agreements and resolutions on protected area management. On a positive note however, there is now broad recognition of the challenge the exclusionary approach pose. This is ironically one of the main motivations underpinning conservation organizations' and the government of Cameroon's token attempts to address the situation and ensure respect for the rights of indigenous communities and local communities. For example, maps of customary areas in and around Boumba Bek park created between 2004 and 2006 by communities, their civil society support organizations (including FPP) and NGO conservation agencies (including WWF who continues to provide technical support to the government who oversee the ecoguards) clearly illustrate how indigenous communities traditional lands have been overlain by the park's boundaries. They explain why conflicts between indigenous communities and park authorities became so severe so rapidly. These maps of community customary lands underpin ongoing work to secure community rights within the park management plan.

While some conservation representatives are now advocating for positive evolution of attitudes and approach, it is important to emphasize that the situation around Boumba Bek - Nki Complex remains unaddressed. Across the Boumba Bek - Nki Complex the work to consult with local populations to inform management planning remains incomplete.
Communities from areas adjoining Nki National Park have still not been consulted, and their customary territories are not yet mapped. Around Nki indigenous Baka are even more dominant in their use of forest resources (as compared to neighboring Bantu groups), and this situation extends East-West along its southern boundary, where a new massive iron ore mine and environmental offset are planned.

In addition to the basic framework of Cameroon's laws governing land, there are number of key rules and guidelines that should be protecting community rights; but are not being implemented fully. For example, the World Conservation Union (IUCN) and WWF have clear and very strong policies protecting communities in and around protected areas that are being used to guide improvements to the management plans of parks in order to protect community rights. Both organizations also agree "protected areas will survive only if they are seen to be of value, in the widest sense, to the nation as a whole and to local people in particular" and that "the rights of indigenous and other traditional peoples inhabiting protected areas must be respected by promoting and allowing full participation in co- management of resources, and in a way that would not affect or undermine the objectives for the protected area as set out in its management plan".[278] In this context, it is important to note that WWF has been the main technical partner for conservation around the Boumba Bek - Nki Complex for the Government of Cameroon.

Various NGOs argue that if the organizations would fully adhere to their own principles and policies, and instated that their local partners do likewise, much of the conflict in the region would be resolved. But in many cases the local offices and local partners are not fully aware of these policies.

The ratification of the United Nations Declaration on Indigenous Peoples (UNDRIP) over the past decade strengthens and widens many of the provisions contained in the IUCN and WWF policy and especially brings in the principle of Free, Prior and Informed Consent (FPIC), particularly when indigenous peoples' lands are targeted.[279] The FPIC principle is increasingly being applied to other

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[277] Forest Peoples Programme, Indigenous Peoples and Protected Areas: From Principles to Practice. Community testimony from Cameroon, 2003. See: http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/indigenous-peoples-and-protected-areas-africa-

[278] IUCN, Cambridge (UK) and WWF International, Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies, 2000. See: https://portals.iucn.org/library/efiles/documents/PAG-004.pdf

[279] United Nations General Assembly, United Nations Declaration on Indigenous Peoples, 2007. Available from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

local communities ("peoples") who are protected by the African Commission on Human and Peoples Rights (ACHPR). Because Cameroon has ratified these two international human rights and other conventions, fulfilling its obligation under the various conventions is considered a major motivation for exploring opportunities for upholding and protecting the rights of local communities and populations.

There is an abundance of reasons, i.e. motivations for the Government of Cameroon to uphold and respect the rights of indigenous peoples in the context of major conservation initiatives. To the contrary the government has consistently failed to live up to its international obligations, and the tradition of using "the strength of the State" to implement its top-down plans means that communities remain vulnerable and face gross political and economic marginalization, and to human rights abuses meted out by park guards enforcing government regulations. Indigenous Baka peoples are doubly marginalized by both the State and neighboring Bantu groups who tend to claim ownership of indigenous peoples' lands.
Indigenous Baka culture tends to be non-confrontational, and given their legal weak status in government's eyes, they are consistently and inextricably being pushed out of their traditional areas. This is threatening one of the last areas of rich forest that have traditionally been managed and used by Baka, and their unique culture is under serious threat.

Across the whole region there are a number of local support organizations targeting support to forest communities, including a half dozen of indigenous NGOs that are being supported to help indigenous communities to develop their capacities and protect their lands. One of the largest such organizations is the Baka NGO called Okani that is implementing a national project to build indigenous peoples' representation, and to do this Okani is partnering with smaller NGOs working around Boumba Bek and Nki National Parks, the Geovic and Mballam mines, and along the path of the Mballam railway line all the way to Campo Ma'an National Park in Ocean Department far to the West. FPP is supporting this project and is currently working to enable further community outreach to support indigenous communities affected by the TRIDOM project down the conservation corridor to the east of Boumba Bek and Nki, along the border of Central Africa Republic, from Yokadouma to Moloundou.

While in principle the various stakeholders involved in different initiatives around the Boumba Bek – Nki Complex seem to agree that the rights of these communities need to be respected, the practice says differently. The top-down approach to the conservation initiative applied by the government and its allies remain the dividing line between themselves and other stakeholders including the indigenous Baka communities and their support groups.

Implementation of the initiative and impacts
The Durban Action Plan notes that "indigenous peoples, including mobile indigenous peoples, local communities, young people, ethnic groups, women and other civil society interest groups are not yet sufficiently engaged in the identification and management of protected areas".[280] This phenomenon is at the heart of the challenges and negative impacts the conservation initiative analyzed for this case study has on indigenous peoples and local communities in Cameroon. To address this situation in this, and other conservation contexts, the Durban Action Plan outlines three clear targets including: "all existing and future protected areas are established and managed in full compliance with the rights of indigenous peoples, including mobile indigenous peoples, and local communities" and to develop and implement "participatory mechanism for the restitution of indigenous peoples' traditional lands and territories that were incorporated into protected areas without their free and informed consent".[281] Almost ten years since then, the government of Cameroon is still lacking or has not taken sufficient steps to implement the Durban Action Plan.

While conservation was one of the initial threats to community rights in forest regions, the situation is rapidly changing due to two key factors. Firstly, communities that have been supported by national and international civil society to build their capacities and directly engage conservation agencies over their rights have brought tremendous pressure to bear on conservation agents, including state entities and their international supporters. Secondly, the emergence of new actors including the agro-industry and the threats they pose to forest has introduced new variables into the equation. There is now widespread acceptance (including by conservation) that the real threat to biodiversity is not

[280] Durban Action Plan, 2004
[281] Ibid.

communities but big infrastructure and industrial agriculture, which are now rapidly transforming the landscapes in Cameroon.

There is now a potential for building alliances between conservation organizations and indigenous communities to protect the region's forests as the threats grow, but this will require continued documentation of customary areas and capacity building for communities to widen the areas where international standards can be applied, and continuous support and engagement with conservation agencies now setting up around the Mballam mine and environment offset project. While the threats traditional conservation posed to local communities and indigenous peoples may be diminishing, their continuous vigilance in defending their rights and ability to tactfully cultivate new alliances with the enemies of yesterday will define their future. Hence, a robust and empowering alliance with conservation organizations will ensure that abuses meted out to them in time past, will not re-emerge in a different cloak.

Whatever the outcome for communities, the extremely bio-diverse forests around the Boumba Bek-Nki Complex will continue to face severe threats as these developments proceed. The combination of conservation, logging, mining and infrastructure development around the Boumba Bek-Nki Complex in southeast Cameroon directly threatens the livelihoods of both indigenous Baka communities and their Bantu neighbors; even though the Bantu's are also guilty of discriminating against their Baka neighbors who share their fate. The ability of the new actors to sow seeds of discord within communities, as they promise development benefits from the very projects that threaten their survival and ways of life, is sufficient reason for these communities to remain vigilant. For example, their willingness to use various means to attract support from local elites, and the effectiveness with which their public relations machineries promote the so-called benefits of their projects is something that these communities should remain mindful of. They also need to remain mindful of the ways conservation NGOs conduct themselves; the emerging threats should not be their only pre-occupation.

Challenges and prospects of the initiative
Although the situation of local forest dependent populations remains dire, and protected area managers in Cameroon need to do more to respect and uphold their rights, the positive evolution of policies and principles guiding protected area management provides some hope that these challenges could be overcome and the prospects for sustainable development outcomes could be enhanced. But these positive evolutions should not become the reason for complacency. Survival International, in a November 2014 report describes the dismal situations Baka people still face at the hands of eco guards funded by the WWF. The report notes "WWF provides critical support for ecoguards working in Cameroon's Boumba Bek, Nki and Lobekee National Parks, including vehicles, equipment and a bonus system for trophies confiscated, which incentivizes raids on Baka families."[282]

Indigenous and other traditional peoples have long associations with nature and a deep understanding of it. Often they have made significant contributions to the maintenance of many of the earth's most fragile ecosystems, through their traditional sustainable resource use practices and culture-based respect for nature. Therefore, there should be no inherent conflict between the objectives of protected areas and the existence, within and around their borders, of indigenous and other traditional peoples. Moreover, they should be recognized as rightful, equal partners in the development and implementation of conservation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment and management of protected areas. Acknowledging this situation, the Durban Action Plan notes that the "costs and benefits of maintaining protected areas are not equitably shared. Often local communities bear most of the costs but receive few of the benefits, while society as a whole gains the benefits but bears few of the costs ". 19

The Action Plan, in addition to many other progressive proposals to address this situation, provides that by 2014 conservation managers and governments would have developed "participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented".[283] Fully implementing these progressive elements of the action plan and addressing

[282] Survival International, Parks Need Peoples, November 2014, p.15. Available from: http://assets.survivalinternational.org/documents/1324/parksneedpeoples-report.pdf
[283] Durban Action Plan, 2004, p.229.

this imbalance will greatly improve the chances of conservation projects being sustained, minimize conflicts and human rights abuses linked to the management of these conservation projects, and ensure a win-win solution for all concerned.

The Bopumba Bek–Nki Complex provides an opportunity for the Government of Cameroon and its conservation allies to take concrete steps towards implementing the Durban Action Plan. The extensive documentation on community lands that has been acquired over the past decade makes clear that the bulk of the lands within in and around the Boumba Bek-Nki Complex comprise the customary territories of indigenous Baka who rely upon forest resources for their livelihoods. They have been there for centuries, yet the forests remain biodiverse, and mostly intact. If these communities' customary lands can be returned to them and protected, then this will help to slow the pace of infrastructure and mining development that threatens millions of hectares of forest across that region - millions of hectares of forest that by rights belong to indigenous Baka.

The prospects for delivering on the commitments contained in the Durban Action Plan in respect of Cameroon could be considered bleak when one takes into account the country's history and development agenda, Vision 2035, and current actions in pursuit of this vision. On the other hand, as the landscape in the global conservation community continues to shift towards globalizing a rights-based approach to conservation, countries that are reluctant to adapt are likely to alienate themselves. This might lead to tension between the large and influential conservation organisations such as WWF and IUCN on the one hand, and governments and their conservation agencies on the other. As these major international conservation actors come under increased scrutiny and criticism, their resolve to respond positively to these criticisms and address the challenges squarely is likely to increase. This could open the current window of opportunity presented by these positive evolutions in conservation policies and principles wider. These changes are therefore reasonable silver linings on an otherwise dark conservation horizon. But this will not be an easy feat. To transform the conflicts and address the human rights abuses resulting from the top-down management of the Boumba Bek–Nki Complex, the Government of Cameroon and its conservation allies need to do more; they need to go beyond the policy changes that are proposed to adopting and institutionalizing the behavioral changes that are necessary to implement adopt and implement a rights-based approach.

Conclusions and recommendations

The literature reviewed for this case study has highlighted the grave human rights abuses and appalling treatments indigenous peoples are subjected to, especially when land they occupy are targeted for conservation. In response to these issues, the conservation community has over the years taken steps, albeit unsuccessfully, to address the suffering of indigenous peoples and local communities impacted by the creation of protected areas. As mentioned earlier, there is a strong opportunity to forge alliances between conservation organizations and indigenous communities to conserve the region's forests in the face of growing threats represented by mining, plantations and infrastructure development. This implies support and commitment for continued documentation of customary areas and capacity building for communities to expand areas where international standards – to which Cameroon is party to - can be applied. It also requires continuous support and engagement with conservation agencies.

Looking ahead, the following conclusions have been drawn to inform future thinking about conservation vis-à-vis the impacts on indigenous peoples and local communities globally, but more so in Cameroon.

1. <u>Global conservation policies and principles have been under sustained scrutiny, and the subjects of widespread criticisms from human rights organisations</u>, since the first World Park Congress in 1962. As a result of these criticisms, conservation agents and governments have sought to introduce policies aiming to address concerns about human rights violations, especially the inhumane treatment of indigenous peoples and local populations. The international community has taken steps to introduce internationally binding human rights conventions and treaties – further clarifying and strengthening global policy and legal frame works for protecting human rights, especially indigenous peoples and local communities. In spite of the progressive evolutions mentioned supra, as long as there is progress to be made, NGO scrutiny and criticisms should continue.
2. <u>The existing policy and legal framework governing park management have been subjected</u>

to frequent changes and improvements. Over the last fifty years, various proposals on how to address human rights abuses linked to conservation and adopt more inclusive and equitable management regimes have been advanced. The problem is therefore not a lack of good ideas or policies rather the problem is more about the unwillingness of governments and conservation agents to translate these policies and principles into practice. This situation has endured due to it seems, the glaring absence of enforcement mechanisms or sanctions against governments and conservation organizations that fail to abide by these policies; this needs to change.

3. Although the human rights abuses linked to big conservation projects have been publicized extensively, donors and international financial institutions continue to fund controversial conservation projects, including the Boumba Bek–Nki Complex and the TRIDOM initiative. So long there is donor funding for these giant conservation projects, and a clear lack of commitment on the part of the financiers to hold project managers to the terms of their safeguard policies – conservation agents are unlikely to push harder for implementation of progressive policies and principles on the ground. Continued donor financing without decisive actions or sanctions against governments and organizations that breach their safeguards, means the cycle of violence against indigenous peoples and local communities is unlikely to end. As an aside, this also applies to mining projects, oil palm plantations and in some instances logging.
4. To address the human rights situation in protected areas, donors and conservation agents must now shift from debating and proposing new measures to fully and effectively implementing existing progressive policies and principles. This involves a combination of decisive actions to isolate and withhold funding from non-compliant operators and increasing funding to progressive actors as a way of incentivizing them. Put differently, what local communities and indigenous peoples need now is action not more words.

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The case of Kilimo Kwanza and the SAGCOT programme, Tanzania

By Mikael Bergius[284], November 2014

General analysis of Kilimo Kwanza and the SAGCOT programme
This deep scan introduces the Kilimo Kwanza (KK) initiative and the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). KK, meaning "agriculture first", seeks to place agriculture at the forefront of Tanzania's development agenda through agricultural expansion, agricultural intensification and reform of customary land governance systems. KK aims to develop a highly productive and large-scale intensive agricultural sector in Tanzania, a sector which is now mainly characterized by small-scale farming.[285]

The KK initiative emerged in recognition of the huge importance of agriculture to the Tanzanian economy. It is considered that about 75% of the population of 45 million people is engaged in agriculture, hence rendering it the ultimate backbone of Tanzania's society. Yet, many rural Tanzanians face food insecurity on a frequent basis. According to more than 40 percent of the Tanzanian population lives in chronic food deficit regions where irregular rainfall causes repeated food shortages. " Moreover 81 percent of the impoverished people who are often food insecure are in households where the main activity is agriculture".[286]

Against this background the KK initiative - initiated by the private sector through the Tanzania National Business Council - was launched by the Tanzanian government in 2009. With the concerted support of international organisations, donors and the private sector KK seeks to modernize and commercialize the agricultural sector and boost agricultural productivity via public-private partnerships. It specifically aims to mobilize the private sector by creating incentives for agricultural investments.[287] Its overarching objective is to achieve a "Green Revolution" by fostering inclusive, commercially successful agribusinesses that will benefit Tanzania's small-scale farmers through improved food security, reduced poverty and ensuring environmental sustainability.[288] In paper the KK policy instruments and strategies claim to target small, medium and large -scale producers, including those who are engaged in crop and/or livestock production, bee keeping, and fishing. The initiative is built around a set of ten pillars calling for the cooperation between governmental sectors, private sector and farmers.[289] These pillars include mobilization of financial resources, institutional reorganization, better incentives for farmers to produce, infrastructure improvements, and land policies to facilitate easier access to land for commercial operators.[290]

In a quest to implement the KK initiative, President Kikwete in May 2010 launched an ambitious public-private partnership programme known as the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). He boldly described the programme as the largest agricultural undertaking in the history of Tanzania.[291] The concept of growth corridors is fast gaining credit as an effective means of reaching economic and social development objectives. By connecting *'economic agents along a defined geography'*, the stated aim of growth corridors is to facilitate functional inter-linkages between the supply and demand sides in markets, and to overcome coordination challenges which may limit investments, productivity and trade.[292] Comprising some of the most fertile lands in the country, SAGCOT is assumed to be offering great development potential by linking small-scale farmers with global agribusinesses especially through 'nucleus farm and outgrower' arrangements in which small-

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[284] bergius1@hotmail.com; see also: http://mikaelbergius.wordpress.com/about-me/
[285] TNBC (2009), Kilimo Kwanza Resolution, Dar es Salaam
[286] Mbunda, Richard (2011), Kilimo Kwanza and small scale producers: an opportunity or a curse ?, Dar es Salaam, Tanzania
[287] TNBC (2009), Ten Pillars of Kilimo Kwanza, Dar es Salaam
[288] TNBC (2009), Kilimo Kwanza Resolution, Dar es Salaam
[289] TNBC (2009), Ten Pillars of Kilimo Kwanza, Dar es Salaam
[290] Ibid.
[291] The Guardian (2011), JK to unveil historic farm initiative today, Dar es Salaam
[292] Brunner, Hans-Peter. (2013). What is Economic Corridor Development and What Can It Achieve in Asia's Subregions? Manila. and Byiers, Bruce and Rampa, Fransesco, (2013). Corridors of power or plenty? Lessons from Tanzania and Mozambique and implications for CAADP. Brussels

scale farmers more easily can access inputs, value-adding facilities and markets.[293] SAGCOT is considered a program setting 'Kilimo Kwanza in motion'. As the chairman of the Agricultural Council of Tanzania puts it:

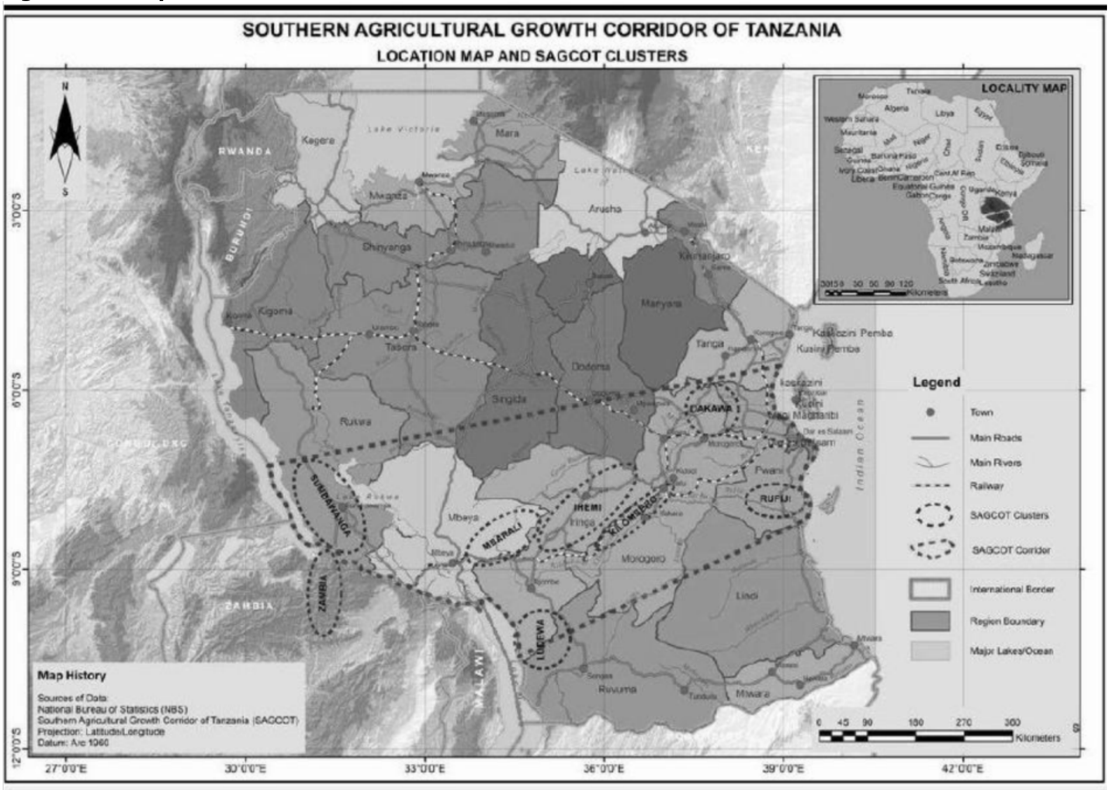
'The agricultural potential of the southern corridor is enormous, but remains largely dormant or highly underexploited. With a rapidly growing population in the Eastern and Central African region and global food shortages, serious market opportunities for agricultural produce abound. It is time for the Agricultural Sleeping Giant [Tanzania] to awake. SAGCOT can play an important role in making that happen, and thereby contribute in achieving the objectives of Kilimo Kwanza'.[294]

The SAGCOT investment blueprint sketches out opportunities and strategies over the coming 20 year period to make SAGCOT a reality. It includes bringing 350,000 hectares of land into profitable production; to transition 10,000 small-scale farmers into commercial farming; to create 420,000 new employment opportunities; to lift 2 million people out of poverty; to generate $1.2 billion in annual farming revenue by 2030; and public investments in vital agriculture supporting infrastructure including roads, railways and ports.[295]

The proposed SAGCOT area covers about one-third of Tanzania's total land area and has a population of about 8.8 million people of highly diverse ethnicity. While real population density within the corridor is low, large areas remain uninhabited due to a demanding topography and protected land areas. Small-scale farming is the leading economic activity within the corridor with rice, maize, cassava and pulses being the principal crops. In addition, pastoralism is also widespread.[296] Many parts of the corridor have a high natural value, or are protected nature (i.e. National Parks and Game Reserves), while about 7.5 million hectares are considered to be arable land suitable to commercial agriculture. The SAGCOT investment blueprint states that as of today 2.2 million ha (30%) is currently cultivated, about 110,000 ha is used for commercial farming, of which 20,000 ha of commercial farming land is under modern irrigation.[297] Except from some urban areas and old government estates, the vast majority of land within the proposed SAGCOT area is Village Land administered by the village councils through the authority of the village assembly (explained in the next sub-section).

[293] SAGCOT (2011) Investment Blueprint, Dar es Salaam
[294] Ibid.
[295] Ibid.
[296] SAGCOT - ERM (2013). Strategic Regional Environmental and Social Assessment, Dar es Salaam
[297] SAGCOT (2011) Investment Blueprint, Dar es Salaam

Figure 13:: Map of SAGCOT area[298]



Despite repeated assurances from Tanzanian government circles that KK through SAGCOT is putting small-scale farmers in the frontline the initiative is primarily geared towards promoting the interests of large-scale commercial farmers and multinational agribusinesses.[299] Hence, there is apprehension among national and international civil society organizations that KK through SAGCOT risks small-scale farmer's rights to land and other vital resources.[300] This may ultimately undermine the important role of small-scale farmer's in Tanzanian agriculture, food security, and the overall rural economy.

Analysis of the legal and policy framework of Kilimo Kwanza and the SAGCOT programme
The Tanzanian policy framework is operationalized in various strategies and plans. This includes the Five Year Development Plan: The Growth and Poverty Reduction Strategy (MKUKUTA) which highlights agriculture as one of the most important intervention areas, the Agricultural Sector Development Strategy (ASDS) and the Agricultural Sector Development Programme (ASDP). While ASDS was considered the policy, ASDP, according to President Kikwete, stakes out its `action plan for a green revolution in Tanzania'.[301]

ASDP builds on five guiding principles, namely: empowering farmers to control and influence public investments and extension services; increase private sector investment in agriculture based on an

[298] SAGCOT - ERM (2013). Strategic Regional Environmental and Social Assessment, Dar es Salaam
[299] Cooksey, Brian (2013), The Comprehensive Africa Agriculture Development Programme (CAADP) and agricultural policies in Tanzania: Going with or against the grain?, Dar es Salaam
[300] See for example Tanzanian Civil Society Statement on Farmer's Rights (2013), Statement by Civil Society in Africa: Modernizing African Agriculture, Who Benefits? (2013), Open Letter to African Governments and AGRA (Alliance for a Green Revolution in Africa) (2012), and Action Aid (2014), The Great Land Heist - How the world is paving the way for corporate land grabs, Johannesburg
[301] SAGCOT (2011), Investment Blueprint, Dar es Salaam

improved regulatory and policy environment; decentralizing implementation; integrating donor support to the sector in the government system; and immediately rolling out the programme to the whole country. Through these principles ASDP aims to increase productivity in the agricultural sector, to attain growth in agricultural incomes, achieve food security, and alleviate poverty.[302]

Of the total budget of US$1,780 million over 8 years the private sector accounts for only 2%. This indicates that the second principle of the program is weakly emphasized.[303] Indeed, the weak private sector involvement made donor agencies and others to perceive ASDP as too state centred dubbing it a `traditional government centred, productivity enhancing program with the private sector playing the role of contractor`.[304] Thus, rather than focusing on markets and value chains ASDP primarily emphasizes state support for inputs.[305]

Despite its strong government focus, ASDP is considered the foundation upon which KK and the SAGCOT program will be implemented. However, it is interesting to note, as Cooksey argues,[306] that KK represents a clear break away from the state-centred and small farmer focussed ASDP. In many ways, the launch of KK, with its strong private sector and agribusiness rhetoric, can be interpreted as a response to the criticism directed towards ASDP for putting the private sector in the background. KK, and subsequently the SAGCOT programme, indicates that the private sector and agribusinesses is given priority in contemporary Tanzanian agricultural development.

The principal legislation governing tenure and access to land in Tanzania are the Land Act and the Village Land Act of 1999. These acts regulate three main categories of land: Village Land, General Land and Reserve land. Village Land is land found within the demarcated or agreed boundaries of Tanzania's villages. Of the total land area in the country this category makes up approximately 70% and is administered by the village councils through the authority of the village assembly, and on behalf of the President. 28% of the land area is Reserved Land and is set aside for sectorial legislation. It includes national parks, game reserves and forest reserves. Lastly, General Land includes predominantly urban areas and government controlled estates. This latter category makes up about 2 percent of the land area and is covered by the Land Act.[307] The current legislation retains the radical[308] in the hands of the president as a trustee for and on behalf of all the citizens of Tanzania and is thus still informed by the colonial land governance system.[309] An important component in the legislation is that customary land rights are legally equivalent to granted rights of occupancy - a reason why many consider the Tanzanian legislation as one of the most progressive and well formulated in Africa.

However, the legislation contains important pitfalls and there are especially two issues which are necessary to consider. Firstly, the Village Land Act and the Land Act define General Land inconsistently. Whereas the former defines General Land as `all public land which is not reserved land or Village Land` the latter defines General Land as `all public land which is not Reserved Land or Village Land and *includes un-occupied or unused Village Land*` (my emphasis).[310] These ambiguities make it possible to locate General Land anywhere as long as that land is not used or occupied. This opens up for arbitrary interpretations of what is considered "excess" or "unused" land even though such land may have important livelihood functions.[311] This is significant in the context of KK and SAGCOT because it is predominantly General Land that will be accessible for investors. Thus, as Tanzanian land experts argue:

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[302] Cooksey, Brian (2013), The Comprehensive Africa Agriculture Development Programme (CAADP) and agricultural policies in Tanzania: Going with or against the grain?, Dar es Salaam
[303] Ibid.
[304] Ibid p.9
[305] Haug, Ruth and Hella, Joseph (2013), The Art of Balancing Food Security: Securing Availability and Affordability of Food in Tanzania, Aas/Morogoro
[306] Cooksey, Brian (2013), The Comprehensive Africa Agriculture Development Programme (CAADP) and agricultural policies in Tanzania: Going with or against the grain?, Dar es Salaam
[307] URT (1999). Land Act No.4 of 1999 and Village Land Act No.5 of 1999. Dar es Salaam
[308] This means that the president is the ultimate "owner" of all land.
[309] URT (1999). Land Act No.4 of 1999 and Village Land Act No.5 of 1999. Dar es Salaam
[310] Ibid.
[311] Sundet, Geir (2005). The 1999 Land Act and Village Land Act: a technical analysis of the practical implications of the Acts.Dar es Salaam.

'Because it is the national government that determines the allocation of General Land and that directly benefits from leasing General Lands, adopting this broad definition of General Land places villages at risk of loss of land, use rights, and potential revenue or other benefits; it also creates opportunities for corruption'.[312]

Secondly, the vested trusteeship power over land empowers the president to transfer any area of Village Land to General Land for public interest. Such public interest includes investments of national interests. It is not clear what such national interests include. Nonetheless, given the strong support of the government KK and SAGCOT are likely to fall within the definition of investments of national interests. Furthermore, the Village Land Act authorizes village assemblies to approve or refuse transfers of Village Land less than 250 hectares. Transfers that exceed this size are subject to approval by the Minister of Lands after merely *considering* any recommendations made by the village assembly. In other words, Village Land transfers that are likely to have a greater impact are ultimately moved beyond the control of those utilizing those lands.[313] Indeed, these pitfalls inherent in the legislation provide openings for elites and authorities higher up to compromise village decision making power. The final decision of Village Land transfers hence lies with the government. It is important to note that foreign investors normally cannot lease Village Land directly. This land must first change legal status to General Land after which process the investor contracts directly with the government. It is the Tanzania Investment Centre (TIC) which normally holds the Granted Right of Occupancy. TIC then provides Derivative Rights to the land for the investor.[314] Lastly, the legislation stipulates that no Village Land can be transferred until the type, amount, method and timing of the payment of compensation has been agreed upon.

Analysis of the key actors

KK was formulated by the private sector through the Tanzania National Business Council (TNBC). TNBC is a dialogue forum composed of government officials and the private sector. TNBC is chaired by the President and has 20 members from ministries related to business, and 20 members from the private sector. The Tanzania Private Sector Foundation (TPSF) is the focal organisation for private sector associations which appoints private sector representatives to the TNBC. "Informed Opinions" that are discussed in the TNBC dialogue process are provided by working groups constituted by professionals and practitioners from relevant sectors. The set-up of the dialogue process strongly suggests that the interests of the small-scale farmers have been placed at the periphery when formulating the KK initiative. According to TNBC, the private sector is expected to be the lead implementing agency of KK. This is evident in the case of SAGCOT where multinational agribusinesses take on a leading role.

The "agricultural growth corridor" concept was first presented by the Norwegian fertilizer giant Yara International at the United Nations Private Sector Forum in New York in 2008 which was joined by representatives of the Food and Agriculture Organization (FAO), the International Finance Corporation of the World Bank, Alliance for a Green Revolution in Africa (AGRA) and others. The concept was described by Yara as an innovative way to finance regional development, lift people out of poverty, and enhance food production and economic growth.[315] The concept was subsequently expanded at World Economic Forums in Switzerland and Tanzania and has been widely embraced by multinational corporations, governments, donors and international institutions such as the World Bank, UNDP and the FAO.[316]

In October 2009, a meeting which included Yara, the Tanzanian prime minister's office, the TIC, the African Development Bank, the World Bank, the Norwegian Embassy and Norfund, was convened to discuss ways to implement the agricultural growth corridor concept in Tanzania. With high-level support from President Kikwete steps were taken to develop a concept note for the official launch of

[312] Tenga, Ringo and Kironde, Lusagga (2012), Study of Policy, Legal and Institutional Issues related to Land in the SAGCOT Project Area, Dar es Salaam, p.97
[313] Ibid.
[314] Sulle, Emmanuel and Nelson, Fred (2009), Biofuel, Land Access, and Rural Livelihood in Tanzania, London
[315] Yara. (n.d.). Agricultural Growth Corridors. Retrieved 28.03, 2014, from http://www.yara.com/sustainability/how_we_engage/africa_engagement/growth_corri dors/index.aspx
[316] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas.

SAGCOT at the World Economic Forum on Africa in Dar es Salaam in 2010. Subsequently, a SAGCOT Executive Committee, made up of the Tanzanian Government, Tanzanian based interest groups of industry and agriculture, multinational agribusinesses (i.e. Yara, Syngenta) and donors (USAID, Irish Embassy), was established in order to further mobilize interest around the programme and to engage stakeholders at national and international levels. In the quest to mobilize interest around the concept the initial focus of the committee was to design a detailed action plan, which came to be known as the SAGCOT investment blueprint. The investment blueprint was developed under the leadership of UK-based companies Prorustica and AgDevCo, while funding came from a wide array of sources including several multinational agribusinesses, the Tanzanian government, international donors and AGRA.[317]

Despite a low degree of small-scale farmer participation in setting up the initiative, SAGCOT documents and promoters adopts relatively strong small-scale farmer oriented rhetoric. They are depicted as *'the most important partners'*, and *'without them SAGCOT would not exist'*.[318] Small-scale farmers are expected to benefit widely via the inclusion in international value-chains especially through nucleus farms and out-grower arrangements. Moreover, to invest under the SAGCOT initiative investors must demonstrate a clear intention to include small-scale farmers and their interests into their operations. However, small-scale farmers and their organizations have been given very limited space, at best, to express what their interests and needs are.[319]

Bergius argues that the SAGCOT programme from the onset has been driven from the top and is formed through the vision of global agribusiness corporations. It has offered dismal opportunities for small-scale farmers to influence the agenda. Since the presentation of the corridor concept by Yara in 2008, dialogue has been kept within the confines of corporations with top level support from governments, donors and others.[320] It has been suggested that the few Tanzanian organizations that were selected as partners were taken on board because they were seen as legitimate by the government.[321] The program currently has 53 partners, of which only 4 represent Tanzanian farmer associations – three of which are private sector apex organizations with strong business oriented focus.[322] It is therefore a concern that small-scale farmers will be unable to influence or participate in SAGCOT in ways that they can benefit. Indeed, they are completely underrepresented in the `partnership'.

For example, it has been suggested that while SAGCOT aims to engage with civil society they only want to include those considered as "constructive" or "pragmatic", and not "activist", civil society organizations.[323] This indicates that whether or not CSOs participate in deliberations concerning SAGCOT hinges on whether or not they align with the agricultural commercialization project SAGCOT envisions.[324] Hence, MVIWATA, the largest network organization for Tanzanian small-scale farmers, and a member of the transnational Via Campesina network – whose agricultural development philosophy is not aligned with that of SAGCOT- has been outright excluded.[325]

As SAGCOT has proceeded it has opened up for some involvement of what they consider as "constructive" or "pragmatic" parts of civil society. This is illustrated for example by the consultations made in preparation of a Strategic Regional Environmental and Social Impact assessment and a SAGCOT Greenprint document, and the Memorandum of Understanding signed between SAGCOT and three non-state actors in early 2014.[326] Yet, this increased participation of selective parts of civil society is considered more as a compromise making SAGCOT politically more palatable in a context where fears of "land grabs" are high on the agenda. Hence, Bergius argues that strengthened

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[317] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[318] Ibid.
[319] Ibid.
[320] Ibid.
[321] Ramberg, Christina (2013). Business as Usual? Understanding the Legitimation of Two Public-Private Partnerships for Agricultural Value Chain Development in Tanzania, Copenhagen
[322] SAGCOT, (2014), List of Partners as of August 2014, Dar es Salaam
[323] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[324] Ibid.
[325] Ibid.
[326] SAGCOT, (2014), Farmers associations strengthens voice in SAGCOT, Dar es Salaam

participation of civil society in SAGCOT essentially means to strengthen participation that conforms to strategies which has already been decided at higher levels.[327]

Some of the most prominent corporate SAGCOT partners include Yara, Monsanto, Syngenta, Dupont and Bayer Crop Science. Under the flag of improving food security and reducing rural poverty, these actors, with the backing of international donors (i.e. EU, DFID, USAID, Norwegian Embassy), advocate to invest millions of dollars in the SAGCOT program to develop viable agricultural value-chains. The SAGCOT program is also put forward as a showcase project for the New Alliance on Food Security and Nutrition of the G8.[328]

For global agribusinesses, the SAGCOT model reflects their wish to ensure control throughout their value-chains.[329] They seek to strategically position themselves to take advantage of new market opportunities to bring profits back to their respective shareholders. Moreover, in the case of fertilizers, the former Executive Vice President of Yara has said that the weak purchasing power of small-scale farmers as compared to commercial farmers are one of the main bottlenecks constraining further growth of the fertilizer industry in Africa.[330] Against this background, it is a concern that while SAGCOT facilitates increased control over Tanzanian agriculture by agribusinesses, small-scale farmers will necessarily be forced to relinquish theirs. These issues will be further elaborated in the next section.

Analysis of the implementation of Kilimo Kwanza through SAGCOT and its implications
As KK and SAGCOT are still very much in a preparatory stage, the impacts on livelihoods, land, biodiversity, and access to water are still difficult to determine. This deep scan can therefore only assess some of the potential future implications of the initiative.

The SAGCOT program is implemented as a way of setting KK in motion. It is implemented against the background of a long standing narrative in Tanzanian (and African) development policy which depicts small-scale farmers as inefficient, not contributing sufficiently to the development of the nation, and in desperate need of revival or transformation.[331] At the same time, while considered to lack the technological means and right knowledge, Tanzania is also considered to possess vast areas of "unused" or "underutilized" land. Hence, by combining these land areas with the advanced knowledge and technologies (i.e. hybrid seeds, fertilizers, agrochemicals, machinery) of well funded agribusiness corporations it is expected that SAGCOT's long term goals of economic growth, poverty reduction, and food security will be accomplished.[332] This is how the well known win-win discourse materializes and helps to legitimize the expansion of multinational corporations in Tanzanian agriculture via SAGCOT. Lack of technology and abundance of land is the key message. However, such perceptions about land availability are problematic and likely to be wrong[333]– especially when considering that investors are likely to target lands of high quality, fertility, and in relative proximity to key infrastructure. Such lands are rarely unoccupied and there are great risks involved for local communities with particularly strong gendered dimensions.[334] Let us consider the issue of land for SAGCOT.

The SAGCOT investment blueprint lists access to vast areas of land suitable to commercial agriculture as one of the key prerequisites for the successful implementation of SAGCOT.[335] In response, the

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[327] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[328] New Alliance, (2012). G8 Cooperation Framework to Support The New Alliance for Food Security and Nutrition in Tanzania, G8.
[329] Ramberg, Christina (2013). Business as Usual? Understanding the Legitimation of Two Public-Private Partnerships for Agricultural Value Chain Development in Tanzania, Copenhagen
[330] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[331] Sulle, Emmanuel and Nelson, Fred (2009), Biofuel, Land Access, and Rural Livelihood in Tanzania, London
[332] SAGCOT (2011), Investment Blueprint, Dar es Salaam,, p.4
[333] Tenga, Ringo and Kironde, Lusagga (2012), Study of Policy, Legal and Institutional Issues related to Land in the SAGCOT Project Area, Dar es Salaam,
[334] Cooksey, Brian (2013), The Comprehensive Africa Agriculture Development Programme (CAADP) and agricultural policies in Tanzania: Going with or against the grain?, Dar es Salaam, Bergius, Mikael (2012), Tanzanian Villagers Pay for Sun Biofuels Investment Disaster. Oakland and Action Aid (2014), The Great Land Heist - How the world is paving the way for corporate land grabs, Johannesburg
[335] SAGCOT (2011), Investment Blueprint, Dar es Salaam

Tanzanian government currently endeavours to create an enabling environment for investments and facilitate access for investors to "unused" or "underutilized" land especially for the production of SAGCOT's targeted crops rice, sugar and maize.[336] Hence, it is assumed that such land is readily available: *'There will be no problems with land'* was repeatedly stated in interviews with government officials in Tanzania.[337] Analysts have quoted SAGCOT officials assuring that there are *'hundreds of thousands of "unused and unoccupied" hectares of land'* within the designated SAGCOT areas. While the SAGCOT area may contain vast areas of land suitable for agricultural investments, Bergius questions from whom, and under what circumstances these hundreds of thousands of hectares will come?[338] Since the majority of land within the corridor is Village Land, the most likely answer is from the villages within the corridor.[339] Indeed, the General Director of the National Commission for Land Use Planning has stated that in order to open up space for commercial development in SAGCOT the government seeks to transfer about 18 percent of Village Land to General Land to increase the overall percentage of General Land to about 20 percent.[340] This point towards a perception amongst government officials that the SAGCOT area consists of substantial amounts of land that can easily be converted to General Land and leased out to what are often foreign investors.

However, there are no reliable sources of information as to how much and what type of land is actually available. Nevertheless, the SAGCOT area is considered the 'food basket area which is feeding the entire nation', the head of a Morogoro based NGO stated in an interview.[341] It is these fertile lands that corporations want to access to maximize production and profits, and it is also these areas Tanzanian small-scale farmers want access to for food cultivation and grazing. Together this creates a great demand for land within the corridor. Investigating the issue of land in SAGCOT, Bergius writes that this high demand manifests itself through a "race for land" within the corridor between the Tanzanian government and those seeking high returns on their investments, and small-scale farmers seeking to improve their livelihood security.[342] Small-scale farmers hold the weakest hand in this competition as there is a strong government bias towards securing access to land for investors rather than small-scale farmers. At the village level Bergius reports through case studies in Kilombero and Morogoro districts that land acquisition processes are arbitrary, uninformed, coercive and fraught with violations of the rights of small-scale farmers. He argues that these are under immense pressure from government institutions to surrender rights to land to open up fertile space for investors.[343] Although the SAGCOT program has adopted a Resettlement Policy Framework based on World Bank guidelines for involuntary resettlement, it is unclear how, and if, this will translate into any real protection for small-scale farmers on the ground. In addition, the cooperation framework for the New Alliance on Food Security and Nutrition of the G8 in Tanzania promises to "take account" of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (CFS guidelines).[344] However, currently these guidelines seem to be applied in very confined ways whereby notions of "participation" and "consultation" are restricted to simply informing, and in some cases coercing, villagers into consenting investment projects.[345]

Moreover, there is currently no specific resettlement legislation in Tanzania, and although the land

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[336] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[337] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[338] Ibid.
[339] According to one presentation the amount of Village Land within the SAGCOT area is 60 percent, while General Land amounts to 2 percent. The rest is considered to be untouchable Reserved Land. See presentation by Minister for Lands, Housing and Human Settlements, Retrieved 14.04, 2014, from: http://www.sagcot.com/uploads/media/3._SAGCOT_Showcase_Min_Land.pdf
[340] Boudreaux, Karol. (2012). An Assessment of Concerns Related to Land Tenure in the SAGCOT Region (unpublished work). USAID.
[341] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[342] Ibid.
[343] Ibid.
[344] New Alliance (2012), G8 Cooperation Framework to Support The New Alliance for Food Security and Nutrition in Tanzania and Herzler, Doug (2014), What Kind of Big Results? In the rush for land in Tanzania, how will the CFS Tenure Guidelines be applied? Washington
[345] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas

legislation demands compensation to be paid to those dispossessed of land, such procedures are often considered inadequate. Due to the lack of appropriate institutional infrastructure, a Tanzanian land expert argues that Tanzania is yet to be adequately prepared for initiatives such as SAGCOT. He also states that *'in a context where the implementation of SAGCOT is likely to necessitate resettlement on a significant scale, even if a functioning institutional infrastructure were in place, the question would be: Where can people be relocated to'?*[346] From this perspective, the question is whether SAGCOT, both from a practical and a political point of view, is at all feasible, especially when "land grabbing" concerns are high on the agenda.

One key component of SAGCOT which is thought to offset some of the negative impacts associated with land dispossession is the idea of value-chain integration. Such integration is primarily to be expected via various forms of out-grower schemes in connection with nucleus farms. Tanzania already has experience from such schemes, most notably in the rice and sugar sectors. In her study of existing out-grower schemes in Tanzania, Kamuzora finds that farmers face great risks by joining out-grower-schemes which, from the outside, may seem lucrative. In her case studies she finds that: payments for out-grower produce are sometimes too low as compared to the considerable investments (debt financed) farmers make to take part in the scheme; out-growers (sugar) suffer from random attribution of the cane they deliver to the nucleus farm facilitating chance-based payment and opening up for manipulation; and harvest quotas leave out a substantial amount of out-growers who are then not able to sell their produce, leading to extensive losses for the out-grower who bears most of the risks.[347] Moreover, out-grower schemes may incentivize more specialized production whereby out-growers re-prioritize their labour from producing food crops to produce cash crops for distant markets via the nucleus farm, thus potentially reducing local food security as households becomes more dependent on buying food (Smalley, 2014). As one sceptical small-scale farmer in a proposed sugar cane production area in Kilombero put it:
'We can't feed our children with sugar. Ok, we might get some more money if we start producing sugar instead of food, but at the same time we would also spend more money on food. If sugar was doing so well, why do [out-growers from Kilombero] come here to grow food?'.[348]

Through these out-grower schemes farmer's risk surrendering their autonomy not only through the monopolistic relation with the nucleus farm (what they plant, when and how, and what price they receive), but also through their increased reliance on markets to sustain their food needs. This vulnerability intensifies when out-growers are not able to sell their crops or get low prices as mentioned above. As one analyst argues, the problem is not with the concept of contractual arrangements per se, but with the partners in the contracts and their respective interests and power.[349] Moreover, since larger and wealthier out-grower farmers are more likely to have the capacity to absorb the risks involved, the potential benefits of the nucleus/out-grower model in SAGCOT are likely to be captured by a limited amount of individuals while rural inequality may intensify.[350] It has been claimed that value- chain linkages work only for the top 2-20% of small-scale producers, predominantly men.[351] Additionally , while new employment opportunities are expected to be generated in relation to the establishment of nucleus farms, experience shows that these comprises mostly casual and low paid jobs which are seldom able to benefit workers in any significant ways.[352]

Lastly, the Strategic and Regional Environmental and Social Impact Assessment for SAGCOT acknowledge that there are significant risks associated with the expected acceleration of agribusiness investments and more intensive farming methods on natural habitats within an area considered to be of very high biodiversity value. Moreover, it states that the increased competition for land likely to be

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[346] Ibid.
[347] Kamuzora, Aurelia (2011). Contractual Governance in Agro-Industry Institutions in Tanzania. Groningen.
[348] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural Growth Corridor of Tanzania, Aas
[349] McKeon, Nora (2014), The New Alliance for Food Security and Nutrition: a coup for corporate capital? Rome
[350] Bergius, Mikael (2014), Expanding the Corporate Food Regime – The Southern Agricultural
[351] Vorley, Bill. Cotula, Lorenzo. Chan, Man-Kwun, (2012). Tipping the Balance: Policies to shape agricultural investments and markets in favour of small-scale farmers. London and McKeon, Nora (2014), The New Alliance for Food Security and Nutrition: a coup for corporate capital? Rome
[352] See for example FIAN (2014), Harvesting Hunger: Plantation Workers and the Right to Food. Heidelberg and Bergius, Mikael (2012), Tanzanian Villagers Pay for Sun Biofuels Investment Disaster. Oakland

facilitated by SAGCOT may increase pressure on vulnerable land areas, such as forests and their biodiversity. Indeed, The Rufiji Basin, which comprises a major part of the total SAGCOT area, contains over 100 Forest Reserves which are important for the sustainability of land and water resources. For example, over the 1990-2008 timeframe, the Udzungwa Mountain natural forest and woodland areas were degraded at a rate of 65 ha and 228 ha per year respectively (Ministry of Natural Resources and Tourism, 2010). It is warned that SAGCOT may intensify this negative trend. The SAGCOT impact assessment also envisages increased demand for water as a result of large-scale irrigation schemes associated with the establishment of new plantations. This will potentially undermine wetlands and other aquatic ecosystems, as well as increasing competition with downstream water users. Moreover, it warns of increased pollution of waterways due to expected intensified use of agro-chemicals and expansion of agro-processing industries.[353]

Conclusions and Prospects

Three broad conclusions can be drawn from this deep scan of KK and the SAGCOT program. *Firstly*, while evoked as the ultimate beneficiaries, small-scale farmers' participation in setting up the initiative has been negligible. Instead it has been formed through the vision of corporations - with strong backing of the Tanzanian government and international donors – which aspires to enhance their control over African agriculture. *Secondly,* SAGCOT risk facilitating a subsumption of Tanzanian agriculture to global capital whereby small-scale farmers risk surrendering their autonomy and rights to land and other vital livelihood- supporting natural resources. In the long term, the potential land dispossession which may be an outcome of the SAGCOT initiative risks facilitating a re-concentration of land in Tanzania in the hands of national and global elites. As a consequence, small-scale farmers may be forced to migrate to marginal lands or to urban areas to search for alternative livelihoods, while others may enter into risky out-grower schemes and/or cheap labour relations on plantations. Indeed, as some observers argue, there is a significant risk that SAGCOT may become a corridor of power in which benefit streams are monopolized upwards in the value-chain.[354] And *thirdly*, accelerated agricultural investments and more intensive production systems may pose serious threats to an area of high biodiversity value and may undermine local water access and aquatic ecosystems.

Against this background, how can the Tanzanian government, together with donors and other partners in development, remedy the potential negative implications associated with the initiative? A principal starting point in this regard is to recognize small-scale farmers themselves as the most important investors in agriculture. Indeed, the majority of the world's food is produced by small-scale farmers. Thus, in line with the CFS guidelines the State should together with farmers, particularly also women, and their organizations identify alternative and sustainable investment opportunities in agriculture that retain control over land and resources in the hands of small-scale farmers themselves. There are well known alternatives to the agricultural development philosophy envisioned in KK and SAGCOT based on sound agro-ecological approaches. These alternatives are yielding positive results both from a food security and poverty reduction perspective, enhances climate-change resilience and contributes to secure farmer's autonomy.[355] Moreover, public investments should first and foremost be canalized towards improving transportation infrastructure in order to facilitate better producer-consumer and rural-urban linkages. And lastly, government and donor support to revive the Tanzanian cooperatives/farmer organizations could play an important role in the development of fair, secure and accessible markets for small-scale farmers.

[353] SAGCOT - ERM (2013). Strategic Regional Environmental and Social Assessment, Dar es Salaam
[354] Byiers, Bruce and Rampa, Fransesco, (2013). Corridors of power or plenty? Lessons from Tanzania and Mozambique and implications for CAADP. Brussels
[355] IIASTD. (2009). Agriculture at Crossroads. Nairobi and Altieri, Miguel (2010). Scaling Up Agroecological Approaches for Food Sovereignty in Latin America. Halifax & Winnipeg/Oakland/Cape Town/Dakar/Nairobi/Oxford

The case of the Waza Logone Floodplain, Cameroon

By Roland Ziebe[356], Francis Nchembi Tarla, and Pricelia Tumenta, CEDC Maroua, November 2014

General background
The Waza Logone Floodplain is situated in the Far North region, Cameroon. Annual flooding provides livelihoods, mainly through livestock, fishing and farming, for over 215,400 people in an area estimated at approximately 8,293 km2.[357] The density of human occupation is 25 persons per km2 according to the 2005 national population census. This plain is located in the Sudano-Sahelian savannah region of Cameroon. Rainfall in this area is low and irregular between years, with a mean annual rainfall of 600 mm. The climate is semi-tropical, with temperatures ranging from 15ºC (January mean minimum) to 48ºC (April mean maximum).

The Waza Logone floodplain is a part of the Lake Chad basin and is situated downstream the lake. It is inundated by the Logone River that takes source from the Adamaoua mountains and by seasonal rivers from the Mont Mandara area (Figure 14).

The population is mainly migrant people who are composed of farmers, fishermen and pastoralists; the latter are usually accompanied by a large number of cattle estimated at peak periods to be over 200,000 people, usually in the dry season as recorded in 1998.[358]

In the 1960s, the ministry of Agriculture set up SEMRY[359], a parastatal company for the development of irrigated rice production, to explore the large potential of the floodplain of the Logone River.[360] In the late 1970s, SEMRY constructed a 30 kilometer long earth dam near the village of Maga in order to collect water on a surface area ranging between 400 and 1.000 km2 that was needed for rice production. The project was financed by the government in order to improve rice production and revenue for farmers. It was in line with the issue of food security and poverty alleviation. This dam, and the many kilometres of embankment on the west bank of the Logone river, deprived the Waza Logone floodplain of much of its natural flood water and therefore of its ecological potential. This change had a serious impact on many local people who depended on the natural resources of the floodplain for their livelihoods. Household incomes dropped due to smaller fish catches and arable land available for floating rice or sorghum cultivation following the recession of floods, and there was also a reduction in fuel wood, fruits, medicines and marketable products such as gum Arabic.[361]

From 1990 to 2003, the government of Cameroon and the International Union for the Conservation of Nature (IUCN) worked to rehabilitate the degraded Waza Logone floodplain by conducting the IUCN-Waza Logone Project.[362] This project initiated the so called 'pilot flooding' involving the opening of the 'petit Goroma' (small Goroma) creek that was cut off by the embankment along the Logone River.[363]

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[356] Correspondent author : CEDC Maroua, E-mail : zieberoland@yahoo.fr
[357] BURCREP Cameroun. 2010. Troisième recensement général de la population humaine: Rapport de présentation des résultats définitifs. BURCREP. 67p
[358] Scholte P., Saidou K., Moritz M. and Prins M. 2006. Pastoralist Responses to floodplain Rehabilitation in North Cameroon. Human Ecology,34 (1): 27-51
[359] Societé d'Expansion et Modernisation de la Riziculture de Yagoua, (the Society for the Expansion and Modernization of Rice Cultivation in Yagoua)
[360] McMillan, S. 2013. Sr. Water Resources Specialist for the Worldbank Project Information Document for the Cameroon Flood Emergency Project. Email: smcmillan@worldbank.org. See http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/03/08/000001843_20130312111012/Original/Cameroon0Flood0cy0PID0March0802013.docx
[361] Loth P. 2004. Consequence of the dam and drought in Loth P (ed). The Return of the Water: Restoring the Waza floodplain in Cameroon. UINC, Gland, Switzerland and Cambridge, UK. XVI + 156 pp
[362] IUCN-WLP, 1994. Rapport de synthèse des études socio-économiques dans la zone pilote du projet Waza Logone. Août 1994. 89 pp.
[363] Scholte P. 2007. Maximum flood depth characterizes above-ground biomass in African seasonally shallowly flooded grasslands. Journal of Tropical Ecology, 23: 63-72

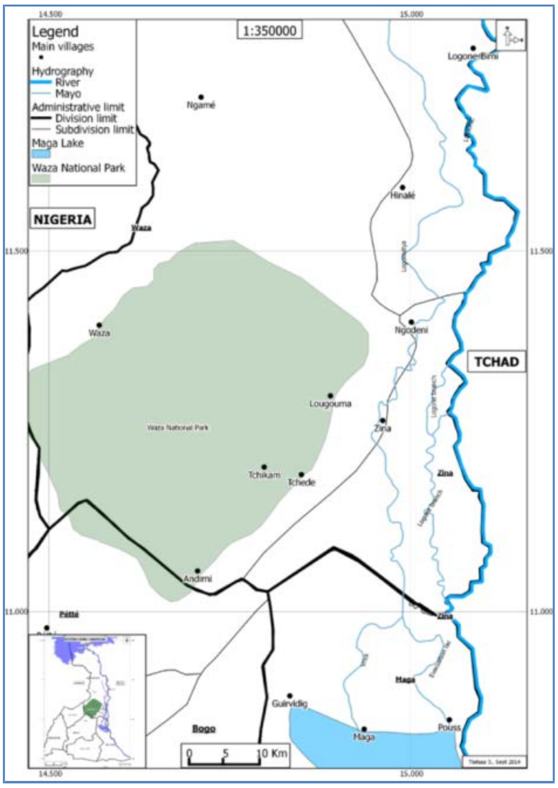

Figure 14: Waza Logone floodplain and area within the Lake Chad basin (from Ziébé, in preparation)

The Waza Logone project was planned as a response to mitigate effects of SEMRY and to improved wildlife and fisheries conservation. Since the end of the project and subsidiary actions, the Lake Chad Basin Commission (LCBC)[364] has undertaken projects such as the "Reversal of Land and Water Degradation Trends in the Lake Chad Basin Ecosystem: Establishment of Mechanisms for Land and Water Management".[365] Its aims were to achieve global environmental benefits through concerted management of the naturally integrated land and water resources of the Lake Chad Basin. The specific purpose of the project was to overcome barriers to the concerted management of the basin through well-orchestrated and enhanced collaboration and capacity building among riparians and stakeholders. This project was followed by the PRODEBALT[366] project for the sustainable development of the Lake Chad Basin.

During 1984-1985, the region experienced one of the worst droughts in its history. Palatable grass and water for herding cattle became very scarce leading to deaths of many animals. On the initiative of the livestock service of Kousseri, a small dam was constructed in Zilim Village in 1985, on the Logomatya river (tributary of the Logone river). This dyke was constructed originally in order to maintain water during the dry season for pastoralists. This area became an intensive fishing spot and now water is managed for the two purposes: grazing land and fishing. Through some nearby canals, water coming from the SEMRY rice scheme inundates a large area for grazing. This scheme is still operational and early this year the dyke was reconstructed. Table 1 shows the chronology of events that impacted development in the area from 1979 to the present day.

The soils (mostly verti-soils and hydromorphic soils with calcium nodules and slumping) are on an extremely flat land that is therefore not susceptible to erosion. There are however a number of scattered alkaline soils and bands of sandy ferruginous leached soils.[367] In a single year, over 1,500 m3 per second of water flooding transporting 850,000 tons of clay, silt and mineral sediments were deposited on the *yaere* (local name for floodplain).[368] This is its major source of 'natural' fertilizer.

The floodplain is mainly populated by grasses including various species.[369] Pockets of Echinochloa are

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[364] The Lake Chad Basin Commission (LCBC) was created in 1964 by the four countries bordering Lake Chad which are Cameroon, Chad, Niger and Nigeria. LBCB is charged with managing water resources in Lake Chad Basin. See also p. 6

[365] http://iwlearn.net/iw-projects/767/project_doc/lake-chad-basin-project-project-document-92p-2-2mb.pdf

[366] PRODEBALT: Lake Chad Development Program that is implemented in Cameroon, Chad, Nigeria, Niger and Central Republic. It's funded by the African Bank Development through the Commission of Lake Chad Basin

[367] http://lakechad.iwlearn.org/publications/projectdocuments/Lake%20Chad%20PRODOC%20and%20Required%20annexes%20ver%2015Jan03.doc

[368] Benech V., Quensiere J. andVidy G. 1982. Hydrologie et physico-chimie des eaux de la plaine d'inondation du Nord Cameroun. Cah. ORSTOM, ser. Hydolo.,19 (1) 15-35

[369] IUCN-WLP, 1994. Rapport de synthèse des études socio-économiques dans la zone pilote du projet Waza

especially important to the livestock.[370] There are some forested patches or islands [371372] and a few other domestic ones such as Azachdirachta indica, and Manguifer indica.[373] The Waza National Park (1,700 km²) was classified as a Man-and-Biosphere Reserve by UNESCO, and is host to a large number of mammals and birds that depend on the annual inundation of the floodplain. It host elephants (Loxodonta africana), Kobs (Kobus Kob), Roan antelopes (Hypotragusequinus), Red-fonted gazelles (Gazella rufifrons), Giraffes (Giraffe cameleopardalis), Lions (Panthera leo leo), Jackals (Canisaureus and Canisadustus), Hyenas (Hyaena hyaena and Crocuta crocuta), Warthogs (Phacochoerus ethiopicus), Reebuck (Reduncaredunca), Grimm's duiker (Sylvicapra grimmia) and several primate species, in addition to smaller or less abundant species.[374375] Some predators and water birds depend on fish for food. Some 379 bird species have been identified in the par.[376] The Kalamaloue National Park is only 45 km2 and situated in the north of Waza National Park. This park is heavily degraded and mostly deprived of its animal population but is a critical safe haven for part of the Waza elephant population during part of the year.

Table 2: Chronological description of main events impacting development in the Waza Logone floodplain (Adapted and completed from Loth et al., 2004).[377]

SEMRY/Maga dam	Scale	Waza Logone Project and other projects
Construction of the Maga dam High increase in rice production and extraordinary yields Creation of a new city (Maga) Improvement of social infrastructures (education, health, water supply) Collapse of the floodplain and fisheries An ecological	**1979**	
Less competitivity of local rice compared to imported rice Beginning of the economic crisis	**1986**	
	1988	Feasibility studies of Waza Logone Project Research and development activities Participation of populations, traditional leaders and authorities Creation of enable conditions for the restoration of ecology Initiation of conservation and co-management of natural resources Restoration of biodiversity
New orientation of the management of SEMRY (disengagement of the government, abandonment of the commercialization function within the company) Fall of rice production	**1989**	
	1992	Law on the right of association Creation of common groups and associations

Logone. Août 1994. 89 pp.
370 Scholte P. 2007. Maximum flood depth characterizes above-ground biomass in African seasonally shallowly
371 Adam S. 1994. Impact de la ré-inondation de la plaine du Logone sur la pêche: cas particulier des villages riverains du parc national de Waza. Rapport de stage d'insertion professionnel. FASA, Université de Dschang. 114 pp.
372 Sighomnou D. 2003. Cameroun : Gestion intégrée des eaux de crue : cas de la plaine d'inondation du fleuve Logone. Associated Program on Flood management (WMO/WGP) September 2003, 9 pp.
373 IUCN-WLP, 1994. Rapport de synthèse des études socio-économiques dans la zone pilote du projet Waza Logone. Août 1994. 89 pp.
374 De Iongh H. H., Bauer H. and Hamling P. 2004. Nine years of research on a lion (Pantheraleo) in the WazaNational Park (Cameroon): a review. Game WildlifeSci., 21: 433-446
375 Tchamba M. N. and Elkan P. 1995. Status and trends of some large mammals and ostriches in Waza National Park, Cameroon. African Journal of Ecology, 33 : 366-376
376 Scholte P. 2000. Towards consensual park management planning in Africa. Oryx,34: 87-89
377 Loth P. 2004. Consequence of the dam and drought in Loth P (ed). The Return of the Water: Restoring the Waza floodplain in Cameroon. UINC, Gland, Switzerland and Cambridge, UK. XVI+156 pp

Devaluation of FCFA Grain in competitivity Permanent economic crisis Underperformance of the production unit Sub productivity	**1994**	First pilot reflooding of the Waza Logone floodplain Opening of the Aretekele (20m3/s)
	1997	Second pilot reflooding Opening of the Petit Goromo (7-10 m3/s)
Strike by rice farmers against the SEMRY authority Appointment of new General Director New contract Plan with the government Increase in rice production	**2000**	End of the Waza Logone Project Set up of the CACID Process of transferring activities to local organizations Creation of CFAID, ACEEN, AIDR by the former animators of the Waza Logone Project
Strike by rice farmers against the SEMRY authority Appointment of a new General Director Stop in rice production	**2007**	Broad diagnostic in the Lake Chad Basin by the LCBC GEF and LCBC establish the Small Grants Facility '’Reversal of Land and Water Degradation Trends in the Lake Chad Basin Ecosystem: Establishment of Mechanisms for Land and Water Management’’

Legal and policy framework and local legal decision-making

Legislation
The fisheries legislation in Cameroon is based on the law no 94/01 of 20 January 1994 concerning the management system of forest, wildlife and fisheries and its decrees of application.[378]

For the specific case of the Waza Logone floodplain, in 2006, a decision[379] was taken by the Governor of the Far North region to reverse the degradation trend of aquatic resources. The governor’s decision forbids the appropriation of portions of rivers and other water bodies by individuals or groups of individuals for fishing. It goes against the creation of new fishing canals, the use of nets and traps of less than 40 mm mesh, fishing methods that include building dams across the riverbed. Also, the payment of unauthorized taxes on fishing canals by individuals, and the maintenance (cleaning, prolonged expansion, deepening) of existing fishing canals and their surroundings are not allowed.

However, the implementation of these measures is still weak. In the first year, one could observe a decrease in the digging of new canals as well as the use of prohibited fishing techniques and materials. More recently corruption has set in. By paying “informal taxes,” authorization is locally given to dig new canals.[380]

Currently, laws or administrative decisions that prohibit the use of materials, such as Malian traps or nets with small mesh size, are not respected. It is remarkable that gill nets with ½ inch mesh size (the smallest) are still used in the Waza Logone area. At the end of the dry season, when fish are located in waterholes, the beach seine is the material most often used. The fish that is preparing to migrate to the floodplain are all systematically captured, and the same is true of the fish migrating back to the river for reproduction. This includes waterholes inside the Waza National Park, and here the fishing strategy is oriented towards short term ‘today catches’ and short term gain.

Fisheries in the Waza Logone floodplain is also practiced in man-made waterholes and fishing canals. Many of the waterholes are dug in order to collect water for livestock grazing outside the Waza National Park and for wildlife inside the Park during the dry season. For waterholes inside the park, people come from surrounding villages to fish there. They organize themselves in order to avoid park guards and poaching control teams. Human activities in the park have impact on wildlife and fishing through poaching. It should be noted that fish are very important for many species of birds like pelicans, cormorants and fish eagles that are big attractions in the park.

Key actors and stakeholders and decision making process

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[378] decrees no 95/413/PM of 20 June 1995 and no 2001/546/PM of 30 July 2001
[379] Arrêté provincial n°5 du 03 mai 2006 portant mesures conservatoires préalables à l’inversion des tendances de dégradation des ressources naturelles de la plaine d’inondation de Waza Logone (Département du Logone et Chari)
[380] Khari Boukar, 2010. Impact socio-économique des conflits liés aux ressources halieutiques: cas de la plaine d’inondation de Waza-Logone (Extrême-nord, Cameroun) pour la période de 1985 à 2009. Mémoire soutenue à

National and local government institutions institutions[381]
Six ministries are in charge of aquatic and terrestrial life, and water issues in Cameroon. For inland fisheries, the Ministry of Livestock, Fisheries and Animal Industries defines and implements the government policies of developing fisheries and aquaculture through the Directorate of Fisheries and Aquaculture. The ministry appears to give more attention to marine fisheries than to inland fisheries.

The same observation may be applicable to other ministries like the Ministry of Scientific Research and Innovation, the Ministry of Environment, Protection of the Nature and Sustainable Development, the Ministry of Economy, Planning and Regional Development, the Ministry of Energy and Water Resources, and the Ministry of Forestry and Wildlife. At the local level, the Far North region in which the Waza Logone Floodplain is located, there is one civil servant in charge of the fishery sector who is based in Maroua, and the population in the floodplain does not get to meet him very often. There are however, two field agents for the entire floodplain, located in the Evie sub-district and the Mazera sub-district. A fishing centre funded by the Japanese development cooperation was constructed in the Maga subdivision. However, today the Maga Fishing Centre is in ruins and is not operational.

The Ministry of Environment, Protection of the Nature and Sustainable Development implements and monitors the environmental policy, international conventions (like RAMSAR) and the protection of nature. It is in charge of the improvement of environmental management of ecosystems and the conservation of biodiversity, and raising environmental awareness in order to promote the restoration of the environment. In addition, the Ministry of Economy, Planning and Regional Development and the Ministry of Energy and Water Resources are concerned with different aspects of the fishery sector. All ministries are working towards the common goal of enabling Cameroon to emerge by 2035.[382] The process of decentralization of administration is ongoing in Cameroon.

Unfortunately, there is no platform that brings all these government institutions around a table to discuss issues concerning the Logone floodplain. Also, although the Waza Logone floodplain is a fragile and valuable ecosystem for more then 215,000 peoples' livelihoods, there is no significant investment in the fishery or any other sectors, except the agro-industry, by the government.

International institutions
In 1964, the four countries bordering Lake Chad which are Cameroon, Chad, Niger and Nigeria, created the Lake Chad Basin Commission (LCBC), charged with managing water resources in the area known as the 'conventional basin'. They were joined by the Central African Republic in 1994, and the conventional basin was enlarged to include the upper Chari-Logone and Komadugu-Yobe basins. The objective of LCBC is the sustainable management and conservation of Lake Chad and its wetlands by 2025, in order to preserve biodiversity, sustainability and equitable use of aquatic resources with the aim of meeting the needs of people in the basin and reducing poverty. By the year 2025, the Lake Chad region would like to see the sustainable management and conservation of Lake Chad – its common heritage – and other wetlands to ensure the economic security of freshwater ecosystem resources and biodiversity. The equitable use of sustainable water resources must be ensured to meet the needs of the population of the basin, thereby contributing to poverty reduction.

Other international institutions are IUCN that is implementing a project that improve revenue of population in the floodplain and around the Waza National Park. The plain is also a RAMSAR site under the Ministry of Environment. IUCN was a major actor for the implementation of the Waza Logone floodplain project. At the end of the project, a national team was created (CACID) in order to assure the durability of the project. This team support local organizations to achieve their objectives and maintain relationships with communities. Some of them as ACEEN is still working with communities, receiving funding from IUCN the Netherlands, Cordaid and international partners.

Private sector
The Waza Logone floodplain has the interest of international companies. Some ideas for industrial agriculture are on the table. This year, private operators from Turkey associated with Cameroonian

[381] The stakeholder analysis in this chapter is based on interviews and focus group discussions carried out by CEDC.
[382] Growth and Employment Strategy Paper (GESP) is strategic document for the national development of the country. It's the road map of the government.

business men work with the government on this issues. Also, The Yan Chian Company (a Chinese company) is undertaking exploration activities at the moment. But until now, there is no company in the area.

Traditional communities

The communities living in the Waza Logone floodplain used to choose a 'fish manager' (*manguivini*), who was traditionally responsible for fishery activities. His authority regarding fisheries superseded the head of the village. With the ongoing modernization process and the aspiration of central government to gain control, there is now a lack of respect for decisions made by the *manguivini*. This organization led to a very sustainable management of fish resources in the floodplain. This system has been disrupted today and replaced by a more opaque management characterized by corruption and political negative influences. Traditional fishing practices changed between 1965 and 1970, when fishing materials were replaced with the introduction of nylon nets and the spectacular extension of the number of gill nets.[383]

The mobile pastoralists who use the floodplain pastures belong to two ethnic groups: (Shuwa) Arabs and Fulbe. The Arab pastoralists who use the re-flooded area are nomadic and practice transhumance from the Diamaré plains, south of the floodplain, where most Cameroonian Fulbe pastoralists originate. The Fulbe can also be divided in nomadic and agro-pastoral groups. This distinction refers to the fact that the former do not practice agriculture and are without permanent settlements. Agro-pastoral Fulbe, on the other hand, have families that live in villages where they cultivate.

Civil Society organizations

Since 2006, local NGOs such as ACEEN have been working with fishermen to implement local agreements on fisheries. It is a participatory process that aims to promote the sustainable use of fisheries. A local agreement consists of a list of objectives, principles, responsibilities and rights drawn up and decided upon by local parties. Some of their propositions are adopted by government and regional organizations in specific projects. The main projects are the Lake Chad Basin Development Project (known as PRODEBALT) and the Chari Logone Integrated Rural Development Project (known as PDRI-CL). These projects strengthen the capacity of local communities and finance activities that generate revenues. The objective of PRODEBALT is the sustainable reduction of poverty of the people depending on the natural resources in the Lake Chad Basin. Specifically, the program aims at rehabilitating and conserving the productive capacity of the ecosystems of the Lake Chad Basin in the context of adaptation of production systems to climate change. It is funded by the African Development Bank in 2008 and activities will be over in December 2015.

The PDRI-CL is a governmental project funded partly by the Islamic Bank and partly the national budget. Five components are on the way: infrastructure, agriculture, livestock and fisheries, management of natural resources, and small credit scheme to support economic activities. In request of local communities, PDRI-CL funded the construction of the Zilim dam or dyke in 2014. In 2012, due to the important rainfall in the region, the water levels in Maga Lake rose and water seemed to go over the dyke. The level exceeded the emergency level and evacuation was open. This overflow of water created inundation in Maga and surroundings.

Table 3: Chronological implementation of activities after Waza Logone Project and CACID.

	2000	Set up of CACID Process of transferring activities to local organizations Creation of CFAID, ACEEN, AIDR by the former animators of the Waza Logone Project

[383] 28 Durand , J.R. & Leveque, C., 1980. Flore et faune aquatiques de l"Afrique Sahelo-Soudanienne., 388pp

Strike by rice farmers against the SEMRY authority Appointment of a new General Director Stop in rice production	**2007**	Broad diagnostic in the Lake Chad Basin by the LCBC Funding of small grants in the floodplain (GEF/CBLT) Decision of the Governor concerning measures for the reverse of tendency of degradation of natural resources Dry up of the Logomatya Mobilization of several development actors (LCBC, SNV, ACEEN, Councils of the floodplain) Impact environmental assessment of the rebuilding of the Zilim dam
	2009	Funding of the PRODEBALT Funding of the PDRP/CL
	2010	Oil exploration in the area and assessment of land for agro-industries
	2012 **2014**	Rupture of a part of the dam and inundation in the area Reconstruction of Zilim dam/dyke by the PDRI-CL

Analysis of the implementation of the initiative and its implications
The Waza Logone floodplain receives pastoralists from other parts of northern Cameroon, neighbouring countries like Chad and Nigerian during the dry months of the year. One of the main goals of the re-flooding of the Waza Logone floodplain by the Waza Logone Project in 1994 was to stop the incursions of pastoralists into Waza National Park in order to reduce the competition between wildlife and livestock for dry season grazing.[384] Livestock is not allowed in national parks and this has caused numerous confrontations between park authorities and pastoralists.[385][386] The project anticipated that the floodplain rehabilitation would motivate pastoralists to find grazing lands adjacent to the park, where the re-flooding was expected to have its main impact.[387] However encroachment into the park for pasture and water by pastoralists with their livestock continued. The results of a camera trapping survey conducted in 2008 supported the allegations that the human- livestock pressure on the park was very heavy. Out of 63 trapping sites, human/cattle were present at 20.[388] Compared to other groups of animals captured by the camera traps, human-livestock represented 31% of the photographs. During field work, poachers, fishermen, herdsmen and cattle herds ranging from 150 to 2,000 heads were occasionally encountered inside the park. Each year, thousands of pastoralists with more than 200,000 cattle from Cameroon, Chad, Nigeria, and Niger enter the floodplain.

Challenges and prospects
The tourism sector in Cameroon has a lot of potentials and still needs to be developed. Generally tourism can be broadly divided into trophy hunting and game viewing. Wildlife species involved in the hunting tourism sector include adult elephants, lion, bongo and the eland of Derby, mostly practiced in the forested lowlands in the South, East and northern (Benoue complex) regions of the country. In the other regions including the extreme north region where Waza National Park occurs, mostly game viewing and photographic tourism are practiced.

The Waza NP is habitat to a rich wildlife and is a popular tourist destination where animals are easily observed on its open floodplain. The number of tourists visiting the Waza National Park was at a minimum in the 1994/95 season. This was clearly related to the economic crisis and insecurity in the

[384] Scholte, P. (2003). Immigration, a potential time bomb under the integration of conservation and development. Ambio 32(1): 58–64.
[385] Scholte, P., Pamo, E., Donfack, P., Kari, S., Kersten, S., and Kirda, P. (1996a). Floodplain re- habilitation in North Cameroon: expected impact on vegetation, pastoralists and wildlife. In West, N. (ed.), Proceedings of the Fifth International Rangeland Congress. Society of Range Management, Colorado, pp. 492–493.
[386] Scholte, P., Adam, S., Kari, S., and Mbouche, J.-H. (1999). Walking a tightrope: using PRA in a conflict situation around Waza National Park, Cameroon. PLA Notes 35(June 1999): 7–13.
[387] Moritz, M. (2003). Commoditization and the pursuit of piety: the transformation of an African pastoral system.
[388] Tumenta, P.N., J.S. Kok, J. van Rijssel, R. Buij, B.M. Croes, P.J. Funston, H.H. De Iongh and H.A. Udo de Haes. 2010. Threats of rapid extermination of the lion (Panthera leo leo) in Waza National Park, Cameroon. Afr. J. Ecol. 48: 888 – 894.

area. During 1995/96 to 1996/97 there was a tendency for numbers to increase. According to the chief game warden the long-term target is 12,000 tourists visiting the park per year, while before the economic crisis started, an average of 7,000 tourists was visiting the Park. According to Tchamba, elephants are the number one attraction for tourists visiting Waza Park, with lions a close second. Tchamba also indicated that as a result of pilot flood releases and the re-inundation of the floodplain, elephants would tend to stay longer in the Park. This could increase the attraction value of elephants for tourists after the full re-inundation.[389] This full re-inundation was the third option proposed by expert for the fully rehabilitation of Waza Logone floodplain. Until now, government did not mobilize resources for its implementation. In 2006 revenue from tourism in the park was 16 999 000FCFA and in 2009, from January to September, 2431 tourists from 55 countries of the world including France, USA, Germany and Italy generated about 15 496 500 FCFA as revenue.

Thus the Waza Logone floodplain is an area with rich natural resources that attract several stakeholders but unfortunately there is very poor governance in the exploitation of these natural resources.

Land-use and water conflicts in the Waza Logone floodplain are intense due to competition over the use of resources. The area including Waza NP holds water and pasture re-growth far into the dry season, when water in the surrounding grassland has completely dried out.
For this reason, many pastoralists enter this area with their livestock each year for a period of 6-8 months. With the changing climatic conditions: less and irregular rainfall, this conflict will get more intense as water, land and pasture will become scarce.[390]

Efforts of the different development agencies (GEF, WB, Islamic Bank, UNDP) are isolated with very little positive impact on the sustainability of the said resources. A strong synergy does not exist between different interventions, and the interventions do not follow a logical sequence. The interventions are driven by the priorities of specific stakeholders (councils, NGO, local government). Few projects are based on good stakeholder analysis.

Governance regarding land and water distribution in the Waza Logone will go a long way to resolve conflict over these resources and boost the economic, social and cultural potential of the local communities whose livelihood depends on these important natural resources. Waza National Park hosts a rich wildlife and is a popular destination for tourists. Water is held in artificial and natural reservoirs in the park but during the dry months of the year most of these waterholes dry out. It is therefore necessary to improve the water provision to the park. Since water availability is a major factor for ecological wellbeing, it is expected that the declining trends in wildlife numbers then will be reversed.

Prospects from NGOs and local communities
ACEEN proposes, with the support of other NGOs and local communities, to set up a platform of stakeholders in order to plan and manage activities in the Logone floodplain. The mechanism that can guide the platform should include how it will function and what issues are at stake and need systematic monitoring to avoid conflicts between the various stakeholders. This is now the leitmotiv of ACEEN and the supporting NGOs and communities.

Prospects from research institutions CEDC and Leiden University
Livelihoods of local population have to be in the center of any development action in the plain. As resources, the focus should be also put in basic demands such as potable water, sanitation, education and health care. Diversification of productive activities can be an option. Fishermen, rice farmers and pastoralists need facilitation for inputs and services. A micro zoning in time or space can create an enabling condition for fishermen, agriculturalists and pastoralists. At the level of research, a scientific and technical committee whose main mission will be to set up a monitoring system of resources should be put in place to collect and analyze data and propose policy orientations for policy decisions. The CEDC can play the main role in such a committee given the fact that they have carried out

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[389] Tchamba M. N. and Elkan P. 1995. Status and trends of some large mammals and ostriches in Waza National Park, Cameroon. African Journal of Ecology, 33 : 366-376
[390] Scholte P. 2005. Floodplain Rehabilitation and the Future of Conservation and Development. Adaptive management of success in Waza-Logone, Cameroon. Tropical Resource Management Paper, 67, 342 p

scientific research in the Waza Logone floodplain for over 20 years in collaboration with the University of Leiden in The Netherlands and the support of the Dutch government. This will be even of greater necessity given the eminent integration into the list of stakeholders of petroleum exploitation (whose exploration phase is almost completed) and an additional agro-industrial complex to produce and transform produce including tomatoes, onions and garlics.

Conclusion

The Waza Logone floodplain is an area with rich natural resources that attract several stakeholders but unfortunately there is very poor governance in the exploitation of these natural resources.
Efforts of the different development agencies (GEF, WB, Islamic Bank, UNDP) are isolated with very little positive impact on the sustainability of the said resources. A strong synergy does not exist between different interventions, and the interventions do not follow a logical sequence. The interventions are driven by the priorities of specific stakeholders (councils, NGO, local government). Few projects are based on good stakeholder analysis. It is therefore interesting to set up a platform of stakeholders in order to plan and manage activities in the Logone floodplain. The mechanism that can guide the platform should include how it will function and what issues are at stake and need systematic monitoring to avoid conflicts between the various stakeholders. This is now the leitmotiv of ACEEN that is supported in this way by other NGOs and local communities.

Livelihoods of local population have to be in the center of any development action in the plain. As resources are sort to enable this initiative, the focus should be also put in basic demands such as potable water, sanitation, education and health care. Diversification of productive activities can be an option. Fishermen, rice farmers and pastoralists need facilitation for inputs and services. A micro zoning in time or space can create an enabling condition for fishermen, agriculturalists and pastoralists. At the level of research, a scientific and technical committee whose main mission will be to set up a monitoring system of resources should be put in place to collect and analyze data and propose policy orientations for policy decisions. The CEDC can play the main role in such a committee given the fact that they have carried out scientific research in the Waza Logone floodplain for over 20 years in collaboration with the University of Leiden in The Netherlands and the support of the Dutch government. This will be even of greater necessity given the eminent integration into the list of stakeholders of petroleum exploitation (whose exploration phase is almost completed) and an additional agro-industrial complex to produce and transform produce including tomatoes, onions and garlics.