

# **NJOMBE MISSION**

## **REPORT OF THE MEETING AND SITE VISITS WITH THE FARMERS OF NJOMBE, EXPULSED FROM THEIR LAND BY THE FRENCH BANANA EXPORT COMPANY OF PHP (PLANTATIONS DU HAUT NJOMBE)**

Farmers in the Moungo Region grow pineapple, mangoes, papayas, lime, cacao, groundnuts, avocados, plantains, cassava, etc. The farmers themselves are very attached to their land, which is the main “employer” of the region, and through their work allows them to take care of their family and lead a decent life.

But ever since its installation in the region, the French banana export company, PHP, (Plantations du Haut Njombe), has only one objective: to conquer as much land as possible, at times to the detriment of the rights of the local population, and with complicity of the authorities.

**Date of the visit :** Friday 15 till Sunday 17 April 2005

**Place :** Njombé

### **Objectives :**

- 1° Listen to the stories of farmers expropriated of their land by PHP, a French company which exploits hectares of banana plantations.
- 2° Identify people affected by these expulsions and the scope of damage
- 3° Discern with them ways and means to fight the injustices of which they are the victims.

Comprising 43 families, the grassroots group of small fruit farmers, GPPAF, in Njombé Penja have since 1990 been cultivating land on a total area of 63 ha. They rented their plots for an average yearly fee of 20.000 FCFA per hectare from the local cooperative SOPRABO who in their turn had obtained it as part of a 173 ha lease from the State. The cooperative went bankrupt and in 1993 the State granted its grounds as a lease to the French banana export company PHP. The 63 ha plot was fully cultivated by the GPPAF members with pineapple and fruit trees.

To avoid difficulties with the local population PHP signed an agreement in which the company returned to SOPRABO the 63 ha of rented terrain, with the understanding that PHP would manage the other 110 ha for at least 25 years, and SOPRABO would settle all claims within the community and help expulse those who occupied the terrain. Having been unsuccessful in trying to evict some farmers from the plot in 1995, SOPRABO ordered through a bailiff the farmers of GPPAF to leave the terrain, but the courts dismissed the case. PHP then pursued an out-of-court settlement by trying to evict the farmers and compensate them through the sub-prefect. Feeling powerless before such a large company,

the farmers agreed to a settlement, if it was fair and was followed through properly.

#### *Proper compensation*

To make sure that they would be properly compensated, the members of GPPAF asked the agricultural office of the Penja District to do an assessment of their crops and evaluate their value following the scales of that season. The costs of this assessment mounted to 400.000 CFA and were entirely paid for by the farmers.

After the assessment the villagers endured their first disappointment: food crops like sweet potatoes, plantains and older pineapple plants were not included in the calculations, and a cluster of several banana trees was counted as one single tree. Even worse, they never got the final results of the evaluation despite their many requests. Instead, the evaluation report was handed over to the sub-prefect.

#### *Corruption, embezzlement and arbitrary imprisonment*

Not knowing on which basis the compensations were determined, the farmers refused to accept the indemnity. Despite the fact that no settlement was reached, PHP had paid a lump sum of 65.000.000 CFA (about \$140.000) to the sub-prefect to take care of the compensations. However, having themselves estimated the losses and destruction at 600.000.000 FCFA, the farmers rejected the offer of PHP.

Intimidations followed: Mr. Foka, the spokesperson of GPPAF was incarcerated for several days, as well as GPPAF president, Mr. Ngantcha, who was accused of fire arm possession. They were made to sign and be fingerprinted before being released. Realizing that the members of GPPAF refused en bloc to take the compensation money, PHP contacted in an underhand way several individual members to show them their share of money. In doing so, they often raised the amounts to try and show that the farmers' stance was not unanimous and represented only a few who were opposed to the compensations.

They then were invited by PHP to come to the sub-prefect, where they were met by the police commander and special commissioner, and received at most a third of what they expected to get in compensations for the crops in their fields. Afterwards, the sub-prefect proclaimed to have handed out an amount up to 50 million FCFA for the farmers and 15 million for the community of Bonandam. But based on the numbers he himself produced, less than 40 million had actually been distributed. A court case followed, and false documents were wielded that showed each of them having received at least double the amount actually given to them. When they first had signed, the documents mentioned only two provisions: the proposed amount and the given amount. To the surprise of the

farmers, the forms now contained the additional mention of "Individual compensation form", followed by "Accepted". Originally, these sections had not been there. Besides, they had been added on all forms in the same handwriting.....At the end of the ceremony, the farmers from Njombe got from PHP a period of 6 months to remove the crops that were still in their fields.

*Broken promises, reckless and dissatisfied farmers*

Aware that their compensations were insufficient and baseless, the farmers went to the judge in chambers of Mbanga, for a judiciary expert on oath to be assigned to them to make an inventory of the crops and assess their value according to the law. As soon as PHP was summoned and the courts had agreed to go to the site for the requested inventory, PHP went with tractors and caterpillars to the terrain and destroyed the crops. With this act, the company made the court's decision useless and destroyed any proofs. This not confirmed for the farmers not only the unfair amount they had received as compensations, but also PHP's disrespect of its promise of the 6 month grace period for the farmers to retrieve the crops from the fields. It pushed to seize the District Courts of Mbanga to ask for an expert to come and do a proper count before starting to work the fields, so they get their full indenification. Informed about these steps, PHP decided to continue its destruction.

*In the courts*

During the court case, the agricultural delegate who had done the first assessment financed by the farmers, but had never submitted or even shown his report to them acknowledged to have handed the report to the sub-prefetct. He promised before the bar to submit a copy of the report to the farmers before the next hearing. The next hearing, however, he was not there. ...The sub-prefect admitted to have received a copy of the report, but said to have passed it on to the Ministry of Territorial Administration, which had been contacted by the farmers. Interestingly, after six audiences the District Courts declared itself incompetent and released the witnesses (the company tractor drivers, who had caused the destructions, the sub-prefect, the director of external relations of PHP etc.). When leaving the hearing, the sub-prefect promised to "cane" all members of GPPAF, and to "impoverish" them. Intimidations continued, and the sub-prefect, PHP's director of external relations, and their clan promised the members of GPPAF that they would never let their case come before the Court of Appeal.

GPPAF did lodge an appeal of the District Court's decision, but for two years their case was held up at Mbanga. Eventually they carried their case files themselves to the Court of Appeal of the Littoral Province. Informed that the case went to the Court of Appeal, PHP's director of eternal relations declared personally to the members of GPPAF that the company would continue to pay off

the judges and lawyers all the way to the Court of Appeal, and that it was for them useless to pursue the process since the case was doomed to end.

In the witness stand of the Court of Appeal, the lawyer of PHP officially asked a settlement between his client and the farmers. The company proposed an amount of 5 million CFA to the members of GPPAF to stop the legal process, but they refused. PHP then proposed 6 million, but it was still way too little to settle the situation. Accepting the settlement would cause conflict in their group, because they did not only claim several hundreds of million CFA, but the amounts due to individual farmers varied considerably from one person to the other. How to share this amount, without creating disagreements among the group members?

During another court hearing, the representative of PHP's lawyer asked again for a settlement, and the court gave them a month to arrange. The members of GPPAF awaited in vain the convocation from the lawyer or from PHP to discuss the clauses for the settlement, but the month passed and they found themselves back in courts. When the judge asked about the outcome of the settlement, PHP's lawyer retorted that the GPPAF members had not held to the agreement, which was not true, and asked instead that the case be sorted out to the bottom. The farmers remained formal while the judge had been bribed and was sufficiently corrupted. Actually, a few minutes before the start of the hearings, the public prosecutor was seen leaving his office with PHP's director of external relations.....

The Court of Appeal confirmed the ruling of the District Court. Feeling abandoned and powerless, the members of GPPAF did not hide their disappointment and left court crying. After so many years of fighting for their country's justice system to speak/defend the law and renounce the flagrant injustice inflicted upon them; and the many sacrifices from them individually, their families, and their budgets which in the meantime had dwindled completely. At the day of their process, GPPAF's expenses for this case (supported by receipts), had mounted to 1.722.000 CFA, while the members have made numerous additional costs, for which they don't have receipts, like transportation costs, communications, legal expenses, etc.

Despite all disappointments and injustices inflicted upon them, the courage and the strength to defend themselves and to get justice done, remains. On 9 September 2003, GPPAF lodged an appeal at the Supreme Court. Their case is currently in Yaoundé, where the Supreme Court has its office.

HOW ARE THEY COPING NOW?

A few group members

1° *Mr André Foka*

Though he is the main spokes person of GPPAF, he is only a regular member of the GIC. Since the existing management committee is not very effective, and because of his great charisma, he has been in the forefront throughout the case. When it all started, he had three wives and 14 children, but when he suddenly had become very poor because of the situation, his third wife left him. In the meantime he has accumulated great debts with numerous associations to be able to survive, and only works today to pay the interest on these debts. Before, M. Foka farmed on seven ha, but today he is left with only two ha. He grows papaya, which he sells to Terrespoir (RELUFA network member organization involved in fair trade-CB) to pay the interest of his debts. Though he used to be known as a leader in product quality, the papayas he delivers to Terrespoir are more and more contested for their bad quality because he lacks the financial means to treat the fruits properly. The current president of Terrespoir, who was present at our meeting, confirms that Mr. Foka owns Terrespoir up to 360,000 FCFA. In the meantime, his children do not anymore go to school and he is having great difficulties managing the day-to-day needs of his family.

#### *2° Mr Ngantcha*

As the President of GPPAF, he was not only among the first producers for Terrespoir, but nearly the only one who delivered organically grown fruits. He, too, has undergone the destructions and the subsequent poverty caused him to loose his membership of Terrespoir. Then, an exporter wanted to maintain commercial activities with GPPAF, and invested money in the business. Unable to fulfill his commitments to the various partners and the exporter, he was for three weeks imprisoned in Douala. To reimburse at least a part of his heavy debt his car was sold and his house taken. His son, who studied abroad, had to come back to Cameroon "since it was impossible to send him even just the smallest amount of money". He had started the construction of a large cemented house, which is rather unusual in the area and shows that his agricultural activities certainly brought him some prosperity. But now the construction has halted, and he lives with his family in a house without windows next door to a piggery. A true sense of powerlessness has gripped M. Ngantcha, in the face of the "powerful" PHP, and he looks at his future with much uncertainty.

#### *3° Mr Jean*

In the past he had a plantation of 6 ha, all of which he cultivated. He grew papaya, pineapple, palm trees, cacao trees, plantains, etc. Ever since the expulsion he rents a plot of one and a half ha. Having been a small business man in the past, he still tries and continues his commercial activities. None of his children go to school anymore. Because of the difficulties they all have had to stop their studies at the secondary level. arrêter leurs études au niveau du secondaire.

#### *4° Mr Teyoupa Louis*

Before, he had 5 ha, on 3 of which he cultivated. He managed to earn at least 15,000 FCFA per week "against 0 today". Currently, he leases a small plot and

has to work with his family in the plantations of PHP against a pathetic salary to be able to meet the needs of his family.

*5° Mr Tanefo Flaubert*

In the past he had 60,000 pineapple plants on a surface of 3 hectares. He had a car and owned several fish shops. With all the difficulties, everything has fallen apart, and his wife has left him with their 6 children, because it had become very difficult to manage the daily needs of the family. Now he leases another plot, but has no money to treat his fields. His products are of a poor quality and he can not at all compete, like good number of his comrades. On the day of our discussions he revealed that he had two years of arrears on the rent of his field. That very same morning the house owner had shown up and that he for the nth time had locked himself up in the bathroom till the owner left! His national identity card has been confiscated and is held at the police station because he has been unable to pay.

*6° Mr Limofoue Victor*

At the time, he managed 1,5 ha and earned at least 5,000 FCFA a week. Presently, he rents again 1,5 ha but as mentioned above, the price of the lease of grounds has drastically increased (100,000FCFA/yr on average against 20,000 FCFA in the past). His children don't go to school and also he had to hide himself this morning because the house owner had come to look for him after failing to find his comrade.

*7° Mr Bika*

In the past, he had a plantation of 3 ha, fully cultivated. He earned on average 120,000 FCFA every week and has financed the studies of his fiancé until she earned her baccalaureate marking the successful conclusion of her secondary education. With the destructions and the subsequent poverty, she has left him. As the oldest child of a family without parents, he takes care of his siblings, resolving their various problems and ensuring the schooling of his brothers, sisters and cousins. For the destruction of the three hectares he has received a total of 675,000 FCFA, which didn't even suffice to pay off all the debts he had acquired until then. He now is unemployed, because he can't even rent one single nursery of fruit trees.

*8° Mr Youpa Ngameni Pierre*

Until the destruction of his fields threw him in poverty, he managed to generate with his 5 hectares of land an average of 130,000 CFA per week, and took care of the schooling and occupational training of his younger siblings and children. He discloses to live in a house without roof. He has leased plot but doesn't have the money to start growing crops. By selling beignets, his wife is the only one who brings in a little money to make the family survive.