

Large-scale Land Acquisition in Africa: Impacts, Conflicts and Human Rights Violations



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The case of SIAT's subsidiary in Ivory Coast

“Companies must respect human rights and the environment throughout their value chains.”

Co-Authors



Kingdom of Andoh

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This Policy Brief is part of a series intended to put good land governance, land rights and the prevention of conflicts over resources on the agenda of European and African political leaders.

Land Grabbing in Africa



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The demand for land and natural resources has significantly accelerated in the last two decades due to the 2008 food price crisis and resulting land speculations. This led to a surge in large-scale land acquisitions (LSLAs), often referred to as land grabbing. Since 2000, over 25 million hectares of land deals have been carried out across the African continent.

While private actors are largely the ones executing LSLAs, their land acquisitions are encouraged and financially supported by governments. This includes governments within the Global South, which reduce barriers for land transfers, as well as governments within the Global North, many of which finance these land deals via their public development banks. The policy brief series is particularly concerned with a complex web of financiers, namely private equity funds and European development finance institutions, which have either indirectly or directly financed numerous land acquisition projects in Africa. These LSLAs have coincided with human rights violations and conflicts, with local communities bearing the burden of the harm generated.

¹ Land Matrix (2021). Taking stock of the global land rush. Analytical Report III. <https://landmatrix.org/resources/land-matrix-analytical-report-iii-taking-stock-of-the-global-land-rush/>.

See also: Neudert, R., Voget-Kleschin, L. (2021). What are the effects of large-scale land acquisitions in Africa on selected economic and social indicators? Misereor. https://www.misereor.org/fileadmin/user_upload_misereor.org/publication/en/foodsecurity/study-LSLA.pdf

² Land Matrix, obtained at <https://landmatrix.org/observatory/africa/>.

Proponents of LSLA often frame it as a development opportunity for Africa. However, the intensification of industrial agricultural practices and monoculture plantations that are associated with LSLAs have contributed to countless human rights violations and severe negative social and environmental impacts. In Africa, an additional 14,3 million hectares of land deals have failed and have never become or are no longer operational. These failed deals leave scars and the incidences of bankruptcy and serial transfers of land ownership further increase the insecurity of affected communities that live nearby and/or on the land in question.

The majority of LSLAs fail to respect human rights, including the failure to uphold the key principle of Free Prior and Informed Consent when negotiating the land contracts and/or land use changes. Nor do the projects associated with most LSLAs provide guarantees to benefit local communities, as is often promised. Such deals are characterised by reduced security of land tenure, often leading to the forced eviction of rural communities, and inadequate compensation, such as for those communities evicted and/or who face reduced land access. Further, it is not uncommon for LSLAs to lead to conflicts over land and water resources, exacerbating pre-existing conflicts, violence and divisions within and between communities. This presents a real risk within fragile and conflict-affected areas.

Agricultural projects associated with LSLAs replace small-scale agriculture and therefore lead to a discharge of labour. Simultaneously, any jobs provided by companies on the land are most commonly day labourer work on an agricultural plantation, resulting in often atrocious working conditions. The loss of land for small-scale food producers, combined with the fact that many of the projects invest in producing crops for non-food purposes, decreases food production at the household and community levels and leads to higher food insecurity. Furthermore, the industrial agricultural plantations associated with many LSLAs barely achieve higher yields than small-scale food producers. Moreover, the intensive industrial agricultural model has been proven to cause environmental damage, such as pollution and the depletion of natural resources, leading to soil infertility.

Inadequate land laws as well as the insufficient implementation of land laws create perverse incentives for corruption and support efforts to weaken democratic institutions. Hence international standards are not followed - exacerbated by the culture of impunity and lack of accountability that characterizes many of these deals. The absence of meaningful access to justice and mechanisms of redress results in complicated and toothless grievance mechanisms for communities, which are often stalled, and/or coincide with accounts of repression, violence, and mistrust.

³ Land Matrix, obtained at <https://landmatrix.org/observatory/africa/>. See also Grain (2018). Failed farmland deals: a growing legacy of disaster and pain. <https://grain.org/en/article/5958-failed-farmland-deals-a-growing-legacy-of-disaster-and-pain>.

The case of SIAT's subsidiary in Ivory Coast

Company Profile and Case Summary

SIAT (Société d'Investissement pour l'Agriculture Tropicale) is registered as a limited responsibility company (*Société Anonyme*) in Belgium. On its website, SIAT declares itself to be a 'family company' at the head of the SIAT Group, which includes subsidiaries in Ghana, Nigeria, Ivory Coast, Gabon and Cambodia. Founded in 1991, the company specializes in the production of rubber and palm oil, with its main offices located in Zaventem, near Brussels in Belgium.

Communities in Ivory Coast, Nigeria and Ghana accuse SIAT of land grabbing, violations of their rights and those of its workers, victimisations of affected communities, environmental degradation and threats to food sovereignty of indigenous people and local communities who depend on land for survival.⁴ Yet, on its website and public messaging, the company presents itself as attentive to environmental and sustainability issues. SIAT prides itself of being one of the first members of the Roundtable on Sustainable Palm Oil.⁵

In 2014, The company created a sustainability department to manage and deal with sustainability policies. SIAT also claims to be attentive to the social and economic needs of the communities where it is actively supporting them “with education and infrastructure developments such as roads, potable water and electricity” and thereby “creating stability and commitment, which, in turn, provides security for the group's investments”.

SIAT has succeeded in becoming one of the five main companies that control 75% of oil palm plantations in Africa.⁶ The company's investments in West Africa feed directly into international palm oil and rubber value chains. A supply chain analysis commissioned by CIDSE shows that palm-oil products by SIAT's subsidiaries are sold directly to large multinational corporations such as Unilever (UK) and Nestlé (CH), while rubber products fuel the supply chains of international tire giants such as Michelin (France, US) and Goodyear (US).

In Nigeria, Ghana and Ivory Coast, communities have been campaigning against the activities of SIAT.⁷ Contexts are different, but some common points are highlighted by local communities: dispute over land rights between communities and States, acquisition of land without the consent of communities holding rights over it, environmental degradation, biodiversity loss, disruption of livelihoods, threat to food sovereignty/local food systems with differentiated impacts on women and children.

⁴ SIAT received a copy of this brief to allow them a right of reply. They did not respond.

⁵ As explained by a collective of Belgian organisations, this label is a voluntary initiative from the private sector aimed at tackling the issues of deforestation and climate change, but which “has shown its ineffectiveness in the field, by failing to break down the link between oil palm plantations and deforestation”. See: “Le mythe de l'huile de palme 100% durable. Les limites des initiatives volontaires : le cas de la RSPO et de l'Alliance belge pour une huile de palme durable”, January 2018, p.24, available at <https://www.fian.be/IMG/pdf/dospalmoliefr-1217-lrnb.pdf>

⁶ <https://grain.org/en/article/6324-communities-in-africa-fight-back-against-the-land-grab-for-palm-oil>

⁷ See footnote N°5 of Entraide and Fraternité's report “Quand hévéa rime avec violations de droits” : In addition to the testimonies collected from local associations and community representatives, see also: GRAIN, Word Rainforest Movement, an alliance of community and local organisations united against industrial oil palm plantations in West and Central Africa: “Promise, divide, intimidate, coerce: 12 tactics used by palm oil companies to take over community land”, April 2019, available at <https://grain.org/en/article/6171-booklet-12-tactics-palm-oil-companies-use-to-grab-community-land>

This policy brief will focus on the impact of SIAT's presence in Ivory Coast, where 11,000 hectares are the subject of a dispute between the villages located in the sub-prefecture of Famienkro and the *Compagnie h evicole de Prikro* (CHP), the Ivorian subsidiary of SIAT.

History of the Project

The communities of Famienkro, Koffessou-Groumania and Timbo - which are part of the Iffou Region in Eastern Ivory Coast - are mostly made up of families practicing small-scale agriculture.

In 1979, after three years of negotiations between the government and the villagers, the Ivorian State took control of about 5,000 hectares of land from the state-owned company SODESUCRE for the purpose of sugarcane production⁸. The land used to be cultivated by local farmers under customary land tenure⁹. Local communities were compensated for the destruction of their crops, which was carried out to allow SODESUCRE to operate. However, the State never officially acquired the parcels of land from the local communities and never purged their customary rights over them. With the end of SODESUCRE activities in 1982, local peasants reverted back to farming on the parcels of lands previously occupied by the company.

In 2011, villagers became aware that the government authorized the creation of a rubber plantation in the area previously owned by SODESUCRE. The plantation would be operated by the *Compagnie H evicole de Prikro* (CHP), a local subsidiary owned 100% by SIAT SA.

Additionally, communities were informed that the company would acquire 11,000 hectares, well beyond the surface area of land previously occupied by SODESUCRE. Communities complained of the requisition to local authorities, including the Ministry of Agriculture, the Director of the Agricultural Department of Prikro, the District Prefect and other authorities both at the national and local levels¹⁰. In various correspondence with those authorities, local land-holders and peasants repeatedly opposed the CHP investment, reiterated that the land concerned was not owned by the State nor by private individuals, going as far as to look for alternative private investors that offered better economic conditions than SIAT's subsidiary for the acquisition¹¹.

Legal Proceedings

In 2013, a group of local land-holders filed a claim against SIAT with the 'M'Bahiakro court to obtain an eviction of the company from the land. A series of court proceedings took place in 2013. In 2014, the communities learned that the Ministry of Agriculture had introduced a registration request for the 11,000 ha of land, retrospective in its effect, which was granted in 2015. In 2015, 5,000 out of those 11,000 ha were ceded by the State to SIAT under a long-term lease contract.

The pre-trial hearings of 2014 continued in 2016, with local communities claiming that they have been excluded from these proceedings. The legal case at 'M'Bahiakro court ended in 2016 with a ruling favourable to the government (and SIAT).

⁸ See Entraide and Fraternit , "Quand h ev a rime avec violations de droits" (2020).

⁹ Conversations with local communities carried out by GRAIN in Ivory Coast.

¹⁰ As shown by legal documents pertained to the case obtained by the organisations signatories of this brief.

¹¹ *Ibidem*.

While the Ivorian State could not provide evidence to support the claims that these parcels of land were its property, the court ruled that the communities had ceded their land rights to the government when the short-lived SODESUCRE project was implanted in the area. The court also decided that as those cultivating the land occupied by CHP had not signed a lease with the State, they had thus no rights to claim ownership, ignoring communities' customary rights.

The court decision contradicts the 1998 land law (revised in 2013), which stipulates that the State's tenure rights cannot be assumed or implied over parcels of land that are not explicitly registered in its name. The law also recognises customary tenure rights and provides legal avenues for the official recognition of customary land-holders. The revision of the law in 2013 specifies that a ten-year period of grace is granted to communities to register their lands before the State may proceed with the registration. In this specific case, this period would expire in 2023.¹² By unilaterally registering communities' land, the State effectively denied customary land-holders the right granted to them through the Ivorian law, which today suffers the multiple consequences of this land dispute.

This violation of Ivorian law is also contradictory to International Human rights Law and the Voluntary Guidelines of the FAO (the United Nations Food and Agriculture Organization) for responsible governance of land tenure, which the Ivorian State has committed to observe. It is not suggested in this brief that SIAT or CHP provoked any unlawful act of the State or

decision of the Court, but it is undeniable that the company stood to benefit and that the State acted in the interest of attracting the private investment.

Contestation and Repression

Local communities fighting to regain control over their land have mounted a strong opposition against the SIAT company over several years. Some of the local customary authorities even took a vocal and public stance against the project.

In 2013, the local population gathered to protest against the destruction of their crops. They "*moved machinery* (from the company, editor's note) *and had them looked after by some youth, while waiting for the company representative to come recover them*"¹³. This protest was met by the local prefect and gendarmes with violence and retaliation against protesters as well as local journalists who had come to document the conflict.¹⁴

In 2015, protesters asked SIAT drivers to gather machines in the centre of the village. The villagers kept these machines when on the following day, 22 July 2015, the gendarmes and their auxiliaries shot at the population. Local protesters were beaten, shot with teargas and at least seventy-one among local activists (including local customary authorities and representatives) were arrested and detained by local security forces.¹⁵ Several dozen local villagers were wounded and two local peasants, Assué Amara from Koffesso and Amadou from

¹² Documentary "Terre sans maître PAD", <https://www.youtube.com/watch?v=ZbaAnTrLUeY&feature=youtu.be>.

¹³ Letter of 21st September 2015 from the spokesperson of the King of Andoh to the UN Special Representative in Ivory Coast.

¹⁴ "Prikro / Site de l'ex-complexe de Sodesucre de Sérébou-Comoé. Des affrontements font plus de 13 blessés graves", *Le Temps de l'Economie*, June 2013. "Des populations disent non à l'implantation d'une usine d'hévéa. Elles préfèrent plutôt une unité de transformation des produits vivriers", *Fraternité Matin*, July 2013.

¹⁵ "Litige autour d'un site hévéicole. Un roi aux arrêts, des activistes en fuite", *Le Sursaut*, 3 August 2015. "Affaire expropriation des terres. Un corps sans vie retrouvé à Famiengkro", *Le Nouveau Courier*. "Prikro/ Affrontement sanglant. 1 mort, plusieurs blessés", *L'Expression*, 23 July 2015.

Timbo, were killed. At least one more person died in detention. To this day, hundreds are displaced and fearful of returning to their home villages. These events were not followed by any legal proceedings.

Local communities explain¹⁶ that these episodes took place against a larger backdrop of threats, intimidation, violence and repression exerted by the company's representatives, local security forces and authorities.

The King of Andoh - representing 115 villages - summarized in a series of letters addressed to local and national authorities that the company and its allied engaged in¹⁷:

1. "Attempts to defy our authority with the complicity of individuals pretending to speak on behalf of customary authorities during the decisions.
2. Continuous acts of physical violence and intimidation by the gendarmery against the population of our Chiefdom (including tear gas and hitting the population with clubs).
3. Violent acts against the insignia of the Chiefdom (against the seat of the royal court, gunshots and attempts to kidnap the King).
4. Recurring threats coupled with arbitrary arrests, injurious claims purposefully orchestrated throughout the region."

Customary authorities also lament continuous attempts by the company to delegitimise them (e.g., by declaring random illegitimate individuals as 'chiefs') or using dishonest methods with the collaboration of the local elite.

Lack of Engagement with Local Population

The framework agreement between the company and the government provides that villages consent to projects that affect their rights prior to implementation. However, according to local communities, the company did not consult with them nor collect their informed consent prior to the installation of the project. The company claims that only three out of 80 villages around the plantation opposed the project. However, local communities and traditional authorities argue that, in reality, most of the villages are opposed to the project and that only a few elected representatives are in favour. In any case, a village cannot give away the land of another village.

Prior, free and informed consent is required by Article 39 of the Ivorian Environmental Code and its implementing decrees. It is also mentioned in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.

¹⁶ <https://www.fian.be/VIDEO-MADE-IN-IMPUNITY-Caoutchouc-belge-de-Cote-d-Ivoire>.

¹⁷ Letter from the King of Andoh to the Ministry of Interior, 5 August 2013, Abidjan.

This land grab and the violation of communities' right to prior consultation on SIAT's project have created tensions among the peasant communities, which have been divided over the company's promises. The "Yes to rubber" camp is in favour of the company which promised the creation of 8,000 jobs and other benefits to improve the well-being of the population. The "No to rubber" camp is opposed to the agribusiness project, synonymous with the grabbing of ancestral lands.

While the "No to rubber" camp has faced severe retaliation, the "Yes to rubber" camp has seen its expectations disappointed. While SIAT had promised to create 8,000 jobs, only about 1,000 people - excluding office staff - seem to be employed daily on the company's plantations (but discontinuously with long gaps of several months), This is far from meeting the needs of the 11,217 inhabitants identified in the sub-prefecture of Famienkro.¹⁸

Disregard for Human and Environmental Impacts

SIAT appears to have never produced any environmental and social assessment of the impact of its rubber plantation projects, regardless of the fact this is a requirement in Ivorian law (decree 96-894 of 8 November 1996).

In 2015, SIAT reached out to the competent authorities to propose an environmental impact assessment - but it remains unclear whether it was ever implemented. It is of course questionable whether an environmental impact assessment realised once the cultivations have started is of any use. No assessment has been published to date. On the other hand, communities have been blaming SIAT's intense monoculture practices for jeopardising the environment and local biodiversity. The elimination of family farming in favour of monoculture has resulted in biodiversity loss in the local area.

Most of all, peasants were deprived of the land they relied on for their livelihoods, making them dependent on access to the market. In the absence of agricultural and non-agricultural sources of income, testimonies have shared this has resulted in widespread local food insecurity. Villagers had to resort to the collection of wild snails (which could bring in between €10 and €20 per day per person), but this activity stopped because of the destruction of the forest. The spokesperson of the King of Andoh estimated in 2015 that SIAT's activities would affect the food security of at least 50,000 people in the area.¹⁹

¹⁸ According to the last general population and housing census (RGPH) carried out by the National Institute of Statistics (INS).

¹⁹ Estimate, made by Sinan Ouattara from the 2014 general census in September 2015.

Recommendations

Recommendations specific to the SIAT case

To the Ivorian government and the African Union

1. Recognise the communities' right to land, return the affected parcels of land to communities and provide loss and damages to those affected.
2. Consider developing business and human rights principles and practices at the African Union level based on the African Charter for Human and People's Rights and other standards and practices recognised at the global level.
3. Implement the FAO's Voluntary Guidelines on Tenure of Land, Fisheries and Forests.
3. Ensure effective access to justice and protect human rights defenders at risk.
4. Enact a national law that obliges companies that are based in Belgium and/or market products in Belgium to effectively respect human rights and the environment throughout their supply chains and in their subsidiaries abroad. Such a law must, on the one hand, make the duty of vigilance mandatory and, on the other hand, allow companies to be held legally responsible for abuses. It is also essential that those affected (and the organisations representing them) have access to justice in Belgium.

To the Belgian government

1. Act when the actions of Belgian companies have negative impacts on the human rights of populations where they are active, in accordance with its extraterritorial human rights obligations (article 2 of the International Covenant on Economic, Social and Cultural Rights).
2. Take the necessary measures to regulate SIAT and ensure that the activities of its subsidiaries do not nullify or impair the enjoyment of economic, social and cultural rights as well as civil and political rights.
5. Push for both a strong European directive on mandatory corporate due diligence for human rights and the environment and a UN Legally Binding Instrument on business and human rights including access to justice for victims.
6. Ensure that Belgium's official development assistance to the agricultural sector goes to sustainable agriculture projects, such as agroecology, that do not involve large-scale land use and that correspond to the needs of the communities.

To the European Parliament and the Council of the European Union on the Corporate Sustainability Due Diligence Directive proposal²⁰

1. Ensure the Corporate Sustainability Due Diligence Directive (CSDD) is aligned with international standards including the United Nations Guiding Principles on Business and Human Rights.
2. Guarantee the Directive ensures that companies based and operating in the EU engage meaningfully with relevant and affected stakeholders when performing human rights and environmental due diligence. Engagement must be constant throughout the different steps of the due diligence process, and must be continued when the company is providing remedy.
3. Ensure that the Directive provides the opportunity for communities to provide their free, prior and informed consent when large-scale acquisitions are planned.
4. Ensure the Directive contains provisions for the reversal of the burden of proof when the responsibility for harm of companies, or their subsidiaries, is to be proven in court.
5. Reduce the role of industry schemes and sector initiatives, as these cannot be considered an indication of a company's behaviour with regards to the environment and human rights.
6. Ensure the Directive covers all types of business relationships throughout a company's value chain.

To Stakeholders working towards a Legally Binding Instrument (LBI) on Transnational Corporations and other business enterprises

1. Include strong and mandatory provisions in the LBI to regulate the activities of Transnational Corporations and other business enterprises to carry out mandatory human rights and environmental due diligence along their value chain. The SIAT case demonstrates the need for an international instrument to regulate the activities of companies, to prevent and address their negative impacts on human rights and the environment, and to provide those affected with effective pathways to transnational justice.
2. Enshrine strong provisions to ensure communities consent and have a right to say no to large investments on land they work and live on. The risks of human rights abuse and environmental damage could have been mitigated if SIAT and CHP had carried out and published mandatory human rights and environmental due diligence in good faith, which would have included independent social and environmental impact assessments prior to the implementation of business activities, as well as consultations with communities and relevant stakeholders.
3. Include strong provisions rooted in the UN Declaration of Human Rights Defenders to ensure that States can guarantee the security of human rights and environmental defenders and deal with the specific set of threats they face. The confrontations between the population, local security forces and the company are an example of the risk carried out by human rights and environmental defenders.

²⁰ The European Parliament and the Council are currently discussing a proposal for a Directive introducing mandatory human rights and environmental due diligence for companies based in and operating in the EU. The draft law could be an opportunity to avoid cases like the one discussed in this paper, if crucial gaps are addressed.

4. Ensure the LBI recognises the right of landholders to give free, prior and informed consent before large-scale land deals are agreed.
 5. Recognise joint liability throughout the value chain. Belgian SIAT owns 100% of CHP. International law should recognise the relationships that exist between the two companies and the joint responsibility they share for the human rights and environmental violations operated on the ground.
 6. Include provisions - including common basket funds for victims - to facilitate access to justice in the country where the company responsible is headquartered, and reverse the burden of proof for communities when proving the liability of companies for their business relationships and the entities they control.
2. We call for the creation of fully public and accountable funding mechanisms that support peoples' efforts to build food sovereignty, realize the human right to food, protect and restore ecosystems, and address the climate emergency.
 3. We call for the implementation of strong and effective mechanisms that provide communities with access to justice in cases of adverse human rights impacts or social and environmental damages caused by public development bank investments or private entities.
 4. We call to secure communities' rights and access to and control over land, seeds, and water, with a specific attention towards access for women and young farmers.
 5. We call for the recognition of small-scale farming as a viable structural model for agricultural development and to promote labour-intensive means of small-scale farming and agroecology.

Common recommendations

1. We call for an immediate end to the financing of Large-Scale Land Acquisition projects and speculative investments by public development banks.

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