

Commercialisation of Land and 'Land Grabbing' in Southern Africa: Implications for Land Rights and Rural Livelihoods

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Changing Countrysides workshop
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With thanks to our funders

 Austrian
Development Cooperation

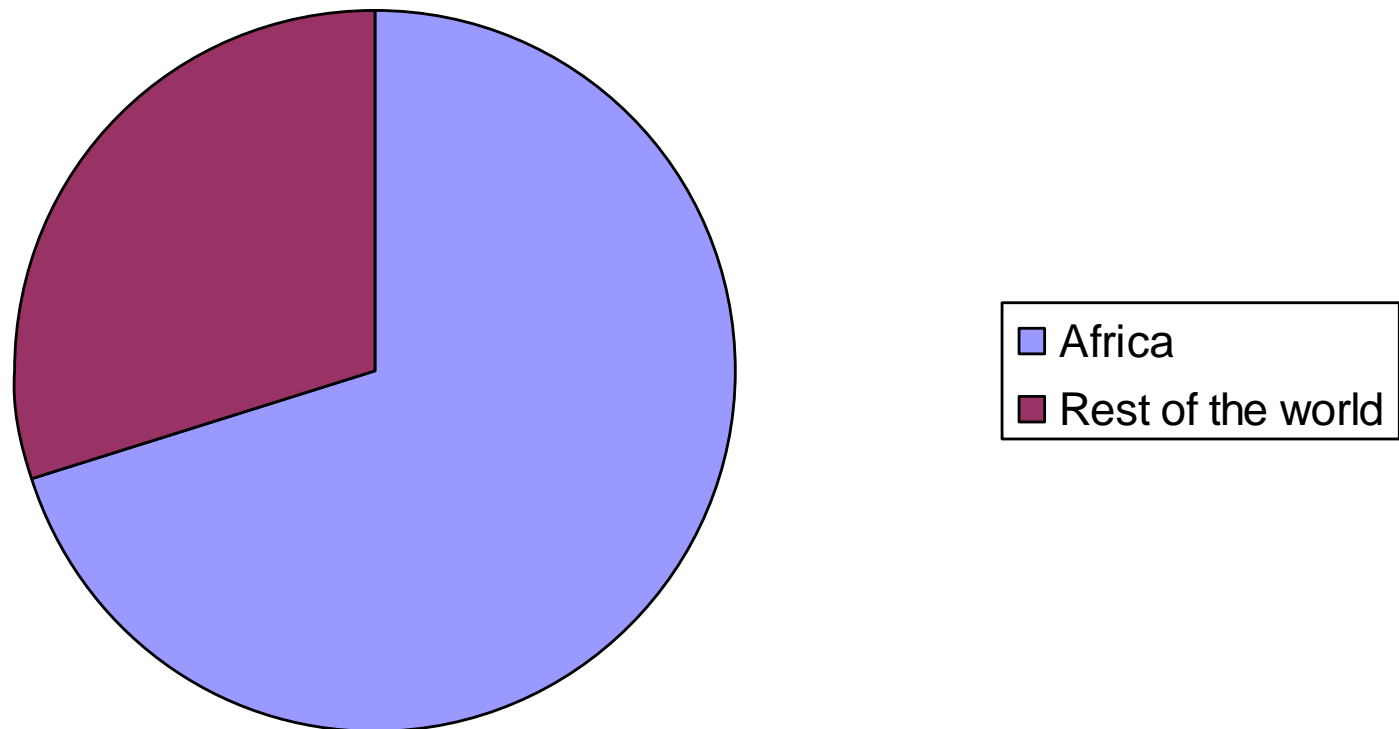
Overseas Land Investments to Secure Food Supplies



Source: von Braun and Meinzen-Dick 2009,
with data compiled from media reports.

Where are major land deals taking place?

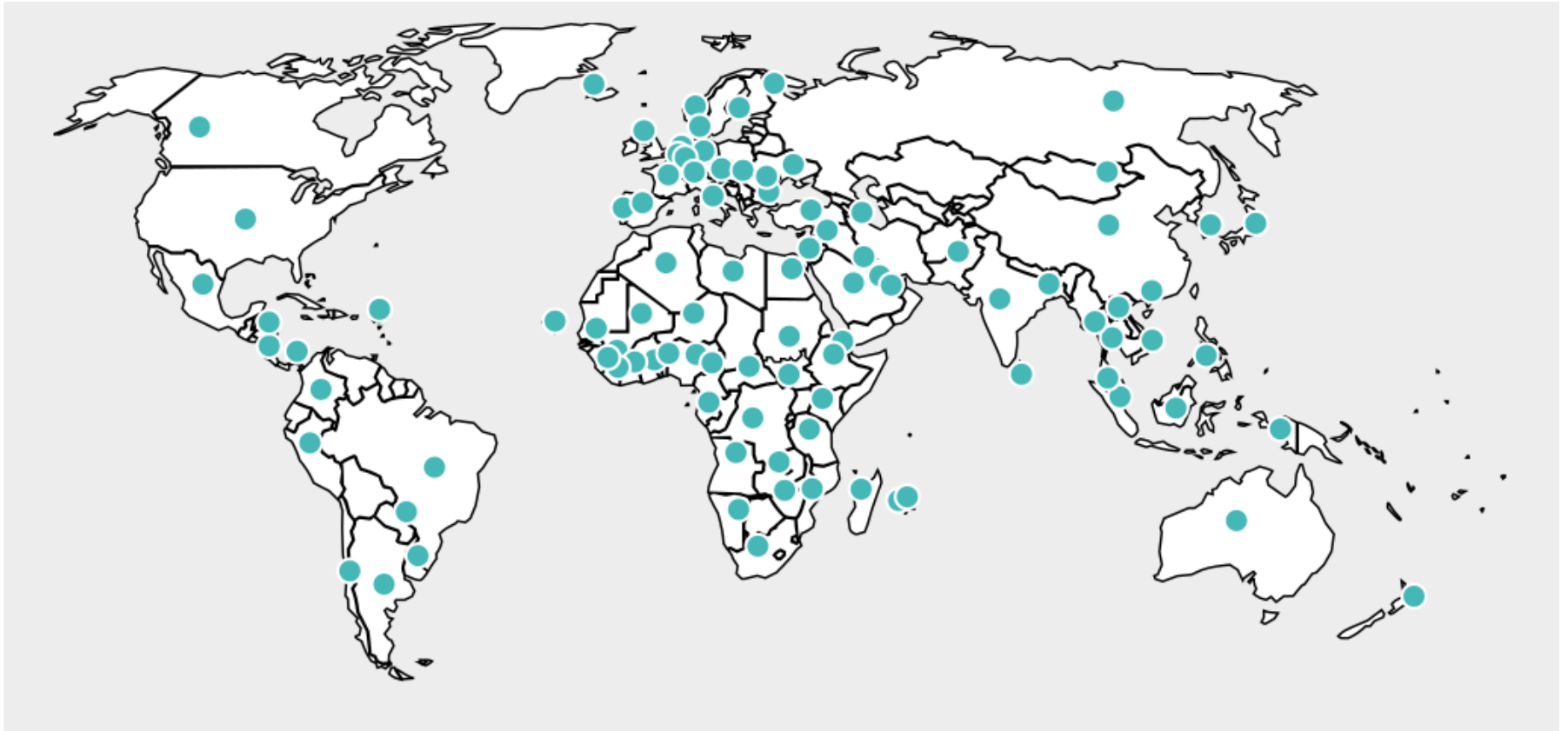
Large-scale land acquisitions (2009)
Total approx 45 million hectares



Source: World Bank 2010

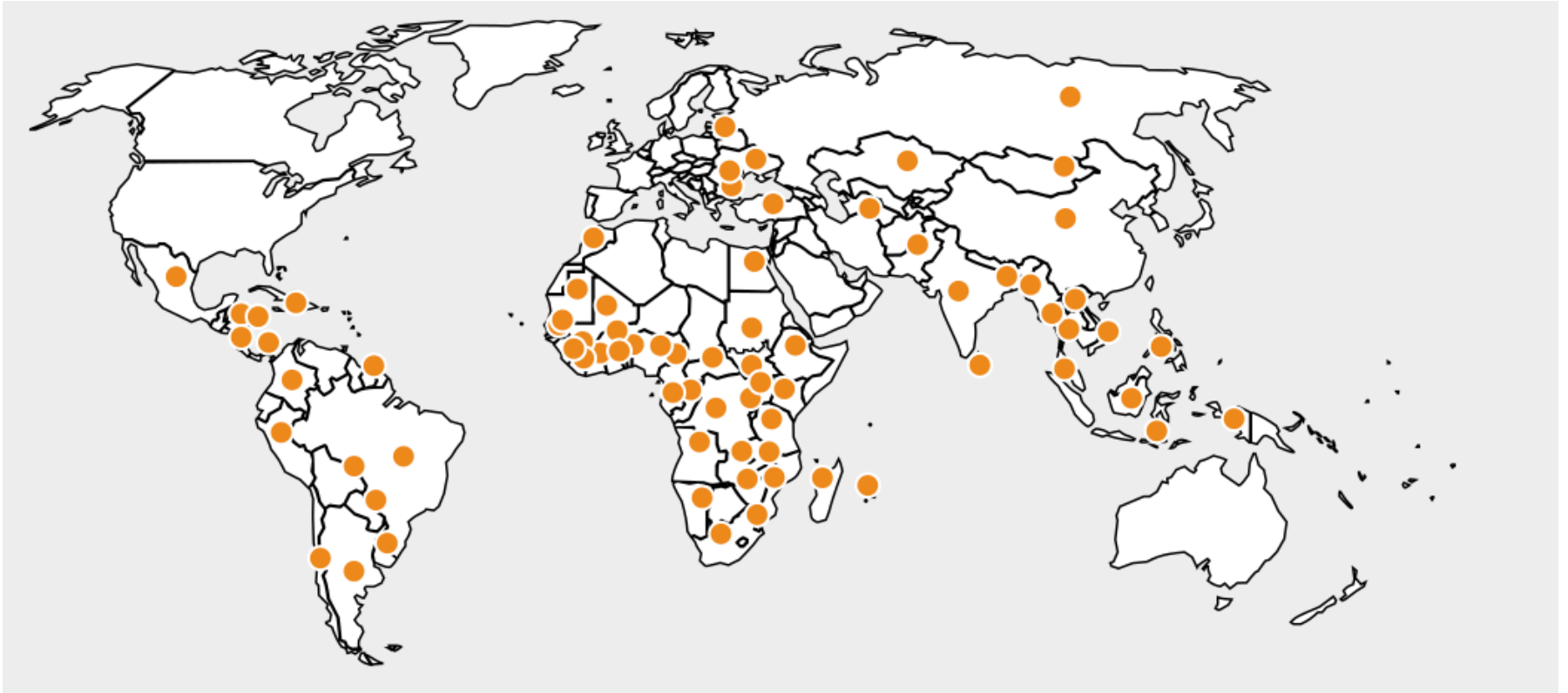
Investor countries

(concluded deals only)



Target / host countries

(concluded deals only)



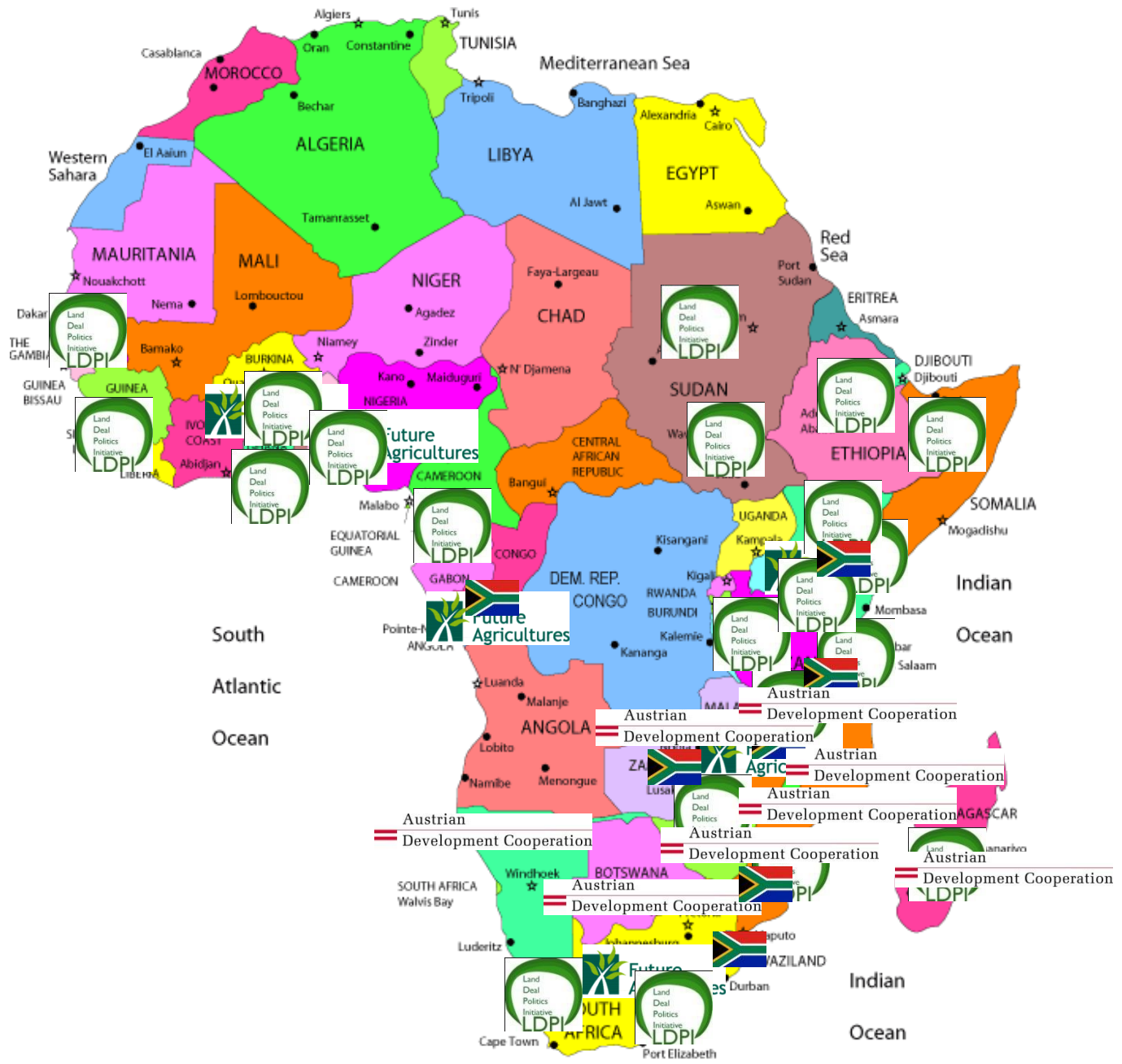












3 phases of work on large-scale land investments

- **Phase 1:**
 - Quantify and characterise the phenomenon (how much land, who, what, where?) and explain why it is happening (what are the ‘drivers’?)
- **Phase 2:**
 - Understand how land deals are designed and implemented (through what processes?) and inform strengthening of land governance
- **Phase 3:**
 - Identify impacts and outcomes (with what results?) and analyse what factors determine different outcomes (what are the better and worse models?)



FAO Voluntary Guidelines 2012

**Voluntary Guidelines on the
Responsible Governance of Tenure of Land, Fisheries and Forests
in the Context of National Food Security**

AU Guiding Principles 2014



African Union



African Development Bank



United Nations
Economic Commission for Africa

LAND POLICY INITIATIVE

**GUIDING PRINCIPLES ON
LARGE SCALE LAND BASED INVESTMENTS IN
AFRICA**

FAO CFS-rai 2014



Principles for Responsible Investment in Agriculture and Food Systems

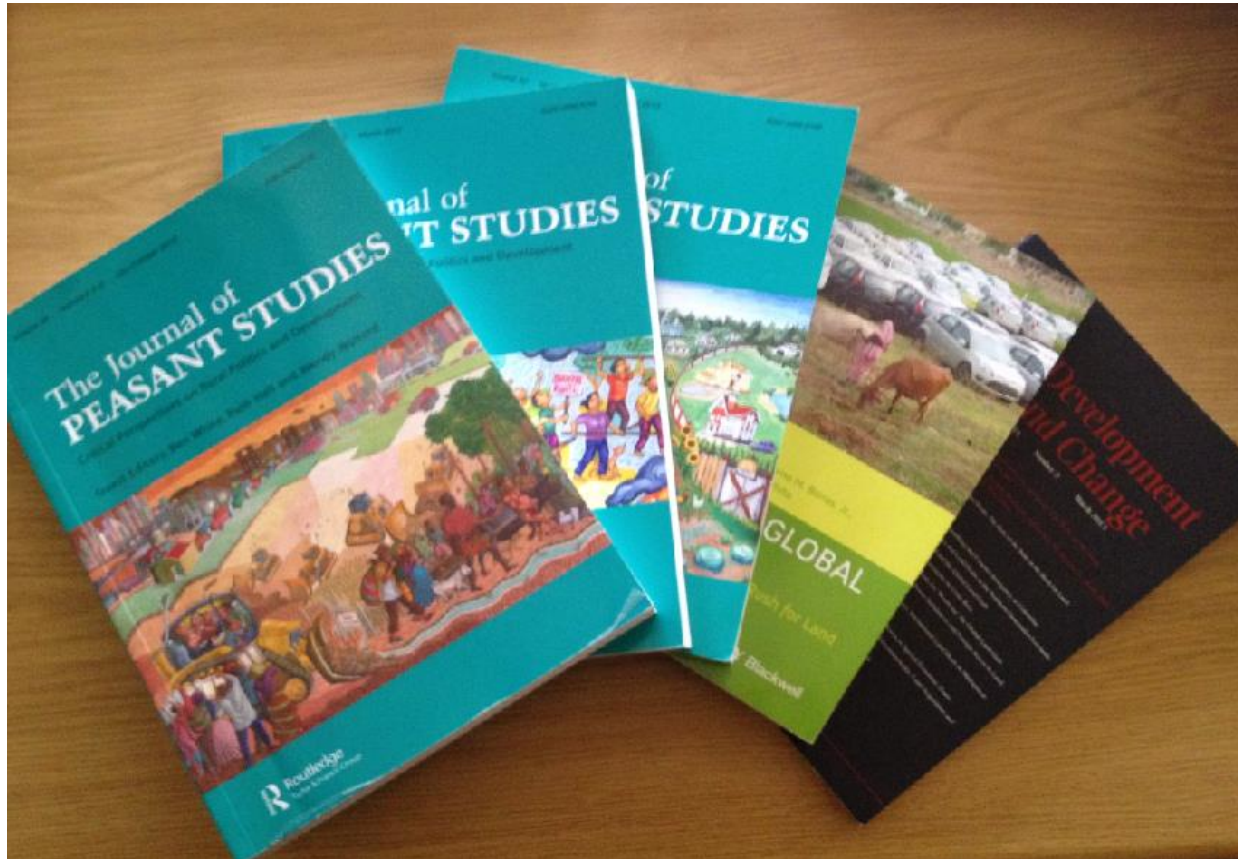
Global Land Grab I and II

Co-hosted two academic conferences – with participation of policy makers, social movements, farmer associations, donor agencies

1. Global Land Grab conference, April 2011, IDS, University of Sussex

2. Global Land Grab II conference, October 2012, Cornell University

Special issues of journals



What have we been looking at in this project?

1. Land tenure and land governance
2. Institutional arrangements & changing land relations
3. Role of the state and local intermediaries
4. Livelihood and food security impacts
5. Implications for rural differentiation – class, gender, generational and kinship relations
6. Responses, resistance and land-related conflicts
7. Implications for agrarian transformation in the long term

Pan African Parliament



and regional parliamentary forums

MAKING AGRICULTURAL INVESTMENT WORK FOR AFRICA:
a parliamentarian's response to the land rush
TIRER PROFIT DES INVESTISSEMENTS:
la réponse parlementaire à la ruée vers les terres



Lemigo Hotel » Kigali, Rwanda » 26 - 27 April 2013 | Lemigo Hôtel » Kigali, Rwanda » 26 - 27 Avril 2013

TIRER PROFIT DES INVESTISSEMENTS:
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Azalaï Hôtel » Cotonou, Bénin » 4 - 5 Octobre 2012 | Azalaï Hotel » Cotonou, Benin » 4 - 5 October 2012

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Malabo » Guinée équatoriale » 8 - 9 Novembre 2013 | Malabo » Equatorial Guinea » 8 - 9 November 2013

MAKING AGRICULTURAL INVESTMENT WORK FOR AFRICA:
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TIRER PROFIT DES INVESTISSEMENTS:
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Johannesburg » South Africa » 11 - 12 August 2014 | Johannesburg » Afrique du Sud » 11 - 12 août 2014



Pan African Land Hearings





AGRICULTURAL INVESTMENT GENDER AND LAND IN AFRICA

CAPE TOWN 5-7 MARCH 2014



African Union



Economic Commission for Africa



African Development Bank



African Union



African Development Bank



Economic Commission for Africa

LAND POLICY INITIATIVE



Pathways of commercialisation

Accumulation 'from above'

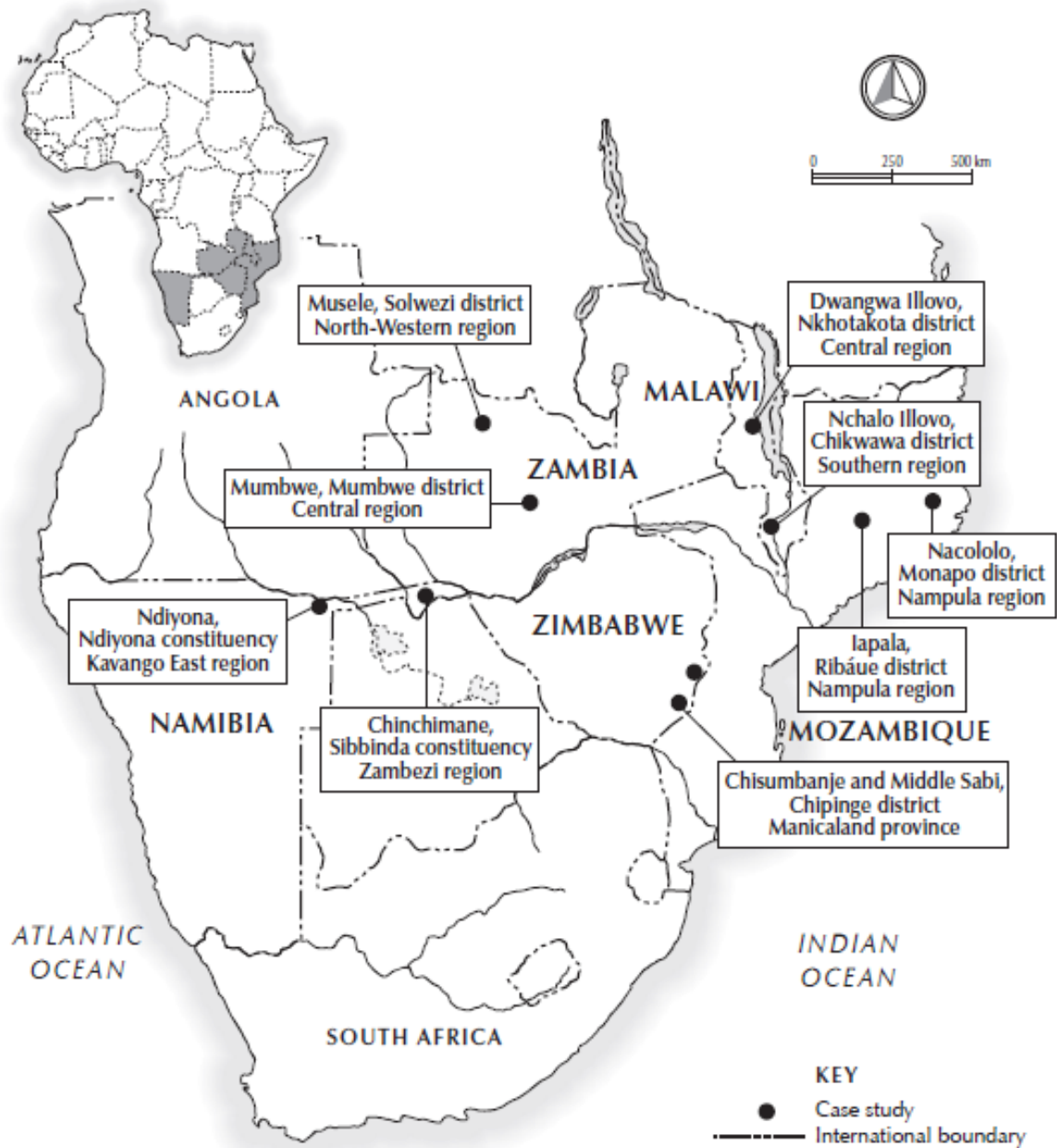
commercialise agriculture by importing capital
in return for land & labour

- 1.transnational: import into country
- 2.domestic: import into sector



Accumulation 'from below'

commercialise agriculture through reinvestment of
capital by those who hold the land and labour



Problem statement

- This project is conceived as a response to widespread concerns about the 'land grab' phenomenon in sub-Saharan Africa, and the dearth of grounded studies to understand **how these deals are structured, who facilitates them, how local people respond**, and the degree to which protection of land rights in existing policy and legislation is **adequate to safeguard the interests of poor land users** in the face of pressures towards commercialisation, in which governments and domestic and foreign companies are often actively involved.

Outputs

- *Website*: short research updates, as the primary means of public dissemination to policy makers, journalists and civil society in the region and in investors' countries of origin;
- *Book*: testimonials of land users and farmers as well as decision makers and investors, with interviews and photographs, together with research data and case studies;
- *Research reports*: five country and case study reports, as the primary research outputs;
- *Policy briefs*: five policy briefs, as the primary policy advocacy tool;
- *Video documentation*: short interviews and visual testimonials of land users and farmers, as an additional means of public dissemination and as an educational and advocacy tool;
- *Additional outputs*: newspaper articles, radio and television interviews, and academic articles in refereed international journals.

Research questions - I

1. How have these deals been developed, and who has driven them?
2. What are the terms of the deals, and the proposed distribution of costs and benefits between local communities, urban and political elites, external investors and other actors?
3. How are local landholders or land users responding? What are their views and why?
4. In what ways are people divided on the proposed deal, and how is the process affecting people differently?
5. What platforms are available for the voices of local people to be heard?

Research questions - II

6. What strategies and forms of organisation characterise local responses?
7. How are government and other authorities responding to (and promoting or opposing) this process?
8. How adequate is existing national law and policy to safeguard the interests of poor land users? What would enable affected people to either refuse deals of which they disapprove or leverage beneficial terms?
9. What issues should be addressed in a joint agenda for research and advocacy?
10. Are stakeholders aware of (a) the FAO Voluntary Guidelines and (b) the African Union's Guiding Principles? If so, what are their views and how have they used these?

Research methods

- Action research with specific communities faced with recent or pending commercial land deals
- Field-based research:
 - Individual key informant interviews (with community members, investors, officials, others)
 - Focus group discussions
 - Community meetings (and cross-community exchanges)
- ‘Action research’:
 - Joint meetings with community, investors, officials
 - Creating platforms for community voices to be heard
 - Participation & input in national policy processes on this basis
 - Engagement on alternatives and negotiation of different terms
- Dissemination through policy networks (eg. PAP, LPI)

Headline findings

1. Support for and opposition to big land deals
2. Consultation & 'free, prior and informed consent'
3. Who are the leases with and who gets paid?
4. Control over production & territory
5. Direct and indirect impacts of these deals
6. Resettlement & compensation of the dispossessed
7. Land deals *without* investment
8. Gaps in land governance: law, policy, institutions

1. Support for & opposition to big land deals

- Big commercial projects provoke diverse responses
- Desperation for 'development' leads those critical to be labelled 'anti-development'
- *Gendered differences*: men's voices dominate consultation and women's land and resource access for family provisioning undermined more often than cropping fields and grazing land
- *Generational differences*: in some instances, young people wanted jobs, while older people want to keep land
- *More/less educated*: more educated opposing deals that will dispossess, with less educated (and more desperate) more in favour (though in some cases it's the reverse)

2. Consultation & 'free, prior & informed consent'

- Widespread failure to adequately consult with people likely to be affected
- Absence of national norms for consultation, or flouting of these (as in Mozambique, Namibia)
- Confusion between signing up for a job and signing for community consent for a project
- Inadequate consultation is not good for investors either – several have been delayed by years, and have had to be re-negotiated, as a result of local opposition
- Absence of due process also led to costly court battles
- Consultation is not a one-off – need for ongoing clear mechanisms of communication

3. Who are the leases with & who gets paid?

- Mostly long-term leases are between national governments and investors on land claimed by rural communities
- Central dispute is over distinctions between 'state land' and 'customary / community land' – a colonial legacy
- Leases also with parastatals and traditional leaders
- Lease payments to government, parastatals, land boards – no mechanisms for distribution of rents to affected communities
- The 'elephant in the room': community suspicions of corruption and back-handers, but no evidence of this

4. Control over production & territory

- Not all cases involve investors taking over land (eg. Malawi, Mozambique) – in this sense, not LSLBI
- Not ‘land grabbing’ but ‘land control grabbing’
- Expansion of corporate control over production across a territory it does not own
- Detail of how contracts with outgrowers are configured is important – eg. implications of block farming
- Contingent on chiefs’ willingness to dispossess people who refuse to switch crops, eg. to sugarcane

5. Direct & indirect impacts of these deals

- Loss of residential, cropping and grazing land – often only the former recognised (eg. shifting cultivation practices)
- Not total dispossession in most cases, but shift from food crops for sale & consumption to cash crops – for sale only
- Enclosure of common property resources – loss of water, forest resources and increased (gendered) labour burden
- Job creation the most widespread benefit, in all cases far below the promised levels (though could increase)
- Local economic linkages vary, but some trading centres evolving into small towns with diverse business activities
- All these impacts are highly differentiated – by class, gender, generation

6. Resettlement and compensation of the dispossessed

- Compensation and resettlement policies not adequately developed in some countries
- Disputes over the calculation of compensation
- Compensation often for improvements only (eg. standing crops) not the land itself
- Compensation in more diverse forms in some instances – eg. irrigated plots in Zimbabwe (but only for those willing to grow sugarcane on contract)
- Delays in compensation a major concern – a gap between loss of land & livelihoods and compensation
- No instance of resettlement leaving people in the same or a better position – despite requirements in global regulations

7. Land deals without investment

- Many big and mega-projects have not taken off or have done so only on a fraction of the land allocated
- Enclosure of land (fencing) often the first form of 'occupation' and often years before any 'investment' materialises (5-8 years in our cases)
- Spectre of dispossession without investment – worst of both worlds?
- Uncertainty and conflicts ensue in the face of delays; some argue that quicker processes enable better relationships

8. Gaps in land governance: law, policy, institutions

- Recognition of informal, unregistered and customary land rights as property rights
- Recognition of tenure of common property resources
- Possibilities for registering land and resource rights in low-cost, accessible ways
- Recognition of traditional authorities as custodians rather than owners of land
- Decentralised, accountable institutional arrangements to ensure FPIC
- Accessible and legitimate dispute resolution mechanisms
- Oversight and transparency in land transactions

Outstanding questions

1. Choices between 'development' in the form of large-scale land deals versus investment in family farmers. A false choice? What alternatives?
2. Tensions among communities and the NGOs that support them. How to convey realities while also affecting them?
3. What will national governments listen to? How to make the leap from cases to national policy and institutional reforms?