

Bottom Up Accountability and Securing Communal Land Rights in Cross River State

A Policy Brief by Environmental Rights Action/Friends of the Earth Nigeria

Introduction

This policy brief is intended to aid policy for land management especially in Cross River State, Nigeria. Following the incessant cases of conflicts between communities and investors (individuals, companies, multinational etc.), within the rainforest communities in Nigeria, Cross River state in particular, Environmental Right Action/Friends of the Earth Nigeria (ERA/FOEN) conducted a study anchored on bottom-up accountability and governance: securing community tenure rights to land in impacted communities in Betem, Akpet, Idoma and Akamkpa in Cross River State Nigeria. It is hoped that the relevant government agencies will act on the recommendations which include respect to communal land rights, a halt to depreciation, eviction and destruction of rural livelihoods.

The aim of the study was to:

- 1 Evaluate the land tenure system in Nigeria.
- 2 Examine the drivers of land grabbing in Nigeria with emphasis on the sampled communities.
- 3 Assess the associated impact of unsustainable land acquisition and stabling of the livelihood sustainability of the communities.
- 4 Develop strategies on the engagement and resistance to support land tenure in the communities.

Research Methodology

The study adopted a descriptive and survey design. Data was obtained through the semi-structure question, oral interview, focus group discussion and participatory rural method and appraisal. The population of study was mainly made up of some selected council of chiefs' members, women, youths and other groups such as farmers, gatherers of non-timber forest products (NTFP'S), age grades, elites and clan heads. The study communities were Betem, Akpet, Idoma and Akamkpa in Biase and Akamkpa LGAs respectively.

Study Findings

In relation to the objectives of the study, the following findings were made:

- 1 **Land Tenure System in Nigeria:** In Nigeria, land tenure is mainly classified into two categories namely the Legal Land Tenure and Customary Land right as enacted in the Land Use Act of 1978, which stipulates that "land is

held in trust by the state for overriding state interest". In view of this, land ownership in the study area is mainly communal in character which falls under the customary right. In spite of this, the acquisition and allocation of land to the multinationals and each individual negates the customary land right in the area. Hence this has led to conflicts between the landlord communities and companies due to the neglect of tenure by both the Cross River State government and the multinational company in the area.

2 Drivers of land grabbing in the area: The drivers of land grabbing in the area is mainly seen to be associated with agriculture, industrial, and commercial activities. In specific terms the major driver of land grabbing in the four communities is oil palm plantation by a multinational company (PZ Wilmar). This is followed by illustrious sons and daughters from the communities who also grab lands for plantation agriculture and so on. Political office holders are also part of the grabbing especially when and where there are mineral deposits in the area.

3 Socio-economic impacts of land grabbing on livelihood sustainability in the area: In the study area, several impacts resulting from land grabbing was seen to be prevalent in the area such as:

- Loss of land for cultivation of arable crops for food, income and revenue generation.
- Land scarcity for farmlands due to expansion of oil palm plantations
- Distortion, loss and dislocation of local farming occupation and employment.
- Loss of livelihoods, sustainability alternatives such as NTFP's (edible leaves vegetables, nuts, fruits, snails, ropes, roots, barks and medicinal plants).
- Abuse of customary land rights.
- Eviction, internal displacement, and incessant assault and molestation of community people.
- Threat to Cross River National Park which serves as a wildlife sanctuary.
- Disguise indirect degradation of forest through some community people in the guise of providing improved seedlings, availability of market and providing of soft loans and credit facilities for establishment of more plantation by PZ Wilmar.
- Environmental pollution and degradation.
- Deforestation and loss of biological diversity during land clearing and preparations, leading to loss of vegetation and contributing to climate change.
- Loss and pollution of water bodies which brings about loss of aquatic biodiversity, potable water for drinking and other domestic uses, low and poor irrigation etc.
- Impact on women who are largely farmers. This impact has led to loss of farm lands, food, income and employment of women.
- The divide and rule tactics by PZ Wilmar exists in the communities.
- Lack of popular participation in the EIA process.

Bottom-up accountability and governance

In view of the observed issues associated with land grabbing in the study area, there is therefore the need for bottom-up accountability which is outlined as follows:

1 The level of awareness and acknowledgement of the consequences of land grabbing in the area be prioritized among stakeholders: governments, civil society groups, members of the communities, and youths and women.

- 2 Encourage the communities to register the lands under their control so as to avoid neglect and absolute loss to land grubbing.
- 3 The communities FPIC should be sought and their capacity built in their engagement with PZ Wilmar and the state government.
- 4 The communities' exposure to national policies and legal frameworks that govern natural resources is enhanced.
- 5 Full and effective implementation of customary land rights should be put in place.

Recommendations

Arising from the study findings, the following policy recommendations are made for implementation as follows:

- 1 State and Corporations should recognize communities' prior and informed consent in any proposed development to prevent future occurrence of land grabbing. To this end, FPIC should be recognized within the EIA provisions and other laws on land and resource governance in the state.
- 2 Demand for compensation for evicted and displaced persons. Evictions and displacements, in any event, should not lead to human rights violations and homelessness. In Cross River state, Wilmar has violated this by rendering thousands of poor rural small-scale farmers homeless based on the appropriation of community forestlands and without payment of compensation or the provision of alternatives.
- 3 The mandatory Environmental Impact Assessment (EIA) prescribed by law should be conducted properly with active public participation for informed decision on any proposed development. In this regard, project proponents should make a down payment of a fixed Bond in lieu of any potential social and environmental damage as part of the EIA process.
- 4 Large scale plantations are no forests and are not an effective strategy to deliver on sustainable food production rather the support to small scale farm holders for food production, storage and preservation, and distribution is the answer to national food security. Instead community's access to land to grow staples should be sustained.
- 5 Community should commence survey of their land using the land tenure guidelines as a basis to secure communal land rights. It is more practicable if communities are well resourced to hire the services of qualified surveyors.
- 6 To counter green wash of corporation especially that of Wilmar. This should include more engagement of women through capacity building and skill development to better help them to cope and to recognize the role of women in land management issues. This is currently on-going throughout the project phases and will continue in the coming years with possibilities that other allies will come to support the on-going community efforts.
- 7 Increased empowerment of the Community Forests Watch members working with CSOs to commence the development of an all-inclusive land policy change both at the local, state and national level.
- 8 The Land Use Act of 1978 should be amended to reflect the provisions of the Land Tenure Guidelines TG to reinforce communal land rights.

Conclusion

The study conducted in the four communities Akpet, Betem, Idoma and Akamkpa clearly showed that the activities of PZ Wilmar is leading to land grabbing in the area. In the light of this, land grabbing is now highly pervasive in the area and there is tendency for erosion of biodiversity in the area. This appears to be the greater challenge of food security and conflicts generation in the study areas. The observed land grabbing problems are mainly aided by the government of Cross River State and facilitated by some individuals in the communities. This is consequent upon the non-implementation and or adoption of FPIC in their land acquisition processes.



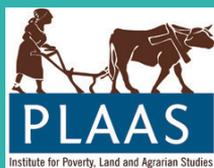
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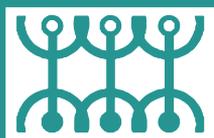
FIAN is an international human rights organization working for the realization of the right to adequate food. It consists of national sections and individual members in over 50 countries around the world. FIAN strives to secure people's access to the resources that they need in order to feed themselves, now and in the future, and cooperates with peasant organizations around the world. Since 2006, FIAN facilitates the IPC for Food Sovereignty working group on land and territory. In this role, FIAN facilitated the civil society process of participating in the development and negotiation of the Tenure Guidelines.



The critical agrarian studies cluster in ISS has been in the cutting edge of research on global land deals, and has spearheaded innovative initiatives that bridge together academic, policy and grassroots activist circles. It is an institutional co-anchor for the global network of academics working on land deals, the Land Deal Politics Initiatives (LDPI – www.iss.nl/ldpi).



PLAAS of the University of the Western Cape in South Africa is a world leading research institute that conducts and coordinates research across the African region. It is the region's leading research institute working on land issues and land governance. PLAAS collaborates closely with ISS in The Hague especially around the land Deal Politics Initiatives (LDPI, www.iss.nl/ldpi).



Founded in 1993, ERA is a non-governmental organization concerned with the protection, preservation and conservation of the natural environment, and the sustainable exploitation of natural resources. It is the Nigerian chapter of Friends of the Earth International, the environmental justice federation campaigning to protect the environment and to create sustainable societies. ERA is dedicated to the democratization of development, defense of human ecosystems and human rights, and promotion of environmentally responsible practices through local peoples empowerment. ERA/FoEN coordinates Oilwatch International in Africa and currently host its secretariat.

Published by FIAN and TNI.

Made possible by financial support from the International Development Research Centre (IDRC)-Canada.



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International Development Research Centre
Centre de recherches pour le développement international