

Weak land rights in Africa fuel potential for conflicts -experts

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By Astrid Zweynert



A worker picks tea at a plantation in Githunguri, 30 km (18 miles) from Kenya's capital Nairobi, January 6, 2012. REUTERS/Thomas Mukoya

LONDON (AlertNet) – The sell-off of prime land to buyers hungry for the developing world’s natural resources risks sparking civil unrest unless governments and investors recognise the customary rights of millions of people who have toiled these areas for centuries, land rights experts said on Wednesday.

Soaring investment in infrastructure, mining and agribusiness in Asia and Latin America is spreading to Africa, where a lack of legislation on land rights means local communities are regularly bypassed, fuelling anger and resentment.

“Controversial land acquisitions were a key factor triggering the civil wars in Sudan, Liberia and Sierra Leone, and there is every reason to be concerned that conditions are ripe for new conflicts to occur in many places,” Jeffrey Hatcher, director of global programmes at the Rights and Resources Initiative (RRI), said at a news conference held to release two reports into land tenure.

The RRI estimates that half a billion people rely on 1.4 billion hectares of communally held rural land in sub-Saharan Africa, which has attracted the largest share of investor interest recently.

Presenting the result of an analysis of [tenure rights in 35 African countries](#), Hatcher said that customary land rights were being repeatedly ignored during what he called an “astonishing buying spree across Africa”.

Large land deals in developing countries have surged in the past decade, fuelled mostly by concerns about food shortages, a biofuels boom and the rising scarcity and financial value of agricultural land.

As foreign investment in Africa grows, experts say legal empowerment of rural communities is critical, including education about legal rights and information about the ramifications of land concessions.

“NEW SCRAMBLE FOR AFRICA”

Two thirds of lands being acquired are in Africa, suggesting a “new scramble” for the continent, according to an analysis for RRI by international land tenure expert Liz Alden Wily.

Like in the 19th-century colonial scramble for Africa, land is either acquired to channel commodities produced there into the investor country, or with the intention of not producing anything at all there but selling it on at a substantial profit.

The majority of 1.4 billion hectares of rural land in Africa, including forests, rangelands and marshlands, are claimed by governments while communities who often have lived there for centuries say the land belongs to them.

This affects at least 428 million of the rural poor in sub-Saharan Africa, according to Alden Wily’s analysis.

“Every corner of every state has a customary owner,” Alden Wiley concluded in her [study](#).

LAWS NOT RESPECTED

Even in African countries that have passed laws recognising community or customary land rights, such as Liberia and South Sudan, they are not respected by their own governments, campaigners say. Local communities are rarely included in negotiating the terms of a purchase or a lease, even in countries where laws recognize such lands as private property.

South Sudan, which became independent last July, is a potentially attractive target for investors despite its political instability, with its considerable supplies of oil and minerals, fertile land and water.

Last year researchers estimated that around 9 percent of South Sudan's land had already been leased or bought by investors before independence.

David Deng, research director at the South Sudan Law Society (SSLS), a civil society group dedicated to promoting the rule of law and respect for human rights, said the scope for conflict resulting from so-called “land grabs” in the region is “astronomical.”

“I wouldn’t want to forecast the future but judging by history one can see (the potential) for conflict, talking about many of thousands of lives lost as a result of land-related conflict,” Deng told AlertNet.

“Investment was a complicating factor during many of these land disputes (during the civil war). So, the potential is astronomical for conflict.”

Sudan’s 21-year-long civil war that ended in 2005 with a comprehensive peace agreement was caused in part by local resentment of land-takings by the government in Khartoum for private commercial agriculture, including allocations to politicians, officials, foreign banks and enterprises.

These land issues still reverberate. In the [Nuba Mountains](#), along the border between Sudan and South Sudan, there are reports of mass killings and hundreds of thousands of people are at risk of hunger because they cannot farm their lands due to violence, said Deng.

The government has expropriated community lands in the area and given them to foreign and domestic elites to establish large-scale mechanized farms, Deng explained.

Deng said that South Sudan is faced with a very real possibility of a return to war, with a government that is just getting on its feet, and it still manages to attract considerable amounts of interest from foreign investors.

Unfortunately, many investors in South Sudan are “cowboys” in search of a quick profit, Deng said.

In Liberia, where land right issues also fuelled civil war in the past, the government [has come under fire from campaigners](#) for handing over huge tracts of land to foreign investors and dispossessing rural Liberians.

Between 2006 and 2011, President Ellen Johnson Sirleaf granted more than a third of Liberia’s land to private investors to use for logging, mining and agro business, according to campaigners.

(Additional reporting by Maria Caspani)