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## **Women's Land Rights and Working Conditions in Large-scale Plantations in Sub-Saharan Africa**

Lotsmart Fonjong\*

### **Abstract**

Women's land rights are fundamental for women's economic empowerment. Increasingly, the nationalization of customary land and the current growth in private land ownership and commercial farming are exerting strong pressure on land and are a threat to women's usufruct land rights. The discourse over land reforms in most poor African countries like Cameroon is embedded in the evolutionary models where customary landholding systems are changing into state land ownership with greater market integration. These changes are taking place within limited state protection of communal and women's land rights in the process of land registration. This article discusses the evolution, actors and activities involved in large-scale land acquisitions in the sub region within the framework and women's rights to land and working conditions in the plantations. Through simple mapping from an in-depth desktop review and some level of field observations and conversations with some of the actors involved in affected localities in Cameroon, the article highlights women's experiences as customary communal land is transferred into private ownership. In fact, wherever land has been taken up for plantation agriculture, women's access to land has reduced, making them more vulnerable to hunger, poverty and poor working conditions. This is because women's land rights have not evolved with the customary evolution into private tenures. Current processes of large-scale land acquisitions should therefore create conditions for women's participation through a fair degree of equal opportunities, transparency, and accountability to communities, and relevant institutions.

### **Résumé**

Les droits fonciers des femmes sont fondamentaux pour leur autonomisation économique. De plus en plus, la nationalisation des terres coutumières et la croissance actuelle de la propriété foncière privée et de l'agriculture commerciale exercent une forte pression sur les terres et constituent une menace pour les droits d'usufruit fonciers des femmes. Le discours sur les réformes foncières

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dans la plupart des pays africains pauvres comme le Cameroun s'inscrit dans les modèles évolutifs où les systèmes fonciers coutumiers se transforment en propriété foncière étatique avec une plus grande intégration du marché. Ces changements se produisent dans le cadre d'une protection limitée de l'État sur les droits communaux et les droits fonciers des femmes dans le processus d'enregistrement foncier. Le présent article traite de l'évolution, des acteurs et des activités en matière d'acquisition de terres à grande échelle dans la sous-région ainsi que des droits fonciers des femmes et leurs conditions de travail dans les plantations. Grâce à une cartographie simple faite à partir d'une revue documentaire approfondie, d'observations sur le terrain et de conversations avec certains des acteurs impliqués dans les localités touchées au Cameroun, cet article souligne les expériences des femmes face à la transformation des terres communales coutumières en propriété privée. En fait, partout où la terre est utilisée pour l'agriculture, l'accès des femmes à celle-ci a diminué, les rendant plus vulnérables à la famine, la pauvreté et aux mauvaises conditions de travail. C'est parce que les droits fonciers des femmes n'ont pas évolué au rythme de la transformation des terres coutumières en tenures privées. Les processus actuels d'acquisition de terres à grande échelle devraient donc créer des conditions propices à la participation des femmes, par l'équité des chances, la transparence et la reddition de comptes par les communautés et les institutions concernées.

## **Introduction**

Local communities in sub-Saharan Africa, more than anywhere else, are fast losing their land to exogenous investors through the contentious process of large-scale land acquisition (LSLAs). These communities are confronted by a new phenomenon driven by the search for alternative energy and food security in which large parcels of their land previously exploited under customary practices are taken over by foreign companies (mostly from the global north and Gulf States countries), governments, and a few powerful elites for commercial agriculture. AWID (2013) reports that sub-Saharan Africa has the lion's share of the estimated 227 million hectares of land acquired by governments and foreign companies within the last 10 years. While these African communities continue to lose thousands of hectares of their land every year, there seems to be no visible improvements in their standards of living from the promised development of investors. Rather, many more people, particularly women, are trapped in poverty without a sustained means of subsistence as they no longer have access to basic human rights and needs such as food, water, fuel wood, which they used to get from the land. Since women in the sub region are socially constructed to assume the above traditional roles in the family, LSLA deprives them of accessing these common resources, thus making them more vulnerable and most affected (Lappin 2012; Gobena 2010; Kachika 2009).

What is obvious is the fact that it is in the agricultural domain that the battle against rural poverty, hunger and miseries in sub-Saharan Africa will be won or lost and small-scale agriculture cannot be completely sacrificed. Agriculture has for decades dictated rural employment and livelihoods in the region leading to a dependent and harmonious relationship between the land and its users. This is because land is combined disproportionately with other factors of production in the process. The close relationship between land and the population can be carefully traced from pre-colonial times, where land was considered so sacred, collectively owned, and private ownership unthinkable (Kenfack 2012:7). As noticed in this and other authors, the structural changes so far witnessed by these economies have also brought about changes in the status of land, and undue shocks in the relationship between communities and their land, as most of the land transformation has not been accompanied by any real changes in rural livelihoods, particularly among women. Thus, while each country in the sub region is unique, they all, nonetheless, share similar socio-cultural and economic features. For example, their economies are based on agriculture and other land-based production, which is the product of a common history. Within such an economic context, rights to land and landed resources are also crucial for survival, social change and growth.

In tenure terms, countries in sub-Sahara Africa have also endured a similar colonial legacy, whether mediated through Francophone, German, Anglophone, Anglo-American or Roman-Dutch strategies (Alden 2012). With one or two notable exceptions (Ghana, and in Liberia until the 1950s), African land rights were uniformly suppressed, deemed no more than rights of access and use, and even in this form only used at the whim of the colonial state (Alden 2012). Alden further contends that ownership of all wildlife, forest, and waters resources, including surfaces hitherto extracted traditionally, were also designated by colonial states as their personal property, although described as public belongings. Thus, toward the end of colonialism in the late 1940s and 1950s, land tenure policies continued to be structured around globally-fashioned commercial interests which by then were heartily supported by local national elites (Alden 2012) partly for selfish political ends.

The over-centralization of state powers via one-party politics and dictatorship from 1960-1990, left political power, social power, and economic hegemony in the hands of a small elitist class (Alden 2012). Alden further contends that this hegemony was upheld by purposefully sustaining the colonial norms of resource ownership that vested ultimate ownership of all land and resources in the State. For example, in the 1970s, Sudan, Malawi, Uganda, and Somalia all passed laws which made rural populations more or less tenants of the State, and also in Francophone Africa (Alden 2011). Similar land legislations that were passed throughout the continent during

the 1960s and 1980s narrowed the scope of customary access and use rights. Customary land became reclassified to state land through the use of the state's right to eminent domains, which enable involuntary expropriation of customary land for a 'public purpose' (German *et al.* 2011).

Building upon colonial tendencies, post-independent states can claim ownership of all technically 'unoccupied' forest, water and rangeland resources; a situation that is devastating for the vast rural majority using this land and operating under customary norms. Conservatively, over half a billion rural Africans are customary land holders (Alden 2012) and not more than 10 per cent of the total land area of the sub region is subject to formal statutory entitlement. Women constitute the majority of these land users whose access to land is customarily regulated. Unfortunately, customary land tenure is not secured, thereby putting their rights over such lands on the balance. Moreover, it is the vast expanse of land under customary tenure and considered by external forces as 'unused and underexploited' that is at the centre of current LSLAs and without due consideration to those whose livelihoods have for ages depended on it. New LSLAs therefore raises issues like: what happens to especially women who used to live and depend solely on these lands? It is along this line of thinking that this paper traces emerging trends in LSLAs and its implications on the activities of women – both as key actors on the land and wage labourers – but who are often forgotten in the process.

## **Methodology and Conceptual Framework**

A huge amount of scholarly and advocacy works exist on women's land rights and the impact of LSLAs on women in Africa. Most of the analysis is drawn from desktop reviews on the phenomenon and complemented with field observations and experiences from Cameroon. Although focus is on published articles from peer review journals, the reports of international organizations, government, and non-governmental organizations interested in the subject, including some social blogs and internet sites were also consulted. These diverse sources aided in enriching the diversity and reliability of information collected.

Evolutionary theories of landholding make a number of common assumptions about the transformation, from 'traditional' to market landholding systems. Ingrid (2002) notes that those that emerged, derived from the 'Boserupian' thesis, have gained prevalence over the 1990s in debates over tenure reforms in Africa. The thesis explains how the shift from 'traditional communal systems' of land holding towards 'modern individualized systems' begins spontaneously under conditions of growing land scarcity, associated with growing population densities, advances in farming technology, and the

emergence of agricultural markets (Boserup 1965; Feder & Noronha 1987:143; Ingrid 2002). As land value changes with scarcity, landholders seek tenure security and assert more individualized land rights, which cannot be protected under the customary system (Ingrid 2002). This leads to disputes over land and rising litigation costs, causing inefficiencies in the rural economy (Ingrid 2002). The state institutes land titles as an attempt to protect emerging private rights and end costly litigations, since titling provides tenure security and incentive to invest on, and/or transfer land (Ingrid 2002). Titling stimulates new markets in land, which increases production as inefficient producers are forced to sell up their land to efficient ones (Feder et al. 1988; World Bank 1989; Platteau 1996). However, this has not readily been the case. Titling has not improved the productivity of production systems in sub-Saharan Africa, and it is now widely regarded as unnecessary and even harmful in the African context (Atwood 1990; Bruce & Migot-Adholla 1994; Platteau 1996; Deininger & Binswanger 1999; Toulmin & Quan 2000, Ingrid 2002). Bruce and Migot-Adholla (1994) in particular contend that customary tenure can provide sufficient tenure security to allow farmers to take a long-term interest and invest in their land. Nevertheless, the belief in evolutionary development has not changed, as landholding systems are now considered to be spontaneously evolving with greater market integration, even without state-sponsored protection of private land rights (Ingrid 2002).

The rapid growth in demand for agricultural land in this case through LSLAs is putting pressure on property rights systems, particularly where the vast majority of land is under customary tenure (Ingrid 2002). Proponents of the evolutionary theory of land rights see property rights evolving toward more formalized systems due to increasing competition and demand within the system. They argue that formal land rights allow collateralization of land and efficient credit markets to develop and increase security of tenure, resulting in greater confidence by landowners to undertake capital improvements that will lead to improved agricultural productivity and welfare (Demsetz 1967; Otsuka and Place 2001; Platteau 2008; Ingrid 2002).

Perhaps, what is obvious is that much of this evolutionary theory is based on assumptions of relatively gradual, endogenous change, which does not necessarily hold with many of the changes now taking place. Today, the pace of the change is more rapid, the scale of land deals is much larger, and demands are largely from outsiders and not from current land users. Even domestic investors are usually not from the communities themselves. Moreover, large power imbalances exist between those seeking to acquire land now and the current landholders, who shape the nature and outcomes of any deals. This necessitates a reassessment of tenure security under both statutory and customary tenure systems.

## Overview of the Origin of Large-scale Land Acquisitions

In Africa, the process for dispossessing ethnic land was both the basis and the result of capitalist colonialism (Mbembe 1996). At the beginning of colonial installation in Cameroon, the German administration, by 1836, legally eliminated all the customary legal systems regulating land (Rudin 1938). This created a situation in coastal areas like Limbe and Kribi, where the local communities were irremediably deprived of their historical land rights and, in some cases, evicted from their land (Oyono 2004; Oyono 2013). Consequently, all of Cameroon's coastal land was annexed to the German Crown (Mveng 1985). With the defeat of the Germans during the First World War (1914-1918), the imposition of a French-British joint mandate systematically augmented the disappearance of collective property, previously protected by a customary legal system (Anyangwe 1984). Huge units of customary land became state land (Oyono 2013). As Diaw and Njomkap (1998) put it, after independence, all the legal instruments relating to land governance simply affirmed the hegemony of the state over land and forest, in a legal unilateralism. The first determinant of these transformations in land ownership was highly political; occupation and territorial annexation with legal, material and symbolic state violence, and total domination as the key driving forces (Oyono 2005; Oyono 2013; Nquiffo *et al.* 2008).

By distributing African countries among western powers, the Berlin Conference (1884-85) is arguably considered the first founding framework of the dispossession of customary land in the country (Mveng 1985; Oyono 2013). During the German presence in Cameroon, a series of decrees were issued, legalising the colonial empire's property claims on customary lands and forests, which according to them were 'lands without masters' (Rudin 1938; Oyono 2013). The decrees of 1893, 1900 and 1913 were some of the early tools of the German's legal instruments for occupying and controlling land in Cameroon (Oyono 2013). Oyono (2005) again notes that the primary objective of these decrees was to ensure that there was maximum concentration of land in the hands of the German Crown and European private agro-industrial companies. These three decrees thus set into motion the historical process of customary land dispossession in coastal Cameroon (Oyono 2013).

The establishment of land concessions for agricultural purposes was an effective way that the German colonial administration used to grab customary lands and forests, install and consolidate a trading system based on the great capital (Mbembe 1996; Oyono 2005; Oyono 2013). In the

1890s the Germans launched the process of creating large agro-industrial plantations with the creation of West & Sudkamerun Gesellschaft and the Westafrikanische Pflanzungsgesellschaft Victoria, respectively in 1894 and 1896 (Rudin 1938; Oyono 2013). Vast plantations of rubber, tea, cocoa, banana and oil palm spread throughout coastal Cameroon, and elsewhere in the hinterland, installed on customary land by the two German companies (Rudin 1938; Etoga 1971; Oyono 2013).

As co-colonial administrator of Cameroon, the British creation of the Cameroon Development Corporation (CDC) in 1947 in coastal Cameroon represented an important milestone in the process of large-scale land accumulation by the state and its foreign partners (Berdeman 1968). After combining all the plantations left by the Germans, the land concession attributed to CDC covered the land around Mount Cameroon, and a good portion of the useful land of the southern part of British Cameroon in 1960 (Berdeman 1968; Oyono 2013). In the 1980s, the whole part of Coastal Cameroon west of Douala was occupied, notably the land of the Bakweri ethnic group of the area (Etoga 1971; Oyono 2013). In French Cameroon, vast plantations of oil palm were equally installed in the coastal areas (Konings 1993; Oyono 2013).

The British, who governed Southern Cameroons under the UN mandate, reproduced the same spirit of the legal instrument developed by the Germans to transfer customary land to agro-industrial plantations (Berdeman 1968). In this part of Cameroon, the Freehold Lands Acts of 1927, 1937 and 1948 converted customary land into Crown land (Ardener 1956; Oyono 2013), before leasing large units to private companies' land (Bakoume *et al.* 2002; Oyono 2005; Oyono 2013). The dispossession of customary land was not limited to British Cameroon (Anyangwe 1984) as the French colonial administration did not act differently in French Cameroon and Gabon (Oyono 2005; Oyono 2013; Alden 2012). Here, the French introduced decrees on land and forest land (1920, 1925, 1926, 1935, and 1946), copied from the French Civil Code and made similar to those of the Germans and the British to acquire native land.

Oyono *et al.* (2012) noted that this legal machinery drawn from the Roman law is so vigorous that more than 50 years after independence, it is still predominant in all the official tools relating to land and forest governance in post-independence Cameroon. Land is currently governed by orders No. 74-1 and No. 74-2 of July 1974, whose key word is 'state supremacy over land' (Oyono 2013:5). Similarly, Cameroon's current forest legislation of 1994 is fully organised around the 'ideology' of state hegemony over forest. The situation is not very different in Cameroon's neighbour, Gabon.



Gabon endured the dispossession of their lands and resources, both in law and in practice (Alden 2012). In 1899, France declared itself owner of the Gabonese soil. Virtually the entire country was then allocated to French logging companies. Having established their first colony around the Libreville estuary in the 1840s, the French did not question the ownership of the land, but simply introduced a law (1849) to regulate how Africans should sell their lands to immigrants (Alden 2012). The pretence that Gabon was 'empty of owners' only came later, when France sought to expand its control to the entire country. With local elites increasingly party to the benefits and integral to political dominance, it is perhaps not surprising that independence in 1960 did not bring with it liberation of majority land rights (Alden 2012). Today, and as Alden further remarked, the only way land ownership may be secured outside the tiny private sector transactions is through grant or sale of parcels by the government. The process is sufficiently inaccessible, politically-advantaged, complex, expensive, and demanding of demonstrated development that only a minority of urban and even fewer rural inhabitants have completed it since 1902.

It is important to note that though customary land rights were dispossessed from the local people from the colonial era, some African nations still recognise customary rights. In Ghana for example, land ownership can be classified into two broad categories: that under customary ownership (constituting 78% of the total land area) and that controlled by the state (20% of the total land area), with the remaining area under some form of shared ownership (Deininger 2003). The Ghanaian Constitution of 1992 forbids the sale of customary land, only allowing for temporary alienation through leasehold titling (German *et al.* (2011). Cabral and Norfolk (2016) also observe that Mozambique has one of the most progressive land laws in Africa. In addition to protecting land use rights acquired under customary law or through 'good faith' occupation, the 1997 Land Law is widely seen as striking an effective balance between protecting customary rights and enhancing land access for investors. However, this protection is short-lived because all land in most of Africa without a tenure system is considered state land. Usually, the state determines what 'public purpose is' and this sometimes leads to the violation of the indigenous rights. Constitutional provisions in many countries provide for both the protection of private property rights and the power of the government to acquire land without the willing consent of the owner (German L. *et al.* 2011). But to what extent are these provisions effective, especially in the face of powerful capitalist-driven LSLAs?

## The Current Situation of Large-scale Land Acquisitions in Sub-Saharan Africa

The quest for alternative sources of clean energy by most western powers has encouraged the growth of jatropha, oil palm, sugar cane and sweet sorghum for biofuels (see Table 1).

**Table 1:** Some of the Current Trends in Large-Scale Land Acquisition in SSA

Country	Project	Year of deal	Ha	Country/investors	Crop planted
Ghana	Prairie rice project, Lower Volta	2008	1,250	Joint Prairie Rice of Texas, USA and Ghana Commercial Bank	Rice
Liberia	Atlantic Resources	2010	840,000	Samling Global of Malaysia	Oil palms
Mali	Malybia Irrigated Rice Project (Segou Region)	2009/2010	100,000	Libya	Rice
Mozambique	proCana Sugar Cane Project	2007	30,000	Mozambican ProCana and British BioEnergy Africa	Sugar cane
Sierra Leone	Addax Sugar Cane Plantation	2010	20,000	Addax Bioenergy owned by Addax&Oryx Group of Switzerland	Sugar cane
Tanzania	Sun Biofuel Miombo Woodland Project	2009	8,211	Sun Biofuels Tanzania Ltd affiliated to a UK company	Jatropha
Tanzania	AgriSolAgric Business Model Project	2009	80,000	AgriSol Energy a branch of US-based AgriSol	Multiple
Cameroon	SG SOC Oil Plantation project	2009	20,000	Site Global Sustainable Oils Cameroon owned by US Herakles Farms	Oil palms

*Source:* Compiled from various sources as cited in the references.

The introduction of such energy-green economies has fueled the land grab phenomenon. Conceptualized as it is today, where investments in land and water are geared towards export at the expense of local communities, Tendo (2012) believes the green economy agenda puts a commercial value on a supposedly priceless nature in an effort to promote global, corporate interest. This means that land is not considered in the greater sense of the public, common. In so doing, large-scale land acquisition neglects customary rights and promotes the eviction of communities and women from ancestral land. Women as greater victims lose even the usufruct rights enjoyed under the customary land tenure system.

### **Women's Land Rights in Africa**

Most customary tenure systems in Africa favour men, allowing women's rights primarily through a father, husband, brother, or son (Lastarria-Cornhiel & García-Frías 2005; IFPRI 2011; Fonjong *et al.* 2012). Despite the fact that statutory land-rights systems in many countries allow women to own land, titling programs do not automatically improve women's land tenure security. Evidence has shown that women lose out in the processes of formalization, particularly in land titling programs (Lastarria-Cornhiel 1997; IFPRI 2011) since many cannot afford the process of land registration. Efforts now should target women's land rights in new land registration and formalization programs (Global Land Tools Network 2008). Since most of the reforms are recent, the evidence to date is fragmentary, and focuses more on women's security of tenure vis-à-vis localized challenges to property rights from within the family, rather than on external challenges (IFPRI 2011).

There is a huge debate on whether customary or statutory systems are more gender equitable or gender inequitable (Ikdahl *et al.* 2005; Jackson 2003; Whitehead and Tsikata 2003). Of course, rather than debating the point based on the preferences for one system or another, it is important to understand current land tenure patterns by gender (IFPRI 2011). The increasing demand for agricultural land in recent years by foreign and domestic investors brings a different context, and increases the urgency of considering how to make land tenure more secure for women (IFPRI 2011).

There is consensus in the literature on large-scale land deals (Cotula 2010; Cotula *et al.* 2009; Smaller and Mann 2009; Von Braun and Meinzen-Dick 2009; Wiley 2010; World Bank 2010; IFPRI 2011) that those with customary and common property are particularly vulnerable to losing their land and livelihoods (IFPRI 2011). In some countries, the state has the right to claim ownership of the land with the justification of development, and negotiate with the potential investors. This negotiation, as in the case of Herakles

farms in Cameroon is done without (even) consulting local land users and customary rights-holders. Even if these deals are considered legal under national laws, they are often not considered socially legitimate, particularly where stakeholders, especially customary landholders, were not consulted or did not consent (IFPRI 2011).

Comparatively, very little thought has been given to the gender implications of land deals. Behrman *et al.* (2011) point out that the strength and distribution of land rights is one of the most important factors influencing who will sit round the negotiation table over LSLAs and the subsequent claims to any benefit streams. Unregistered and undocumented land rights that may hardly be recognized by the state and by outsiders are especially vulnerable to expropriation (IFPRI 2011), because they are considered 'unused'. But the rapid pace of LSLAs is outstripping the efforts to register customary land rights, and especially women's land rights (IFPRI 2011). This is mostly problematic when the external investors bring their own lens through which they view land rights and gender roles in agriculture. Most often, they recognize only titled landownership and fail to accept the existence of a wide range of property rights, and the complexity of men's and women's roles with independent and interdependent rights and responsibilities (IFPRI 2011).

### **Women's Land Rights in LSLAs**

The benefits and costs of large-scale land acquisition are not felt equally within community members. Negative impacts are likely to affect not only those who are over-dependent on land, but mostly women, who are socially and economically the most disempowered. The effects of such power differentials within communities are most significant and widespread in gender, especially intra and inter household gender relations. Several case studies expose the propensity for women to suffer disproportionately from such impacts. Mutopo (2012) and Mutopo & Manase (2014) describe the example of women from Mwaanga Village in Mozambique, who were adversely affected when their land was illegally grabbed by the ZAMBEEF Company, although they had farm permits that were legal under the Zambian law. The loss of this land led to loss of security, most especially women's voice in the domestic sphere, and increased violence against women. There were also inadequate safety nets which made the women to be more vulnerable as they are the ones who have to look for food alternatives for their families (Mutopo 2012; Mutopo & Manase 2014).

According to an ILC study that focused specifically on gender (Daley 2011), the vulnerability of women arises from different factors. It arises through the constraints and systemic discrimination that women generally face in relation

to their access to ownership of, and control over land, including the level of legal protection of their land rights. Mutopo *et al.* (2013) also add that it is as a result of women's lack of knowledge on corporate investments and its effects on their livelihoods. In fact, Kameri-Mbote (2013) sums up these vulnerabilities by stating that women's rights in Africa have been affected by a convergence of government policies related to the current shift towards greater commercialisation and competition for land to discriminatory customary laws.

The challenges confronting rural women in the context of LSLAs have their roots in the legacy of widespread land acquisition during the colonial era and patriarchy. Then, land held in common was grabbed mainly for the production of export crops on large estates (Oxfam 2013). In a greater part of Africa, the farming of commercial crops, whether on plantations or small farms, fell to men – women played just a supporting role, assisting through sowing, weeding, harvesting, and carrying out menial tasks (Oxfam 2013). Small-scale food production was pushed on to marginal lands and left almost entirely to women, with minimal support or infrastructure to strengthen the sector or women's roles within it (Federici 2009; Kevane and Gray 2008; Oxfam 2013). Also, land was mainly controlled by male household heads, with the assumption that the rights are held in trust for all in the household. Women are relegated to a subordinated position in accessing land grounded on husbands, fathers, uncles, brothers and sometimes sons (Kameri-Mbote 2013).

Today, these gender roles are still practised, though two comprehensive trends point to significant changes. One of which is the growing feminization of the lowest rungs of agricultural labour on commercial farms. While employment may doubtfully strengthen women's economic independence, it does not necessarily equate to their social or political empowerment. As farm labourers, rural women hold less bargaining power than their male colleagues and have few opportunities to work their way out of poverty (Oxfam 2013).

Scholars are consistent that crops in many parts of Africa are considered to be either women's or men's. Married men and women have distinct responsibilities and activities, including separate crops, agricultural plots, tasks, and sources of income. Experience has proved time and again that women lose control over the crops they grow as soon as these become commercialized (Oxfam 2013). When a crop shifts from being a traditional subsistence crop managed by women to one for sale in formal markets, the share of income received by women tends to drop (Njuki *et al.* 2004). This shift is no exaggeration. Scholars like Njuki *et al.* (2005) maintain that when a crop becomes commercial, it changes gender and becomes a man's crop, as it is men who control its production, marketing, and, most importantly,

the use of income accruing from its sale. This has serious implications for crops that women grow for food, such as cassava, which is currently being considered for its potential as a source of biofuel (Holt-Gimenez & Shattuck 2008). Furthermore, as more land is planted with cash crops, such as soy, maize, eucalyptus or jatropha, less land is available for vegetables, pulses, and other women's crops common to mixed farming.

Summarily, LSLAs take away women's customary land rights and increases their burden. In the latter case, research by AWID (2012) and other scholars has shown that LSLA go along with water grabs which affect communities' access to water. Water provision is the primary responsibility of women at household-level in the sub-continent. As more land is being forfeited to commercial agriculture, so is the communities' ability to sustain food resulting to food insecurity. Hunger and food crisis were recently reported in the village of Fabe, South West Cameroon when SG-SOC or Herakles Farms took much of their lands and began a commercial oil palm nursery in 2010. In Lipenja, another nearby village, local authorities confirmed that food shortages resulted from the fact that most farmers abandoned their farms for employment offered by the company's oil palm nursery in the village. Generally, food insecurity, of course, has two implications on the burden of women as they will bear the brunt of feeding the family as home managers on the one hand, and suffer a fall in income derived from the cultivation for food crops on the other hand. Even where compensation is made for the loss of community land, women are left out to the benefit of men who as head of households may participate in land deal negotiations (AWID 2012).

There is a widespread evidence of long hours, poor housing, low wages and health risk for most plantation workers around the world today. Rates of pay vary in gender and tasks performed. This is as a result of the perception that women are not supposed to work outside the home or are believed to be less capable of performing at the workplace. However, most widows and single mothers are drawn into plantation labour by poverty or landlessness (Smalley 2013). Many women are pushed into plantation agriculture by poverty, tenure insecurity and lack of options. Generally, rural women are often less educated, fewer are skilled labourers and often do worst jobs on the farm than the men, thus a great mass of female wage workers in rural areas exercise little real choice in their employment and marital conditions (Cramer *et al.* 2008).

Studies in Kenya, South Africa and Zambia also indicate that women have temporary, seasonal and casual jobs while men hold the fewer permanent jobs. Thus women are more often unemployed during the winter months than men and women's employment is usually characterized by longer

hours, no social protection, job insecurity and poor working conditions (Dolan 2001). Furthermore, FAO, UNO, IFAD, and ILO, (2010) research in the tomato export industry in Senegal shows that there appears to be some gender bias in the allocation of permanent positions in favour of men. Twenty-eight per cent of men have permanent jobs as opposed to only 2 per cent for women. Similar examples have also been reported in some plantations of Cameroon amongst skilled workers where women are mostly found among medical and clerical personnel while men do construction, electrical work, truck and tractor driving and mechanics which are usually higher paid jobs (FAO 2010).

Significant gender divisions of labour and wage discrimination exist in plantation agriculture. Women are preferred for certain tasks in horticulture, which is very significant for the distribution of income and labour within the household. However, they still earn less than men, even though some of the women who work on large-scale farms may be heads of households. A review of agricultural labourers on a range of farm types in Mozambique confirms this as it revealed that 37 per cent of the female workers were divorced, separated or widowed (Smalley 2013). In some of the banana plantations in Cameroon, women perform lighter tasks such as packaging, because investors believe that bananas have to be handled carefully. Bruised bananas are priced lower in the world market. Men, on the other hand, perform jobs considered to be heavy, tedious and demand a lot of physical strength, including pruning, drainage, harvesting, bagging and propping, holing, chopping and cable maintenance, and loading (Banana Link 2014). Asea and Kaija (2000) reported that women in plantation agriculture are involved in planting, harvesting and farm grading while their male colleagues occupy managerial positions in Tanzania.

The transportation conditions of plantation workers are devastating and with no special attention to the biological differences between men and women. A number of studies including FAWU (2012) have observed that over 90 per cent of plantation labourers use company trucks to and from the plantations. This transportation system poses all forms of challenges to women. The trucks are overcrowded, with men trampling upon younger and older women without equal physical strength. Heavily pregnant female workers are most vulnerable in the scramble for standing space in the trucks which are not adaptable to their conditions. Where they are unable to board the trucks as is sometimes the case in the Delmonte plantation in Tiko, Cameroon, they are forced to leave their homes as early as 4:30 am to travel 5-8 km. Occasionally these women arrive at the plantations late and are marked absent, forcing them to trek the same distance home in vain.

Gender differences also exist in opportunities for capacity building among workers in agro-companies. Opportunities for training and promotion are more common among male-dominated technicians, management and administrative staff (Dolan 2001). Few training opportunities for women have been observed in Uganda where female flower workers were provided with the chance of learning about fumigation and grading and how to tackle pests and diseases (Asea and Kaija 2000). Female employment in plantations is typically characterized by discrimination, violence and sexual harassment. Reports in Kenya and South Africa suggest that most women working in plantations are often exposed to sexual and verbal abuses from their male bosses who sometimes immediately dismiss them if they refuse sexual advances from these bosses (Asea and Kaija 2000). Others do not enjoy the rights to adequate health as in Cameroon where female workers in banana plantations reported that medical staff do not consider pregnancy to be an ailment. Consequently, the belief that pregnant women should not be treated any differently leads to frequent cases of miscarriages and salary deductions for arriving late (Banana Link 2014).

## Conclusion

The current situation of large-scale acquisitions in the continent looks like a re-enactment of the colonial rush for Africa. The sole difference today is that the process includes local capitalists and is done with the complicity of most states, in violation of local legal frameworks and the rights of indigenous communities. It thus thrives mostly in corrupt countries where the level of transactions, transparency and land regulation is poor and the rule of law weak. As such, local people in general and women in particular do not participate in the land negotiation process. This paper thus highlights the fact that the underlying evolutionary models as they apply to landholding differ in practice as conceptualized. The decisions driving the evolution of landholding systems are taken by men, who are the idealized 'heads of households' (Ingrid 2002). Women exist only as the wives of household heads; their actions are considered secondary or unimportant to the changes that landholding systems undergo (Ingrid 2002). Evolutionary models and the policies therefore render women's land claims and the forms of tenure insecurity that they face, invisible. Meanwhile, gender is central to understanding the organization and transformation of landholding, and shaping women's differential experiences of tenure insecurity as gatherers, users and conservers of land.

Investors' claims that agro-plantations will improve the socio-economic wellbeing of women who are the greatest victims of land grabbing through off-farm employment remain a fallacy. The working conditions of female labourers and the extremely low wages leaves these women worse off.



Article 15 of the ACHPR recognizes the right of ‘every individual’ to work under equitable and satisfactory conditions and to receive equal pay for equal work. Non-discrimination in training and equal opportunities to work including women’s freedom to choose their occupation, equality in access to employment, and equal remuneration for jobs of equal value are affirmed in the Draft Protocol on the Rights of Women in Africa. Unfortunately, rural women are often unaware of their legal rights and the laws protecting women’s labour rights are often not automatically implemented either by investors or local state officials respectively because of economic and selfish interests, thereby devaluing the benefits often overstated for women, as a result of losing their land to large-scale agro-investments.

But, for how long will rural women and other vulnerable groups in Africa continue to endure neglect, discrimination and hardship, as a result of internally induced externalities that have forced them out of their ancestral land and livelihood? African women and other indigenous groups have to reclaim their space rather than continue to wait on space that will be ceded to them by the state, which is unlikely to come. The case of Benin where the people established a local institution ‘Synergie Paysanne’ (SYNPA) to protect their interests against the rush on farmlands by government and political elites (Nonfodji 2013) is a good example in the right direction. As observed in this paper, the promised non-farm employment, social change and development expected by affected communities from commercial farming communities is an illusion.

LSLAs in its present form do not hold any better promise for Africa. The practice disregards both the written and living law and is sustained through political power, rather than community-based legitimacy, and by so doing, violates the rights of local communities and vulnerable groups. It compounds an already bad situation for women who are customarily denied land rights, and to an extent, creates landless peasants and agricultural wage laborers (IDRC 2012), whose travail fall short of slavery. The future of local communities and women in particular in the current context of LSLAs lies in the political will of rethinking the practices and processes involved in land deals in the sub region. It needs to be checked by promoting transparency in land transactions, and recognizing that local communities should play a central role in deciding the future of their land, and also that women who are the pillars of these societies cannot be neglected.

Land reforms that seek to formalize land rights must intentionally consider the economic, social, environmental and political dimensions of property rights to ensure that women are not left worse off by the process. At the same time, to be effective in the long term, the reforms must consider the social, as well as legal, legitimacies of the change they seek. Their implementation and

enforcement must be tested against undue economic interest and prejudices against women. True change needs a concerted effort and the diligent implementation of positive land laws to benefit the women, and this is where the utmost challenge lies.

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