

**REPORT ON THE REGIONAL LAND GRABBING WORKSHOP
LUKENYA GETAWAY, NAIROBI, KENYA, 10TH – 11TH JUNE 2010.**

Oxfam – Horn East and Central Africa

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1. INTRODUCTION

Oxfam International-HECA (Horn, East and Central Africa) in collaboration with other Oxfam affiliates and partners organized a regional land grabbing workshop which took place in Nairobi, Kenya from 10th - 11th June 2010. The purpose of the workshop was to bring together civil society players concerned with land grabbing to develop a common understanding of and approach to dealing with land grabbing in the region. The workshop was attended by organizations from Tanzania, Kenya, Uganda, Rwanda, Burundi and Sudan. A representative from Ethiopia had confirmed, but did not manage to attend. Represented organizations included farmers' associations, land rights and women's rights NGOs, pastoralist organizations and international NGOs operating in the region (See Annex 1 for details).

The workshop started with participants introducing themselves and sharing their expectations of the workshop. In teams of two, participants also came up with slogans relevant for campaigning against land grabbing (see Annex 2). Moreover, the term "land grabbing" was discussed and amongst other things was believed to involve the deliberate taking of land or rights to land from people enabled by power imbalances as a result of the unequal distribution of resources and skewed access to information and knowledge. Land grabbing involves a great inequality in the access to land that investors get compared to local people and leads to dispossession, displacement and destitution of people and their land and it can occur within both legal and illegal frameworks. It was noted that not all investment in land is bad, but that the focus of this workshop was on dealing with the all too common problematic investments that result in the negative outcome of land grabbing. The exact definition was left as an issue that can be discussed at a later stage if necessary.

2. EXPERIENCE SHARING FROM ACROSS THE REGION

Colleagues from Tanzania started by sharing some cases studies of land grabbing that they are working on. These involved a case where a UK owned company is acquiring forestry land, another where a Netherlands and Belgium owned company has got over 30,000 hectares for growing bio-fuels and a last one in which a United Arab Emirates based company has acquired and is enforcing hunting rights on a large area of land where pastoralists live and graze their livestock.

Shorter inputs were given from all the other countries in the region many of which have had similar experiences.

The participants then broke into groups to explore in more depth some the key land grabbing issues and begin to identify responses to these.

The main issues arising from these experiences are summarized bellow.

2.1 Forms of Land Tenure Systems in the Region

Categories of land identified in the region are village land - which is land owned/belonging to the village; reserve land - which is land reserved for different public activities; general land – land not belonging in the previously mentioned two groups plus all unused and unoccupied land. The names for these different types of land vary between countries and some give stronger private ownership on more land while others give more power to communal or village land. People in the region can have rights to land through customary procedures – land

entitlement due to birth and inheritance; through village allocation of different kinds some involving traditional leaders while some through elected village structures; and through lease, or ownership titles provided the government.

From the discussions three national systems of land tenure were discovered to exist in the region as follows:

- A system where land is owned by the government and entrusted to the president (through a radical title) e.g. in Tanzania and Burundi
- A system where land is owned by the people e.g. in Uganda
- Customary land ownership i.e. based on inheritance and unwritten rules/procedures within community's cultures. This system is recognized and present in all countries.

2.2 Incidences of Land Grabbing In The Region

Through sharing experiences from each country it was clear that land grabbing is a concern for many local communities and all the organizations participating in the workshop and others. Land grabbing has happened in all the countries present and the most affected are rural small farmers and pastoralists who depend on land for their livelihoods. Many hectares of land have been grabbed even in countries with less land like Rwanda and Burundi, leaving many people landless, homeless and with increasingly poor livelihoods.

Key actors involved in land grabbing include:

- Companies with interest in bio-fuel production particularly in Tanzania and Rwanda
- Companies with interest in commercial timber and carbon trade
- Companies with interest in the tourism sector i.e. game ranching, excursion areas, hunting blocks, and campsites.
- Companies with interest in agriculture i.e. crop cultivation, salt extraction, and horticulture mainly for export purposes.
- Government leaders, international companies, and influential people grabbing land for speculation purposes.

Case studies were shared from all countries represented. We heard cases of land grabbing for bio-fuel, timber and carbon trading in Tanzania; grabbing of public beaches and coastal areas by private companies in Kenya; land grabbing by military officials in Sudan; land grabbing by local and international companies supported by the government in Uganda and Rwanda; and land grabbing by government officials and politicians in Burundi.

A number of common issues emerged from the case studies; first, is that there are loopholes in customary laws, national land policies and other legislation; second, the community lacks knowledge and empowerment to deal with land grabbing; and third, the government plays a significant role in facilitating the land grabbing.

Main issues arising from the group work

Group 1: Customary rights, legislative and policy loopholes

The group only focused on customary laws due to time limitation. They defined customary laws as a way of life that is not static but evolving, defined by the community, unwritten and complex, which is acquired by inheritance. However, Competing land ownership laws, which are state centered, written and registered, have emerged. These don't abolish the customary laws but became parallel with, and gradually undermine, these laws.

The two systems do not have to be mutually exclusive, they can co-exist and the state can empower and secure customary laws. However, this is not a technical issue but, rather, a political issue. Poverty may be related to the undermining of customary rights and technical solutions may not compensate for the power imbalance.

Group 2: Community lack knowledge and empowerment

Generally the community lacks enough knowledge concerning laws and procedures for land acquisition and ownership that could empower them to make informed decisions. Other issues related to this are:

- *Lack of transparency of local government officials on matters related to land ownership and investors.*
- *There is a gap between institutions that govern land such as village assemblies, village councils and other organs of the district or central state.*
- *Communities are not properly consulted on land related investments with the processes being flawed and decisions often pushed through by senior leaders, working with the investors, from district or national government.*
- *Existence of land ownership policies which do not empower people.*
- *Women lack confidence to voice their concerns about ownership, access and use of land.*
- *Communities lack awareness to resist initiatives that affect them negatively, also lack awareness on how other communities have resisted land grabbing.*

Group 3: Role of Government

In all the case studies the government emerged as a key player in land grabbing either through its institutions or government officials. The government has facilitated land grabbing or grabbed land itself, giving excuses such as for "public interest" or development and in other cases to sell it.

Elites in the country also grab land; these include business elites, military elites, political elites etc... they send orders to local authority to find land for them, leading to conflicts within the authorities and disempowering local communities. Often these local elites act on behalf of international investors or get involved when they see the interest of the international investors.

The group also identified opportunities for campaigns against land grabbing such as:

- *Political spaces – holding land grabbing discussions in political processes such as elections.*
- *In attracting Foreign Direct Investment (FDI) – considering what type of FDI, focusing on creating a balance between economic development, social and environmental impact.*

3. DRIVERS OF LAND GRABBING

3.1 Land grabbing from the supply side

Governments were identified as the major land grabbers in the region. This is because land acquisition processes involve government officials who in most cases are corrupt and work in favor of the investor, using their influence to acquire land for investors. Also government institutions such as District Councils, investment centers and other private sector promotion institutions, supposedly working to alleviate poverty, have grabbed land from the people claiming it to be for “public interest” and “development” even though the terms are vaguely defined in the laws.

Identified motives for land grabbing are:

- To use land as the means of attractive investors in a country and benefit from FDI positive effects such as transfer of technology and skills as well as increasing sources of revenue.
- Grabbing land for speculative purposes – government officials and influential people use their influence to acquire land so that they benefit when value appreciates or by selling it on to an investor. This was witnessed in Rwanda, Sudan and Tanzania.
- Using land as a political tool; in Kenya it was identified that politicians acquire land as a means of patronage and a mechanism to hold people to the same political system or party.

3.2 Land grabbing from the demand side

Several global developments have triggered massive land grabbing in Africa. Global food crisis, climate change, increased demand for biofuel and the global financial crisis are identified as the main triggers of land grabbing by multinational companies. These are in some cases supported by their mother countries through political lobbying or financial assistance. There has also been a change in the global regulatory system, which has removed legal barriers, making it easy for companies to invest in other regions. The US and EU financial institutions were identified as the most involved although Asian countries such as China and Saudi Arabia are the ones often blamed.

Colleagues from Oxfam in Great Britain and in Netherlands who are working on these issues shared some of their perspective on the international drivers of land grabbing.

From an international perspective “land grabbing investment” is carried out in several ways as follows:

- Multinational companies – in the extractive industry, food retailers and bio-fuel companies. These are mostly from Europe, USA and Canada.
- Use of Investment funds – which would normally be invested in stock markets but have been getting less returns and have decided to invest in natural resources i.e. land, water resources etc... for better profits.
- Use of sovereign wealth funds especially by China and Middle East countries. These funds are used to buy land for speculative and/or production purposes.

- National interests – in some countries government missions to foreign countries attract foreign investors through promising access to land and other natural resources e.g. Rwanda and Tanzania.

4. COMMUNITY RESISTANCE TO LAND GRABBING

Participants shared examples of resistance to land grabbing from four of the countries present. This was an opportunity to hear what has been done in response and what has worked and not worked. It is these existing and past struggles over land that can be learnt from and built on going forward.

Land grabbing incidences have not gone without resistance from the community. From the discussion it was found out that communities affected by land grabbing have taken initiatives to resist and hold on to their land. These range from simply declining land requests from investors and the government to public demonstrations and court cases. Some communities have succeeded in getting their grabbed land back or getting better deals although many others have court cases still pending, awaiting judgment and some have just given up. These forms of resistance include, but are not limited to:

- Community organizing themselves and forming associations to fight for their rights: for example Kenya Human Rights Organization where coastal farmers whose land was grabbed organized themselves.
- Public demonstrations by youths and other community members i.e. in Uganda where people demonstrated and rioted against the Mabira forest grabbing.
- Writing position papers and petitions to the president or land management authorities.
- Conducting fact-finding missions that produce reports and share them with the media.
- Communities opening court cases against the grabber or officials involved.
- Approaching NGOs for support and advice.
- Taking advantage of existing processes to bring changes i.e. elections and constitutional reforms: for example, in Kenya the constitution reforms process-activists have pushed for a new and better land clause.
- Creating peer pressure by more responsible companies, communities or using association members.
- Media campaigns through newspapers, television, radios and Internet.

5. WHAT SHOULD BE DONE ON LAND GRABBING

The box below summarizes results from group discussions that analyzed responsibilities and involvement of different actors at National, Regional and International levels and provided recommendations in the form of “Asks” as stated in the box below.

A) AT NATIONAL LEVEL

1. On investment

Foreign investment is not enough; countries should focus on pro-poor investment. Thus the government should:

- Consult, consent and comply: Consult people and make the investment process transparent by involving people to ensure proper information of what transpires and thus enabling communities to make informed decisions. Get people’s consent prior to giving land to investors. This should be preceded by an impact assessment of the whole investment to determine how different groups will be affected. Government must comply with national laws when facilitating investors.
- Regulate private investment to ensure that private capital also serves public interests.

2. On laws, policies and legal processes

The government should:

- Enact good land laws that protect small farmers, pastoralists, women and rural communities.
- Increase court access for communities by ensuring independence of courts, reducing court fees, prioritizing land issues in courts.
- Facilitate court information technology as well as facilitating public interest law firms and legal aid institutions.
- Governments must commit and have a political will to fight corruption as well as creating a land register and putting in place a “freedom of information law.”

B) AT REGIONAL LEVEL THROUGH RECs OR AFRICAN UNION(AU)

1. Regional Economic Communities (RECs) considered here are EAC, CEPGL, COMESA, IGAD etc... These regional grouping are undertaking various initiatives on land issues. Therefore they should:

- Undertake comprehensive land policies including harmonization of land laws and ensure that they are implemented as well as monitor their implementation.
- Develop regional investment guidelines that are pro-poor.
- Develop regional coordinating mechanism for natural resources and ecological systems management.
- Ensure that CAADP regional compacts are developed, are transparent, pro-poor and fully implemented.

2. At AU level, states should ensure that the developed land guideline policy is signed by states and complied with.

C) AT INTERNATIONAL LEVEL

International development funds and foreign governments from the USA, EU and Asia facilitate multinationals in investing in the region and hence contributing to land grabbing. Therefore:

- International regulatory framework needs to be formulated to regulate foreign investment activities.
- Companies should be persuaded to ‘voluntarily’ decide to conduct more socially responsible investment and fulfill their corporate social responsibilities to the communities where they are investing.
- The public in investing countries should be made aware of how and where their money is being invested and what the companies they invest in and their governments are doing to foreign governments/countries in the name of investment.
- Companies should be publicly shamed and blamed for land grabbing which leads to disempowerment of people and negatively affects their livelihoods.

6. WAY FORWARD

In realizing that Civil Society Organisations (CSOs) have a role to play in combating land grabbing in the region, participants in groups of 3 to 4 discussed various actions that can be taken by CSOs. Participants also identified types of organization/institutions that are allies in the struggle against land grabbing, those about which we are not sure or who can be persuaded either way and blockers who will support land grabbing (See Annex 3 for complete list). The following table gives a summary of action points agreed by CSOs in the workshop.

WHAT CAN CSOs DO?

Representatives of CSOs at the workshop commit to:

- *Mobilizing small scale farmers, pastoralist, women and the rural community in general to inform them on land ownership processes and empower them to demand information from their leaders*
- *Conducting research on land grabbing concentrating on perpetrators and the effects on the community. This research should inform campaigns and further activities against land grabbing*
- *Developing a CSO network on land and land grabbing to share information, experience and interventions in the region.*
- *Organizing campaigns against land grabbing involving the media, public debates and events such as the “Trade Train”.*
- *Developing a common position against land grabbing which will be used in various interventions.*
- *Developing a profile about the investors in the region, sharing this profile and using it as a land grabbing tracking tool.*
- *Engaging policy makers at local and regional level i.e. EAC and COMESA to include land grabbing in their agenda and formulate pro poor policies.*
- *Put land grabbing in our organization’s long and short term plans.*
- *Formulating a network of CSOs on land grabbing in each country, lead organization are: Oxfam, ActionAid, ESAFF, EAFF, Landnet East Africa, AIM(David De Dau)*

7. CONCLUSION

Land grabbing has affected communities in all the countries represented at the workshop. Due to lack of information and knowledge, many communities have lost their land resulting in disempowerment and increased marginalization of the poorest. Customary land ownership procedures are being sidelined to give way to state centered laws which also contribute to land grabbing in the region. Foreign companies mostly from Europe, USA, Canada and some Asian countries have grabbed land for investment in bio-fuel production, carbon trading and production of food for export. Speculation came out as another strong motivation for land grabbing for both local and foreign companies. Local and foreign governments are identified as the main facilitators of land grabbing due to their role in attracting the foreign investments and helping the investors obtain the land they want. Communities have taken actions ranging from signing petitions to court cases to resist against land grabbing with success in a few cases, but big challenges still in many other cases. It was sent that it requires collective and consistent efforts from all stakeholders at national, regional and international levels to successfully combat land grabbing in the region. Participants were generally satisfied with the content, facilitation and outcomes of the workshop and expressed an interest in continuing to work together on the land grabbing issue (see Annex 4 for Evaluation details).

ANNEX 1: PARTICIPATING ORGANIZATIONS

Land rights organizations

- LRRRI - Haki Ardhi Tanzania
- Kenya Land Alliance
- Resource Conflict Institute (RECONCILE) – Kenya
- Land and Equity Movement (LEMU) - Uganda

Farmer's organizations

- Muungano wa vikundi vya wakulima Tanzania (MVIWATA)
- Eastern and Southern Africa Small Scale Farmers' Forum (ESAFF)
- Eastern Africa Farmers' Federation (EAFF)
- IMBARAGA- Rwanda Farmers Union
- Kenya National Federation of Agricultural Producers
- CAPAD –Burundi

Pastoralist organization

- PINGO'S FORUM – Tanzania
- Karamoja Agro-Pastoral Development Program
- Institute for Law and Environmental Governance (ILEG)-Kenya

NGO's and Human rights and women's organizations

- Muslims for Human Rights (MUHURI) –Mombasa Kenya
- Agency for Independent Media – Sudan
- Women Legal Aid Centre (WLAC) –Tanzania
- Volunteer Efforts for Development Organization (VEDCO) – Uganda
- Uganda Cooperative Alliance
- PELUM

International Organization

- ActionAid/Ms Tanzania
- Oxfam

ANNEX 2: PROPOSED SLOGANS FOR CAMPAIGN AGAINST LAND GRABBING

- Land! Our life, our right!
- Ardhi ya umma ni urithi wetu! (Public land is our inheritance!)
- Ardhi yetu! Haki yetu! (Our land! Our right!)
- Right to land! Right to food!
- Pamoja! Tunaweza! (Together we can!)
- Tukisimama pamoja! Tunaweza! (If we stand together! We can!)
- Stop land grabbing! Save poor communities!
- Ardhi ni uhai! (land is life!)
- Notre Terre ! Notre Vie! (Our Earth ! Our Life ! – From French)
- Land! Belongs to the people!
- Pachamama! (The earth goddess of the Incas. Pacha is from Aymara origin, one of the main indigenous groups of the Andes in South America.) Ardhi ni mama! (Land is mother!)

Nb : All translations to English are from Kiswahili unless explained otherwise.

ANNEX 3 : STAKEHOLDERS (Results of Brainstorming on Stakeholders)

ALLIES	NOT SURE (Could go either way)	BLOCKERS
Small holder farmers	Universities & their Think Tanks	International Financial Institutions (WB,IMF,WTO)
Universities	National environmental management authorities	Some Politicians
Cooperative alliances	Religious organizations	Governments and their officials
WWF and environmental org	MPs – national and regional	Capital market authorities
Trade unions	The United Nations	Bio fuel companies
MPs from affected communities	Conservationist (WWF, IUCN)	Dodgy investors
Women’s rights organizations	MNEs in communities	Foreign governments
Women in communities	Ministry of Finance,	ECO NGOs- need land for tree planting
Human rights organizations and lawyers	RECs	MONSANTO Group of companies
World leaders like Mandela	Regional business organizations	Speculators
Religious leaders	Ministries of Agriculture and Lands	GMO Breeders
NGOs & CSOs	Elites	Food brands
Regional research org. eg ASARECA, CODERSIA, AIAS, API	Financial institutions	Foreign/ Multinational companies
Public role models	Media	
Policy research organizations		
CSR movement companies	EU parliament	
Regional parliaments e.g. EALA	DFIs	
Socially responsible investor movements		
UN’s special rapporteur on right to food		
ECO tourism businesses		
Egerton University		
RUFORUM-Makerere University		
Regional Training Centre – MsTDCDC		

ANNEX 4 : WORKSHOP EVALUATION

Evaluation forms were provided at the end of the workshop. A total of 22 evaluation forms were filled and returned to the organizers. Results of the evaluation are as follows:

Question 1: Did this workshop meet your expectation?

Results: 11 Participants marked 80% to 100%
8 participants marked 71% to 80%
2 participants did not indicate.
No participants marked 0% to 70%

This indicates that the workshop met participant's expectation to a large extent.

Question 2: What went really well and/or inspired you most?

Most participants indicated that they were inspired by the following (in order of appearance):

- People's enthusiasm, commitment and willingness to share information on the issue of land grabbing in the region.
- Sharing of case studies and other experiences from different countries
- Good facilitation i.e. managing time, participatory and focused
- Getting the EU's experience on land grabbing.

Question 3: What did not go well?

- Lack of enough time for the workshop and group work presentation
- Insufficient presentation of national facts on land grabbing
- Some participants were required to travel very early in the morning on day 1 of the workshop leading to tiredness and sleepiness during the workshop
- Absence of Ethiopia representative
- Absence of private sector and government representatives

	Question	Very Poor	Poor	Neutral	Good	Very Good
4	What do you think of the preparation and organization?	0	0	1 (5%)	10 (45%)	11 (50%)
5	What do you think of the program?	0	0	0	11 (50%)	11 (50%)
6	What do you think of the facilitation?	0	0	0	6 (27%)	16 (73%)

This indicates that most of the participants were satisfied with preparation and organization of the workshop; with the program and think the facilitation was very good.

Other comments and Recommendations from the participants are:

- This initiative is good, let's keep up the spirit and the network going.
- Time was too short; organizers should consider making it longer
- Case studies should be sharper.
- The facilitator is very good, deserves a holiday and should get a co-facilitator