

**A note on Papers relating to Land Grabbing in Africa at the  
Annual World Bank Conference on Land Policy and Administration,  
Washington,  
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I have read through a number of the many papers presented at the recent World Bank conference on Land Policy and Administration, and have listed below those which seemed most relevant to my current concerns about land grabbing in Africa.

Below are listed titles and authors of the papers, the relevant URL, followed by my summaries (of varying length).

### **CONFERENCE PROCEEDINGS**

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/0,,contentMDK:22537817~pagePK:148956~piPK:216618~theSitePK:336682,00.html>

### **AFRICA**

*Whose Land are you giving away, Mr. President?*

Liz Alden Wily, Independent Land Tenure Specialist

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/WilyPaper.pdf>

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/WilyPresentationNewACQ4.pdf>

Summary: Using Africa as an example, challenges the tenure grounds upon which third world governments are leasing land to foreign investors. Argues that most leased lands are ambivalently the property or right of governments to lease or alienate. Customary property rights have rarely been formally extinguished. Even where customary ownership has been lawfully superseded by state ownership, the procedures followed have been constitutionally questionable in most domestic laws and in international human rights law encompassing land rights in agrarian societies. Host governments are putting their citizens' lands in the global market place without their consent and they, not investors, are the land grabbers. Codes of conduct and international trading regulation are insufficient brakes. More fundamental alteration is required in the rights and duties of host governments. Remedy lies in accelerated legal acknowledgement that customary and other longstanding unregistered land tenancy amounts to a real property interest, registered or not. Millions of hectares historically owned and used by rural populations are still being kept vulnerable to technically legal appropriation and reallocation by governments. The rent-seeking marriage of political, traditional and economic elites is so solidly embedded that there is little incentive for the kind of equitable participation which new generation capitalist transformation demands. Instead, in not grasping the nettle, governments are putting themselves in position for strife and civil war to eventually coerce this. In going along with the status quo, the international community and investors share responsibility for this rising risk.

*Land Outsourcing and Agro-Investment in Africa: Rebuilding Capacity for Policy Analysis and 'Pro-Poor' Policy Making in Africa*

Prosper B. Matondi & Mandivamba Rukuni, Ruzivo Trust, Zimbabwe

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/MatondiRukuni.pdf>

Summary: Current agro-investments are creating a situation where a few elites partnering foreign investors are the major beneficiaries. Ruzivo Trust is developing an action-based research project to address land outsourcing in Africa. Looks at strategic choices. Large concessions require in-depth analysis. Muted responses in Africa as yet, where governments need more guidance, while the capacity of advocacy groups is still limited. Need to build research capacity of African institutions to work on land outsourcing. African regional blocks 'will need to push for the development of guidelines for responsible agro-investment and securing land tenure for vulnerable groups.'

## GLOBAL

*Land Issues in Voluntary Standards for Investments in Agriculture: a discussion paper*

Reinier de Man, Sustainable Business Development, Leiden, Netherlands

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/deMan.pdf>

Summary: Discusses the effectiveness of private sector initiatives for voluntary regulation in relation to governance structure. Analyzes examples from private sector initiatives and commodity supply chain initiatives on forest products, palm oil, soy, cotton, etc. and asks how relevant they are for voluntary regulation of land issues in agricultural investments. Present financial initiatives are weak on land issues. Although commodity related initiatives contain land related criteria, they are not effective because of the missing link with governments. The Extractive Industries Initiative appears to provide a promising governance model.

*Regulating Land Investments: the role of the private sector. Lessons learned from voluntary standard initiatives in the financial sector and in commodity supply chains*

Reinier de Man, Sustainable Business Development, Leiden, Netherlands

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/DeManPresentationACQ8.pdf>

Summary: consultant with 'land rights issues in 80% of my projects'. Too much energy on coordination; the real problems are implementation, monitoring, accountability. Examples from financial sector and agricultural commodity supply chains, lessons learned, conditions for an effective private sector contribution, requirements for voluntary land investment criteria.

*Enforcing Industry Codes of Conduct: Challenges and Lessons from Other Sectors*

Werner Kiene, Former Chairman of the World Bank Inspection Panel

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/Kiene.pdf>

Summary: IFIs and bilaterals have accumulated considerable experience regulating the acquisition of land induced by investment in dams, roads, mines, pipelines, parks etc. The process is guided by detailed norms and procedures to minimize potential harm to populations who have to change or give up the use of their land. It would make sense to capitalize on the 40 years of this experience in turning the recently established principles for large scale land acquisition into concrete guidelines.

*Expanding the Dialogue on large-scale land acquisitions and their alternatives*

Michael Taylor, International Land Coalition

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/TaylorPaper.pdf>

Summary: Details a new global dialogue initiative and the agenda of regional and global meetings (FAO, WB etc) on promoting regulatory frameworks to investments on land.

*Building an informed and inclusive response to the global rush for land*

Madiodio Niasse and Michael Taylor, International Land Coalition

URL not available; download from the *Conference Proceedings* above

Summary: Details a current ILC research project, international guidelines on governance, investment and human rights, and a new global dialogue initiative. Mentions resistance and diversity of responses.

## ETHIOPIA

*Governance of large scale agricultural investments in Africa: The case of Ethiopia*

Imeru Tamrat, Managing Director, Multi-Talen Consultancy PLC, Ethiopia

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/tamrat.pdf>

Summary: Based on a World Bank-commissioned study to evaluate current policy, legal and institutional framework on large-scale agricultural investments in Ethiopia. Only 4/9 regional states have gone some way to provide laws and institutions for land administration. The Constitution states that land is not subject to 'sale or other means of exchange'. Relating to an investment law of 2002, two regulations offer foreign investors exemption from income tax and customs duty, but they open the door to ambiguity and administrative discretion. Some investors are in practice exempted from paying to rent or lease land. Allocation of land for investment had been the mandate of the regional states but land over 5,000ha is now given to a directorate within the Ministry of Agriculture and Rural Development. In Amhara, land is being allocated by auction. Information from investors is seldom checked by the authorities. 'At the Federal level, it was not possible to acquire information as to what procedure is followed or information required from the investor to obtain the land.' This is often treated with a veil of secrecy. Rights given to pastoralists under the Constitution are not clearly defined in subsidiary legislation at Federal and Regional levels. 'There is a provision in the law that communal holdings in rural areas may be transferred to private holdings at the discretion of the government, which makes tenure security of such holdings tenuous'. Land use plans are virtually absent in rural areas. Lack of coordination among government agencies, minimal exchange of information, absence of transparency and consultations with other stakeholders and the public. Benefit-sharing mechanisms and environmental and social safeguards are virtually absent. Makes a series of suggestions for addressing these issues.

## GHANA

*Government's Role in Attracting Viable Agricultural Investment: Experiences from Ghana*

Hon. Kewsi Ahwoi, Minister of Food and Agriculture, Ghana

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/Ahwoi.pdf>

Summary: Questions why people raise the issue of 'land grabbing' when Africa has not had a needed Green Revolution. Africa has 'abundant and cheap arable lands for lease'. Cases where land has been acquired without compensation. 50 year leases permitted by law may

not be sustainable 'unless there is some level of local satisfaction.' Inter-agency consultations underway to develop policy framework and guidelines for large scale land acquisitions for biofuels development. Ghana can do with expertise on biofuels. 'What interests will be served by [maintaining] the status quo?'

### *Towards Sustainable Biofuel Development: Assessing the Local Impacts of Large-Scale Foreign Land Acquisitions in Ghana*

George C. Schoneveld, Laura A. German & Eric Nutakor

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/schoneveld.pdf>

Summary: Large contiguous areas of suitable land were easily obtained by foreign companies through direct negotiations with Traditional Authorities, often through opaque, non-participatory and partially documented negotiations purportedly locking up large tracts of land for periods of up to 50 years. Many affected households were forced to relinquish their land without any form of compensation or guarantees of future returns, and they experienced a marked decline in livelihood quality. Large areas of secondary forest and rehabilitating fallow lands have been converted to plantation monoculture because many plantations are being developed outside the purview of both government and affected households. Only a small minority of foreign companies in Ghana have registered at the appropriate government agencies and obtained 'mandatory' environmental permits. Affected communities were often unaware of the content of these 'high-stake' deals.

## **WEST AFRICA**

### *Land Transactions and Investment in West Africa: A regional perspective on principles for responsible agro-investment*

Leonidas Hitimana, Agriculture Economist, Sahel and West Africa Club, OECD

<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/Hitimana.pdf>

Summary: Ghana and Mali have many significant transactions on land by foreign investors. Problems include: incomplete land laws, lack of synergy, weak capacity, poor integration, little public awareness of land laws, lack of regulation on compensation for expropriated land, regulations not respected, acquired land not always developed, user rights on state-owned land not always respected. A regional initiative on land investment in West Africa on 26 May with SWAC, OECD and the UN Special Rapporteur on the Right to Food.

## **ZAMBIA**

### *Social and Environmental Dimensions of Large-Scale Land Acquisition of Land Rights, Zambia*

Davison Gumbo, Center for International Forestry Research, Zambia

<http://siteresources.worldbank.org/INTARD/Resources/gumbo2.pptx>

Summary: Review in progress of likely social and environmental impacts of select cases of large-scale land acquisition. Finding conflicts between investors and local people, land acquisition processes not being followed, chiefs alienating land without community consent, forests undervalued, lack of strong CSOs (in Serenje) to play advocacy role, rural people being disenfranchised, contract negotiations not transparent, existing land rights not being factored into discussions.