

LARRI-NAI session at the Agri4D conference

At the Agri4D-conference (Agricultural Research Towards Sustainable Development Goals) held the 25-26th of September at the Swedish University of Agricultural Sciences in Uppsala, LARRI in collaboration with the Nordic Africa Institute (NAI) arranged a two hour session on the theme *“Securing Land Rights in Sub-Saharan Africa - in the context of increased competition for land”*.

The session, held in the university aula, was well attended and interesting discussions emerged based on the presentations held. The aim with the session was to create an opportunity for an interactive discussion with and among those who attended the session, thus each presentation was short to leave room for questions and comments at the end. A broad range of sectors was represented in the audience such as civil society, private sector, public sector, research and key persons within Swedish development cooperation working with land related issues.



The session was moderated by **Maria Ölund**, Project coordinator of LARRI. As an introduction to the session she presented a brief overview of current drivers behind the increased interest and competition for land and why land tenure is a complex issue in sub-Saharan Africa.

Some of the main drivers identified:

- Food crisis 2007-2008: Increased awareness of the importance of stable food prices. Some countries imposed export bans. Increased interest to investment abroad to secure land for food production. Value of land increased.
- Financial crisis: Land seen as a safe and profitable investment among some.
- Growing populations and higher demands for meat, which need larger land areas
- Awareness that many areas are/will no longer be suitable for agricultural production due to water scarcity, environmental degradation, climate change.
- Climate change debate: A need to cultivate biomass for biofuels and bioenergy to reduce emissions and create “carbon sinks” e.g. by conserving forest areas.
- Commercialization of the rural economy: The need to develop rural business opportunities for rural development (local, national and international actors).
- High interest to invest in land in sub-Saharan Africa: A view exists that there is a lot of unused/underused land available for investments and that land as well as related natural resources and labor are cheap and easy to access.

This development raises question on land rights of local rural populations, who depend on land for their livelihoods. This is a complex issue, not least in Sub-Saharan Africa, where increased population pressure is accompanied by a high number of food insecure people, with an overwhelming majority lacking formal ownership rights to their land. There is also great diversity of land tenure systems, both within and between countries in this region, making it difficult to generalize due to various economic, political and social settings.

After setting the context for the session, the three speakers and their topics were introduced. The three presentations, based on research from several countries in sub-Saharan Africa, approached the issue of how to improve tenure security from different angles.

Linda Engström, researcher at NAI and PhD Student at the Dept. of Urban and Rural Development, SLU, presented findings from two of her field visits in Tanzania where a large scale land request from the investor Eco Energy has been in the pipeline since 2008. According to the company web site the investment is targeting an “abandoned state cattle farm”. However, 500 farmers live on the land today and the land is used

by approximately 6000 people. Engström's research reveals complex realities on the ground, where Eco Energy claims that efforts are made to compensate the local community in kind and make sure that their rights will be respected. While among the people living on the land, there is an uncertainty of who Eco Energy actually is, as most of the contact made has been with a consultancy firm hired by the company. Local communities claim that they, by the consultants, have been encouraged to stop producing food with the explanation that they "soon" will be resettled. Due to a company decision to set aside land for pastoralists on the farm, the number of pastoralists and cattle have increased in the area to the extent that water sources have been depleted, with the consequence that they are now forced to buy water or fetch it far away from the settlement.



Based on her research, Engström concluded that reality is more complex than dominating win-win or win-lose policy narratives. Furthermore she concluded that multiple understandings of what is actually happening is a central theme in these deals, and something she will conduct more research into, as this could be one possible factor contributing to the fact that there are no operational agrofuel investments on the ground in Tanzania today.

Michael Ståhl, research associate at the Nordic Africa Institute, turned the focus to East Africa as a whole. Focusing on privatization of land and customary land tenure, he raised the question if land tenure matters in agricultural development.



Privatization of land ownership has been implemented in Kenya since the 1960's and aims to create a class of prosperous farmers involved in land markets. This has led to positive aspects, such as security gains for those with title deeds and possibilities to use land as collateral. On a more problematic note transfers of titles from parents to children are seldom registered, customary traditions are still present, corruption and grabbing undermines confidence and landlessness remains and expands. Still, most agricultural land in East Africa is held under various forms of customary tenure, meaning that land access, use and transfer are managed through local informal rules. All members are, in principle, entitled to land, but no written documents confirming this are kept. It is claimed that customary land tenures embody the wisdom from traditional societies and contribute to solidarity and equity. However, these positive traits are eroding due to factors like population increase, land scarcity and commercialization of agricultural

production. Furthermore customary decisions on land management mirror local power structures and are not free from favoritism and inequality.

The results presented by Ståhl show that the governments in East Africa pursue various policies aiming at (i) outright privatization or (ii) regularization of customary systems. Both policy options have similar outcomes, with increased security of holding for those receiving title deeds or certificates and increased insecurity for those who don't. In addition, private land ownership seem to have limited impact on both agricultural productivity and poverty reduction.

Secure landholding does not in itself impact positively on yields, but positive outcomes can be achieved if land tenure reform is accompanied by other policies such as marketing and infrastructure. Furthermore,

equity can only be improved if land tenure reform includes equal rights to land by all household members (including wives, secondary wives, sons and daughters). Ståhl concluded that, as East African governments pursue land tenure policies promoting privatization in various forms, a multiplicity of tenures prevails, making tenure status uncertain and causing confusion as well as increasing land litigations. There is now a growing realization within the farming communities that documented evidence of land holding is necessary in order not to lose it to land-grabbers.

This was followed by a presentation of the formalization of community-based tenure in Mozambique by **Lasse Krantz**, research fellow at University of Gothenburg and project leader of LARRI. Securing community-based tenure means that land rights are formalized on a group level, irrespective of whether the land and other resources are used individually or collectively. Land allocation and dispute resolution is carried out according to customary norms and procedures.

This is the approach adopted in the 1997 Land Law in Mozambique. While community land delimitation has mostly been undertaken with support of donors and NGOs, the Government has become more engaged in recent years. Priority is given to delimitation in areas with "commercial potential" and where concessions granted to international investors is a growing phenomenon. The companies are able to get access to land only if locals don't claim the land, otherwise consultation with the latter is required. However, according to Krantz, these community-investor consultations seem to be more symbolic than real. This approach of community-based land formalization practiced in Mozambique is now also being adopted by some other countries in the region e.g., Liberia and South Sudan.



Based on his presentation, Krantz raised a few questions which require further research, including issues related to land ownership within the community, representation and leadership, women's land rights, the link between land tenure security and investments (internal & external) as well as effects on resource management and empowerment.

Discussion:

After the presentations, an interactive discussion with the audience took place, where both broad and specific questions were raised. One example was a question raised about how Eco Energy could have handled things differently in order to avoid some of the difficulties that occurred in relation to their land request. Linda Engström replied that good intentions from the company seem to be there, but it is very striking that such different views on what's actually happening exist. She emphasised the importance of the investors to be informed about and observant of the local contexts they move into. Miscommunication between the investor and the community seem to be a central challenge, which need to be addressed.

Another question was aimed at how Swedish development cooperation can approach these issues. There is an increased interest for so called "business for development" modalities within the development cooperation, where Sida's role is to ensure that the private sector investments become better adapted to the interests and needs of local communities and where knowing and respecting local land rights is essential. The question of how development cooperation can support strengthening of local land rights needs to be discussed further. For example, individual land titling might not be the most appropriate solution in areas where customary tenure systems are still strong. A community-based land formalization approach might be both more cost-effective and socially appropriate. In addition, land rights formalization processes need to be combined with support, preferably through CSOs to strengthen the capacity of smallholder farmers to organize as a group and exercise their rights. This is especially important considering the global development we are witnessing where the increased competition for land is likely to persist.