

Africa: Weak Land Rights Promote Land Rush

By Alex Abutu, 2 February 2012

The customary rights of millions of poor people who have lived on and worked in forest would continue to be trampled upon unless national leaders and investors have a change of heart, a new study has found.

"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 other places," said Jeffrey Hatcher, director of global programs for the Rights and Resources Initiative (RRI), which sponsored an expert panel at the Royal Society on the trends shaping rural lands and rights worldwide.

In presenting the results of an analysis of tenure rights in 35 African countries, by international land rights specialist Liz Alden Wily, Hatcher noted that despite the clear potential for bloodshed, "local land rights are being repeatedly and tragically ignored during an astonishing buying spree across Africa." Alden Wily's review found that the majority of 1.4 billion hectares of rural land, including forests, rangelands or marshlands, are claimed by states, but held in common by communities, affecting "a minimum" of 428 million of the rural poor in sub-Saharan Africa. "Every corner of every state has a customary owner," Alden Wily concluded.

RRI brought together experts to release new findings on land tenure and investor risk worldwide, and to explore the land conflicts that have fractured Liberia and South Sudan. Aggravating the unrest in both countries were unilateral government decisions to sell off resources held on community lands.

Land rights experts note that indigenous and traditional communities are not generally opposed to economic development. Rather, they say the outrage stems from their total exclusion from a process that threatens to deprive them of land and resources essential to their survival. And, according to Alden Wily's analysis, two-thirds of all the lands and resources investors are acquiring in the latest global land rush are in sub-Saharan Africa.

The Liberian and South Sudanese experts said local communities in both countries are beginning to react to the impact land deals are having on traditional access to forests, rangelands and marshes. In Liberia, where 30 percent of the country is reported to be under timber, mining and agricultural concessions, local villagers have blocked the plans of a Malaysian company to plant oil palms on lands leased from the government of President Ellen Johnson Sirleaf. And today, two Liberian NGOs reported that their government is quietly issuing new "private use permits" to logging companies, violating national laws and the rights of local communities, and possibly undermining a recent pact signed in May 2011 with the European Union (EU) to ensure that timber exported to the EU is derived from legal sources and benefits the people of Liberia.

"The world is at a turning point in the global land grab, with the addition of dozens of new players, including the BRICs, South Africa and the nations of the Middle East, who are combing the planet for the natural resources required to sustain their rapid development," said RRI's Andy White. "The epic clash of this demand for land and resources--whether in the forests of Liberia, or in the quilombolas (former slave communities) in the Brazilian Amazon--is highly combustible, and must be resolved."

Of the 35 African nations covered in Alden Wily's analysis, only nine got high marks for being "broadly positive" for their treatment of local, customary rights. The others were graded either "mixed" or "negative." The nations ranked "most positive" were Uganda, Tanzania, Burkina Faso and Southern Sudan. But even in those countries, Alden Wily said, the laws are not respected in practice, and local communities are rarely included in negotiating the terms of a purchase or lease, even in countries where laws recognize such lands as private property.

"With the speed and scale of this surge into Africa in the last five years, the chief concern should be that investors are cutting deals with governments for land that really belongs to individual rural communities," said Alden Wily, who was interviewed in advance of the RRI event in London.

"The new land rush increasingly looks like a final enclosure of the world's common lands," said panel moderator Fred Pearce, environment writer and author of the upcoming book, *The Landgrabbers: The New Fight Over Who Owns the Earth*. "Throughout the developing world, traditional rights to land and resources are being steamrollered in the name of a warped and outdated view of economic development."

White said that engaging investors will be key to protecting the land rights of local communities, and that, in turn, will be critical to achieving the goals of slowing climate change, ensuring food security, and reducing poverty embraced by negotiators and advocates at United Nations meetings such as December's COP-17 in Durban.

"Investors have much to lose if they fail to consider the customary rights of local communities," White said. "Civil unrest will be the outcome, and it will affect their bottom line. So respecting and strengthening tenure rights is a win-win for investors, and for the people who currently view the vast forests and pastures of the developing world as their own."

Experts said it's too early to predict whether the spate of land deals recently negotiated in sub-Saharan Africa will produce widespread and destabilizing conflicts. But relatively few large-scale enterprises are fully established, White noted, so the people who will be affected by the deals have yet to realize their forests, marshes and rangelands have been sold or leased.

"Communities often do not find out what is going on until the bulldozers arrive," White said.

Increasingly, however, local communities and the NGOs that support them are learning more about their rights and how to enforce them.

A broad coalition of Liberian organizations, including the Sustainable Development Institute (SDI, Liberia) and Green Advocates Liberia, today charged their government with issuing alternative "private use permits" on an estimated 700,000 hectares of forestland. They argued in a press release and accompanying report that the new permits allow the companies to sidestep national laws and that it goes against the spirit of the country's pact with the EU, known as the Voluntary Partnership Agreement (VPA). A legally-binding trade agreement between Liberia and the EU, the VPA will go into effect in 2013. It defines what constitutes legal timber and sets up an assurance system able to verify compliance and ensure that timber for export can be traced back to the source.

Also in Liberia, villagers in Grand Cape Mount and Bomi counties continue to battle against a deal the government signed for a 63-year lease on 220,000 hectares with Malaysian palm oil giant Sime Darby.

"You don't need guns to kill people," said Alfred Brownell, an attorney and director of Liberia's Green Advocates. "When you take food from a village by destroying farm lands and cash crops, you are starving its people. If you destroy their grave sites, poison their drinking water, obliterate their cultural heritage, divert their rivers, streams and creeks, there is no doubt you are removing an ethnically defined population from their land. The international community must not ignore these massive human rights abuses. The time to act is now."

Sime Darby froze its operations following the villagers' appeal to the Roundtable on Sustainable Palm Oil, an international certification body. But, in an odd twist, talks are at a standstill, says Brownell. The government has apparently blocked the company's efforts to meet with villagers, arguing that such a meeting would constitute a violation of Liberia's sovereignty.