

Study shows current laws don't prevent Sub-Saharan 'land grabbing'

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(Phys.org) —Sub-Saharan Africa has foreign investors flocking to buy its fertile land. Sometimes referred to as "land grabbing," the large-scale buying or leasing of large tracts of land in developing countries shifts indigenous, or customary, land rights from chiefs and local communities to investors or national governments, often stripping native people of a source of income.

The laws, its practices and eventual outcomes for the countries and people involved are the topic of one recent study led by University of Georgia [anthropologist](#) Laura German.

Looking at 34 case studies examining the policy and practice of [land acquisition](#) and investment in Ghana, Mozambique, Tanzania and Zambia, German and her co-authors noted significant differences in the legislation among the countries. Despite the wide variety of legislated processes for land acquisition and customary rights protection, outcomes were very similar.

"We found that in most cases, meetings held to consult affected communities about the land acquisition and related investments were very poorly done, and people were losing their land and livelihoods often in the absence of any real benefits," said German, an assistant professor with the Franklin College of Arts and Sciences.

Since the end of the 2000s, land in developing countries has been gaining interest in response to rising food and [fuel costs](#). Most estimates

suggest 20 to 60 million hectares of land in Africa have been acquired for large-scale agricultural investments through long-term, renewable leases. Many countries throughout Africa have been active in seeking to attract investment through land policy and investment reforms in the hopes that economic development will follow.

"Three of the survey countries represent some of the best case examples for legal protections of customary rights (laws that recognize local ownership and land use)," German said, "but the large majority of cases are leading to situations where people are pushed off their land and the benefits promised to them did not materialize either because consultations were poorly done, agreements were misunderstood, investors failed to honor their commitments or investors went bankrupt before they could follow through."

The land in some countries has to be reclassified as state land for the lease agreement to pass to the investors, which results in a permanent loss of land from local populations. Of the countries studied, Tanzania is the only one that requires payment for the losses suffered by the community when the land is acquired by private investors. They are also the only country that requires the entire community be present at a "baraza," or village assembly, when consulting affected communities about allocating the land for investment. Plus, Tanzania set a limit on land leases of 33 years and 20,000 hectares for biofuel investments. However, in practice, deals have been made for much longer terms and larger areas and payments have been diverted to local officials.

"You see this disconnect between law and practice; and where the law is strong, it is often misinterpreted or poorly enforced," German said.

In Ghana and Zambia, chiefs are given a lot of authority to make land decisions. The law assumes a chief's decision represents the will of affected land users. While constitutions or land laws often require chiefs

to consider the rights of others, states can't ensure this accountability.

"Ghana and Zambia have some of the worst cases of abuse because decisions are often made based on an evaluation of personal benefit rather than social consequences, and affected land users feel they have no basis for questioning chiefly authority," she said.

Where communities are consulted, many are so desperate for social services, steady income and health clinics that they are willing to accept the promise of employment or a school or clean water in exchange for thousands of acres of land, according to German.

"There is a serious lack of awareness about what is at stake," she said. "Much of this misunderstanding stems from the actual negotiation process, which in the vast majority of cases was very, very weak."

In addition to crucial legal reforms, German's research highlights the need for a more informed public, better enforcement of existing laws and support to local communities during negotiations with outside investors or the state to help level the playing field.

"We have some of the best cases on paper represented here, but the majority of those we looked at have resulted in displacement of land and resources crucial to local people's livelihoods," German said. "Unless there is a proactive effort by government to hold investors accountable to the aspirations of affected communities while supporting their awareness of what is at stake, we are bound to fail."

More information: www.sciencedirect.com/science/.../S0305750X1300082X

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