The Land Question in Africa: Reinventing Exploitation, Engendering Displacement and Foreboding Catastrophe

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ABSTRACT

This paper attempts to frame discussions around the issue of the Land Question and recent Land Grabs in Africa and raises questions as to whether such a phenomenon poses a multiplier threat to sustainability, development and overall security in Africa. More specifically, the paper argues that the current land acquisitions by foreign investors have put the land question in Africa back on the global development agenda. It has also raised questions about underlying issues such as resources, food and water insecurity, poverty, hunger and gross inequality. Within this context, land ownership and use in Africa is a highly emotive subject. It is also a contested issue, in the sense that it is central to “identity, livelihoods and sustainability”. The new political economy of land outsourcing spawns its own discourses and prescriptions as to how land should be held and how disputes and conflicts should be adjudicated and the institutional frameworks that should underpin such systems.

Keywords: Land Question, Land Grabs, Sustainability, Foreign Investors, Contestation, Displacements, Conflicts

INTRODUCTION

In the wake of global problems such as water scarcity, unmitigated population growth rates, increasing demand for resources, food and bio-fuels, and climate change, the land question is currently being reappraised and greater importance is being attached to land tenure issues. The functioning of land tenure systems is crucial for agricultural production, more diversified land use in rural areas and the dynamics of overall social transformation. Africa is no exception to this global crisis. The African land question is replete with issues of increasing landlessness, insecure tenancy and eviction and conflict. According to Cotula et al. (2009), Africa's land question cannot be understood from the perspective of the mistaken perception that the continent has an abundant and not a scarcity of land resources. On the contrary, the extent of developed arable land available for agriculture is limited despite the continent’s large size. Although researchers admit that the land question is central to the African livelihoods, the land tenure system is in favour of larger commercial interests. Furthermore, as Lund et al (2001) suggest, the modern day land question in Africa is characterized by extensive degradation of fragile land resources and increasing elite control of the prime lands under conditions of agricultural land scarcity, and the exclusion of the peasantry from land. The topic of land, thus, has been, and continues to be, central to the lives of most Africans, and to the social transformation and political economy of African countries. It is within the context of the land question, therefore, that this paper attempts to present a conceptual framework and
analysis which contends that land tenure in Africa has undergone and continues to undergo an evolutionary transformation. The evolution, it will be shown, has spawned a series of land acquisition processes (land grabs) which have denied the majority of indigenous people in Africa the right to land and decent livelihoods, threatened food, water and tenure security and promotes disputes and conflicts over land. It is also argued in this paper that the land question and the current process of land grabs in Africa are extremely exploitative, will engender displacement of traditional land owners on a scale that was hitherto unknown, and this could forebode major catastrophes as the peasantry begins to migrate and resettle where they have absolutely no ‘tenurial’ rights.

The initial section of this conceptual framework and analysis will deal with the history and political economy of the land question and land tenure in Africa. The next section will provide a synopsis and reasons underlying the recent land grabs. A critical evaluation which will include the advantages and disadvantages of the land acquisition process for Africa will be discussed in the third section. The concluding section will look at the policy implications, especially from the perspective of possible resource, food, water, land and tenure based conflicts that may engender through the land grabbing process in Africa.

The Land Question and Land Tenure in Africa: A Review

The GTZ (1998:4) is of the view that “Land is more than just another factor of production or an economic good: it embodies other values such as homeland, place of ancestry, basis for survival, a prerequisite for individual freedom. It is an instrument of power and dependency, a cause of conflict and war”. Sam Moyo (2009) believes that the land question is a critical factor in defining contemporary social transformation and in shaping the continent’s development trajectory. In researching the editorial for Africa Files: At Issue EZINE (2006), Craig Dowler, notes that two statements about the land question captured his attention. The first was a document, quoted in DFID (1999:2) and refers to a British Privy Council decision in 1926 that said:

“The true character of native title to land throughout the empire including South and West Africa: with local variations the principle is a uniform one. The notion of individual ownership is foreign to native ideas. Land belongs to the community not to the individual. The title of the native community generally takes the form of a usufructuary right … obviously such a usufructuary right, however difficult to get rid of by ordinary means of conveyancing may be extinguished by the action of a paramount power which assumes possession of the entire control of the land.”

The other was a statement by a Yoruba chief. When asked who owned the land, he replied: “That land belongs to a vast family of which many are dead, few are living, and countless numbers are yet unborn.”

The concept of land, therefore, is complex and incorporates many different aspects. As Huggins (2010:10) states, that even when land is narrowly defined as a question of control over agricultural and pastoral land (rather than rights to natural resources such as water, minerals or forests, which are linked to, and to a large degree embedded within the question of land rights), the land question is multi-dimensional, with economic, political, social and spiritual facets – it is as one civil society activist put it, “When one loses their land not only do they lose their livelihood, but they also lose their identity”.

According to the Centre for Strategic and International Studies (2010:1) the land question, vis-à-vis the land tenure system stems from the fact that in Africa, many people have no documentation for their ownership of land. Instead, communities believe that they own their land because they have lived there for thousands of years. The CS Monitor (2010) contends that about 90 percent of rural Africans own their land because their ancestors did. The CS Monitor further notes, that when the colonialists arrived on the continent, they either did not understand the customary land tenure system, or chose to ignore it completely. The suggestion is that when Africa was partitioned into colonial enclaves during the 19th century and the colonial powers treated the continent as empty land; free for the taking and introduced the concept of private property – a statutory system. Under this system, the title to land was over imposed on the customary land title system. Consequently, those who acquired the legal deed were frequently not the same people who had lived and worked the land for generations (GRAIN, 2010). In many parts of Africa, the question of whether title or tradition should take precedence has never been resolved and has been the cause of contention and conflict.

It is, therefore, within this broad canvas of the evolving land question that the issue of land tenure needs to be contextualized.
Land Tenure: Two Problematic Dichotomies: Customary and Statutory

In the agrarian context, land tenure refers to the rights of individuals or groups over arable and grazing land. A critical examination of the literature seems to suggest that land tenure in Africa has also evolved from the simple to the complex, i.e. from the communal types to those where there is tight control over allocation of land. There are basically two types of land tenure systems in Africa: Customary and Statutory systems. While both systems regulate land ownership and use, they do so in very different ways (Brookings Institute, 2008:1). Recent studies on the land tenure issue in Africa (Quan, 2000; Palmer, 2002; World Bank, 2002; EU, 2004; CAPRI Briefs, 2006; GRAIN, 2010) suggest that even within the Customary Land Tenure Systems, there are variations.

Customary Land Tenure Systems

There are basically four different types of customary land tenure systems which prevail in Africa. Moreover, no one single system of customary land system prevails in any region or country – the system is multilayered and depends on economic, political and social and cultural needs.

Traditional societies in which an individual obtains land rights by residence, without allocation through a hierarchy of estates

This was the most prevalent type of land tenure in pre-colonial Africa where land was generally plentiful and the population was sparse. Individual families within a given village usually acquired land either by clearing of virgin bush, or by land transfer; or by inheritance. As long as individuals were politically acceptable in the community or village, they acquired a piece of land after consulting the village headman, who in turn had constant contact with the sub chief or chief.

Once an individual had acquired a piece of land, the community protected his rights to its use of the land, as long as he continued to use it. When not in use, land reverted to the community. The individual did not own the land, but enjoyed its usufruct. The Chief did not own the land either – but held it in trust for his people.

The Chief and his subjects participated in direct production of their own food for subsistence and the subsistence cultivation peasantry, especially women, who controlled the produce in their own granaries. Thus, under this system of subsistence production and communal tenure, society was egalitarian and not sharply differentiated or individualistic.

Land holding under the control of lineages

In this system, access to agricultural land was exclusively reserved for the use by the members who traced their heritage from a common ancestry. As a rule, transfer of land rights among them was between matrilineal relatives or friends, and the land rights of a deceased person were most likely taken over by a matrilineal relative. However, transformations in land tenure had begun to emerge even under this matrilineal system in which access to land was based on lineage. Owing to the practice of long continuous cultivation of subsistence crops like cassava, the permanence of rights over plots of land held by individuals were invariably strengthened.

Due to land shortage, especially in certain areas, commercialization of land as a saleable commodity was quite marked. Transfer of land to persons outside matrilineage, for a cash consideration, began to take place and was quite common. On the whole, the rights of individuals to sell land appeared to be strong enough to enable them to do so without obtaining the consent of their head of the matrilineage.

**Societies in which Chiefs exercised direct control over allocation of land with a descending hierarchy of estates**

This form of land tenure was associated with the emergence of centralized pre-colonial states or kingdoms. The King and the chiefly classes controlled land and assigned land rights to their subjects who included serfs, slaves, eunuchs and bondsmen. In some areas land tenure evolved into a political and land tenure system that could also be described as evolving towards a quasi or semi-feudal type.

Feudal systems with landlords and tenants

Feudal systems of land tenure and feudal relations of production emerged in many different parts of Africa. The ruler granted lands to the military commanders, the aristocracy; the nobility and the church. Such lands could be leased,
mortgaged or sold. These groups, who were granted land, were expected to perform military service and pay land tax to the state, and they, in turn, collected various taxes from the tenants such as land tax, education tax, cattle tax, agricultural income tax etc.

It is important to note that there is no single system customary land tenure system throughout a region or a country, as local needs and experiences are privileged. As Bruce and Knox (2008) confirm, tenure in a customary system may take several forms and may prescribe rights of individual use, free and open access and serial use. Moreover, such rights are multi-layered, prescribing overlapping rights in a single region or plot, at times using seasonal rotations.

Statutory Land Tenure Systems

Aryeetey and Lewis of the Brookings Institute (2008) note that statutory land tenure systems in Africa were established by colonial powers. Generally, uniform rules and regulations were implemented by a central authority and a standard codified registration system was used. Ownership rights, unlike the customary tenure system, vested ownership rights to an individual or a group of individuals whose names were inscribed on the title, deed or registry and sales and transfers could be executed without any willing buyer.

The imposition of colonial rule in many parts of Africa, especially in sub-Saharan Africa, led to land alienation and the settlement of European commercial farmers. These settlers were granted individual freehold or leasehold tenure on what became crown or state land. This process created two different legal systems, the long established customary land law and English land law. With the passage of time, commercial agricultural production by European settlers soon began to diffuse in the 1930s to African subsistence farmers who adopted new technologies such as hybrid maize and ox-drawn ploughs. This agricultural transformation resulted in traditional attitudes towards land giving way to pressures for individualisation of land tenure.

After the attainment of political independence, the diffusion of modern agricultural techniques led to the emergence of an indigenous group of commercial farmers who had interest in securing land tenure rights which were expressed in modern European statutory law. Land tenure systems became dynamic; they were modified, restructured and responded to political and economic changes in society.

In a research document by CAPRI Briefs (2006), Martin Adams and Stephen Turner are of the view that during the colonial era, colonial regimes instituted legal and tenure dualism as they reinforced settler interests and adopted minimalist approaches to land tenure and management by indigenous people. In short, the roles of traditional authorities were simplified and strengthened.

In the post colonial era, independent governments inherited the dualistic tenure systems and became the sole owners of traditional land within their territories. They even tried to suppress tenure dualism through statist policies of nationalization and the conversion of freehold to leasehold. The dualism of tenure systems, however, proved to be tenacious and few of these early reforms have proved to be effective or durable. The vast majority of land in the African countryside, through the colonial era and to date, is governed according to the local community’s customary land practices. In recent times, though, governments of various African states have begun to embrace tenure dualism in a more proactive and enduring way. They have sought evolutionary approaches that allow customary law and practice to continue in land tenure and management.

Land Tenure in Africa: A Prognosis

While in recent times, governments of various African states have begun to embrace tenure dualism in a more proactive and enduring way, the issue of the land question has not come to pass. It would seem that even in the contemporary period, the statist approach, through land reform programmes has completely failed to establish functioning land tenure systems for all their people. Many governments still ignore the interconnection between customary and statutory law, vacillate between semi-feudal, socialist and capitalist experiments with imported legislative blueprints, and allow rent-seeking, corruption and land grabbing by new and old elites.

During the period 2007 to 2008, when the food insecurity crises pervaded the globe, the land question and tenure systems have taken on a new meaning. Africa has become the new frontier for global food and agro-fuel production. Billions of dollars are being mobilized to create the infrastructure that will connect more of Africa’s farmland to global markets, and billions more are being mobilized by investors to take over those farmlands to produce for those markets (GRAIN, 2010).

Land Grabs in Africa: A Critical Evaluation

It is against the foregoing historical background of the land question and land tenure systems of Africa that a critical
evaluation and synthesis of the land grab process is undertaken. Attempts will be made to understand the land acquisition phenomena through the process of responding to a series of critical questions, as outlined below.

**What is a Land Grab?**

In a rapidly globalizing world, land demands are to an increasing extent driven by factors anchored elsewhere (Haberl et al. 2009). Products derived from land use are often not consumed where they are produced. The globalization of the economy (Najam et al., 2007) implies that local land use changes are increasingly driven by demands for products that are part of commodity chains with a large spatial span. Local human needs and local capital input are not necessarily as important determinants for land as was the case in many land use systems before the phenomena of globalization swept the world. In this respect, the land question in Africa has come to the fore, once again. However, this time around, Africa has become the new frontier of land grabs – not by local people, but by foreigners.

The acquisition of large tracts of land for the production of agricultural commodities, mining and provision of environmental amenities by large investors has recently attracted considerable global interest. The phenomena is described as “land grabbing”, especially when land is acquired by foreign investors for various purposes (Cotula et al., 2009; FAO, IFAD, UNCTD and the World Bank Group 2010). Various terminologies have been used to describe the phenomenon of land outsourcing in Africa and other developing countries. Terms such as “commercialization”, “colonization”, “new imperialism”, neo-colonialism”, “land grabbing”, “agro- investments” and “new land invasions” are being used to describe the land acquisition process in Africa. Large scale land acquisitions can be broadly defined as acquisitions (whether by purchases or leases) of land areas over 1000 ha (Cotula et al., 2009). The land acquisition includes not only purchase of ownership rights, but also the acquisition of use rights, for example through leases or concessions, whether short or long term.

The International Land Coalition (2011: vii) in a report entitled “A Historical Perspective on the Land Rush” is of the view that the land grab dynamic is not new. They contend that the direct control of land by foreign companies is only part of a general trend towards the commodification of land in Africa. They warn that in this period of globalisation, a new inherent tension of security of property rights is born in a hegemonic form, and this in turn, is based on the right to exclude and alienate land. In this respect, it is the peasantry which suffers the most, especially being alienated and evicted from their customary land, once again.

**What are the Major Drivers for Land Acquisition?**

A combination of higher and more volatile global commodity prices, demand for green energy, population growth and urbanisation and globalisation and its overall effects on economic development are the main macro-level factors that have contributed to the land grab phenomena (von Braun et al., 2009). In many instances, the large scale acquisitions of land highlights the renewed interest in plantation-based agriculture that is fuelled by skepticism regarding the effectiveness of market mechanisms to guarantee access to basic food supplies.

More specifically, though, the strategic programmes for land acquisition are of food security, particularly in the investor countries, bio-fuels for energy markets in the developed world, finance and hedge funds for land speculation, and more recently, biochar production for the carbon market accreditation.

**Land Acquisition for Food Security**

GRAIN (2010) avers that countries which rely on food imports and are worried about restricted markets are seeking to outsource their domestic food production by gaining control of farms in other countries. They see this as an innovative long-term strategy to feed their people at a good price and with far greater security than previously. Saudi Arabia, Japan, China, India, Korea, Libya and Egypt all fall into this basket. It is ironical that in countries like Sudan where the World Food Programme is trying to feed 5.6 million refugees, foreign governments are buying up farmland to produce and export food for their own citizens. Convinced that farming opportunities are limited and the market can’t be relied upon, “food insecure” governments are shopping for land elsewhere to produce their own food. At the other end, those governments being courted for the use of their countries’ farmland are generally welcoming these offers of fresh foreign investment.
Land Acquisition for New Dietary Habits

Another major factor which has influenced the demand for foreign land acquisition is the changing dietary habits of Asians. While in Western societies, wheat is considered an inferior good and a decline in per capita consumption with income growth is observed, in Asia wheat is fast becoming the preferred staple (Pingali and Rosegrant, 1998). Traditional rice eating societies are consuming increasing quantities of wheat in the form of bread, cakes, pastry, and other products. Wheat is not being used as a substitute in a traditional manner but wheat consumption reflects western preferences. There is also a demand for other temperate zone products such as vegetables, stables, milk and dairy products, meat, and temperate fruit. Data on the structure of imports of temperate-zone commodities are revealing as to the changing dietary patterns in developing countries.

What is important for the purposes of the discussion on the food economy is the expected pattern of food imports within the class of temperate zone products. While the cumulative increase in imports of those products is expected to be 154% between 1997/99 and 2030, meat imports are expected to increase by 389 percent during the same period, while a cumulative increase of 17% is expected for vegetable oils and oilseeds (Bouis and Scott, 1996). It seems given these figures that these trends will create irreversible changes in dietary habits. The overall result is that we are beginning to see a homogenisation of food tastes across the globe with regional variations. However, these variations are becoming less marked over time. For example, McDonald’s sells a burger in Japan with teriyaki whereas in China the burger reflects Chinese tastes. The point remains that the basic product is essentially the same. Another indicator of the westernisation of Asian diets is the rising consumption of potatoes. Bouis and Scott (1996) also found potatoes to have positive income elasticities of demand in Bangladesh and Pakistan. Rising incomes have stimulated a demand for Western style fast food, including fried potato chips. Accordingly, Asia’s share of global potato output jumped from 7.5% in 1961-63 to 28.2% in 1995-97 (Scott, Rosegrant and Ringler, 2000).

Land Acquisition for Finance and Land Speculation

Given the current financial meltdown, all sorts of players in the finance and food industries – the investment houses that manage workers’ pensions, private equity funds looking for a fast turnover, hedge funds driven off the now collapsed derivatives market, grain traders seeking new strategies for growth – are turning to land, for both food and fuel production, as a new source of profit. Land itself is not a typical investment for a lot of these transnational firms. Indeed, land is so fraught with political conflict that many countries don’t even allow foreigners to own it. And land doesn’t appreciate overnight like gold. To get a return, investors need to raise the productive capacities of the land. But the food and financial crises combined have turned agricultural land into a new strategic asset. In many places around the world, food prices are high and land prices are low. And most of the “solutions” to the food crisis talk about pumping more food out of the land we have. So there is clearly money to be made by getting control of the best soils, near available water supplies, as fast as possible.

Land Acquisition for Biofuel Production

Where these tracks come together is that in both cases it is the private sector that will be in control. In the drive for food security, governments are the ones taking the lead through a public policy agenda. In the drive for financial returns, it is strictly investors out doing business as usual. But there is no room to be fooled. While public officials negotiate and make the deals for the “food security” land grab contracts, the private sector is explicitly expected to take over and deliver. So whichever of the two tracks you look at, they point in one direction: foreign private corporations getting new forms of control over farmland to produce food not for the local communities but for someone else.

Land Acquisition for Biochar Production

More recently, a new technology called “BIOCHAR” was introduced and promoted as a major solution to global climate change, improving soil fertility, and addressing poverty by eminent persons such as Al Gore (a former Vice President of the USA). The African Biodiversity Network, Biofuelwatch and the Gala Foundation (2010:1) however, are of the opinion that the positive virtues of Biochar are premature and if it is fast-tracked the negative impacts will be far reaching. They further state that Africa is already under severe pressure from land grabbing and if the rush for carbon credit accreditation through Biochar production is speeded up, then the land acquisition process witnessed thus far will pale into insignificance. They argue that billions of hectares of land will be necessary to grow the trees necessary for Biochar production and this will invariably exacerbate global warming and alienate and displace countless numbers of peasants in Africa.
Who are the Land Seekers and Why?

According to Aryeetey and Lewis of the Brookings Institute (2010) the subject of land acquisitions, has increasingly become an important policy concern in Africa as acquisitions have grown in scale and number. The practice involves the purchase or lease of large tracts of land by foreign nations, companies or individuals for agricultural production. These land acquisitions differ from most foreign agricultural investment of the past because, as the Food and Agricultural Organization’s (FAO) also notes, the investors are resource. Therefore, they are effectively using the land or water of a country solely for agricultural repatriation and not for commercial export. The scale of such land acquisitions has increased greatly. From 2004 to early 2009, at least 2.5 million hectares were transferred in five African countries alone (IFPRI 2009). Recent estimates point to land acquisitions that each encompass millions of hectares of land. Of concern is that the land leased by African governments to foreign interests was previously occupied by poor local and indigenous populations who have little control over such land transfers.

The food security land grab is the one that most people have been hearing about, with newspapers reporting that Saudi Arabia and China are out buying farmland all over the world. But there are many more countries involved. A closer look reveals an impressive list of food security land grabbers: China, India, Japan, Malaysia and South Korea in Asia; Egypt and Libya in Africa; and Bahrain, Jordan, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates in the Middle East, Denmark, Norway, the USA and the UK. However, Middle Eastern countries, like Saudi Arabia, Qatar, Kuwait and Abu Dhabi are some of the biggest investors. A study by Kugelman and Levenstein of the Wilson Center (2009) states that these nations and East Asia were estimated to be controlling over 7.6 million cultivable hectares overseas by the end of 2008. The list of host countries participating in these land transactions is somewhat lengthy; a 2009 study by the International Food Policy Research Institute (IFPRI) lists Ethiopia, Kenya, Malawi, Mali, Mozambique, Sudan, Tanzania and Zambia as all being involved in allotting foreign land leases or purchase agreements. In addition, the report from the UN Special Rapporteur (2009) on food security lists the main target countries in Africa as Cameroon, Ethiopia, the Democratic Republic of Congo, Madagascar, Mali, Somalia, Sudan, Tanzania and Zambia. A March 2010 article by John Vidal in the U.K. Guardian states that more than 20 African countries are part of such transnational land transactions.

Unlike Latin America and Eastern Europe, the land deals taking place in Africa predominantly involve government allocated land leases or land-use rights being distributed instead of land sales. The types of land agreement are ultimately determined by the status of land ownership within countries, which in Africa often involves collective ownership. In fact, an estimate from the World Bank (2008) states that between only 2 and 10 percent of land across Africa is held under formal land tenure, which is normally just in urban settings. Many African countries also have restrictions on whether non-nationals can own land, which further determines the types of land agreements that are legally permissible. Due to these factors, foreign investors often arrange long-term land lease agreements; Sudan, Angola, Ethiopia and Mali have all taken part in land leases that are 50 years or more in length. While this phenomenon is not new, the practice has accelerated in the last few years. The trend is attributed to numerous causes. One widely recognized cause is the world food crisis of 2007 and 2008, where from the start of 2007 through the middle of 2008 The Economist index of food prices rose by 78 percent (Brookings Institute, 2010). As expected, the increase in food prices coincided with a large increase in the price of farmland. According to IFPRI (2008), this increase in farmland prices has triggered the increased global interest in obtaining cheaper farmland. Other factors include: an increase or desired increase in the production of biofuels; limited resources in some countries, particularly water shortages in regions like the Middle East; and an overall lack of confidence in the international food market.

What are the Expected Benefits to African Countries?

While the benefits for land-seekers are obvious, the benefits to African countries may not be as apparent. For example, one of the most important patterns to notice in these transnational land acquisitions is the limited importance of financial transfers. A recent report (FAO, IIED and IFAD, 2009)) revealed that the main benefit to the host country is perceived to be investor commitments like employment creation and infrastructure development. Similarly, the study indicates that such land agreements can provide macro-level benefits like GDP growth and greater government revenue, raise local living standards, and bring technology, capital and market access. In addition, improving the productivity of African agriculture undoubtedly serves as a huge point of interest for governments seeking foreign investment and in turn transnational land leases.

Unfortunately, many land lease contract provisions tend to lack substantive details for enforcement. Thus, the anticipated benefits may not necessarily be provided. In addition, concrete evidence regarding the impact of such land acquisitions is scarce partly due to the difficulty in disaggregating investment information, which makes quantifying the
effects challenging. Potential benefits for host countries are, however, still very plausible, and hopes of job creation, infrastructure development and increased productivity are immensely important to a developing Africa.

**What are the Main Objections/Critiques of the Land Acquisition Process?**

Despite the possibility for benefits associated with such land transfers, reactions from land-based movements, civil society organisations and institutions such as GRAIN have been highly critical and the perceived costs to the local land users appear high. According to GRAIN (2010), complaints about the lack of transparency in land agreements are widespread, a problem which can easily spur corruption and unfair negotiations. Many reports describe unbalanced power relationships where rich governments or international companies have an obvious advantage in negotiating with African nations that may not always be politically stable or respectful of the rights of their citizens and may lack the institutional frameworks necessary to enforce contracts.

Similarly, the issue of land tenure comes up repeatedly, as African governments are criticized for failing to protect their agricultural workers from exploitation in this regard and accused of leasing land that they only “nominally own.” Land deals are often done in secret without informing the current land users, which causes them to be suddenly dispossessed. IFPRI (2008) is of the opinion that such positions are defensible because in Africa, where much of the land is held under customary tenure, the government is the ‘owner’ of the land, and they may not always consult with or get the consent of people who will be affected.” The leasing of such land, when statistics indicate that 70 percent of Africans work in agriculture – a sector which provides 50-70 percent of Africa’s GDP, is obviously a fiercely sensitive issue.

Generally, though, land grabs in the contemporary period are reminiscent of the colonial era with foreign nations again staking a claim on the continent. However, since African governments are partnering with foreign investors in the land grab, onlookers are left to question if this is another case of corrupt African leaders selling their citizens short or simply governments pursuing an economic development opportunity. Evidence suggests a marked disparity in the benefits received by those involved in and affected by these transnational land acquisitions, particularly for those originally dwelling on the land. Such a problem deserves both increased international attention and country-level debate to ensure such agreements provide more equal benefits to all parties involved (Brookings Institute, 2010; The Oakland Institute, 2009)

**How can African Governments Deal with the Challenges Associated with Land Grabbing?**

All of this begs the question of how to make the new land acquisition land agreements consensual endeavors as opposed to unwelcomed “land grabbing” that infringes upon the rights of local land holders. While there are definite possibilities for macro level economic benefits for African countries from foreign investment in agriculture and land development, these gains may not be felt by those originally dwelling on the land. The issue must be seriously and immediately debated by African governments and civil society. While some issues are not debatable, like respecting land rights of local small holder and subsistence farmers and not exacerbating food insecurity, the possible economic benefits and costs to each party – foreign investors, African governments and local land dwellers – must be transparently and openly analyzed before agreements are finalized.

The conversation, according to FAO, IIED and IFAD (2009) has recently revolved around imposing international regulations upon the new land agreements, but at a national level such regulations might be difficult to enforce, especially considering the secretive manner in which many negotiations take place. By no means is this a bad idea, but ultimately individual African nations need to address this issue. The land policies of individual African countries should account for the important subject of transnational land use and serve to protect the rights of land users and small holder farmers. Attempting to reform land tenure systems so that the contracting power in such agreements is in the control of local land users would also aid in addressing the issue. Civil society groups and organizations that advocate for effective land use policies are of utmost importance in pushing this agenda, which requires immediate attention. Mutually beneficial decisions need to be made, and this cannot happen when land agreements continue to take place in an opaque manner and without the involvement of the public.

A win-win situation will only be attainable, if the interests of people (first and foremost), the country, the land and tenure question, issues of poverty, food, water and resource insecurity and corruption are dealt with through a radical discourse and narrative of an equitable and sustainable development agenda for the world, at large.
A Review and Synthesis of the Land Tenure Issue and the Land Acquisition Phenomenon in Africa

The current land acquisitions by foreign investors have put the land question in Africa back on the global development agenda. It has also raised questions about underlying issues such as resources, food and water insecurity, poverty, hunger and gross inequality (IFAD, 2011). Within this context, land ownership and use in Africa is a highly emotive subject. It is also a contested issue, in the sense that it is central to “identity, livelihoods and food security”.

The new phenomenon of land outsourcing spawns it own discourses and prescriptions as to how land should be held and how disputes and conflicts should be adjudicated and the institutional frameworks that should underpin such systems. Thus holistically viewed, land outsourcing has to be understood within the context of two mutually inclusive processes, i.e. the macro level (global, regional and national levels) and the micro level (the peasantry and the intermediary administration). In this respect, it is essential to understand nuances and narratives at the intersections of the two, in order to establish what is really going on within the land acquisition process.

The possibility of volatile land conflicts also loom large within the context of the land acquisition process. Given that most of these acquisitions are for macro scale crop production, it is highly likely that a large number of vulnerable rural inhabitants will be displaced. As long as the African peasantry feel and experience economic exclusion, they are more likely to protest politically about their lack of access to land more vehemently (Smolker, 2008:524).

There is also evidence (Cotula et al, 2009) that if land rights are not well defined, governance is weak and those directly affected lack voice, investments through land acquisitions carry a considerable risk. These include *inter alia*, displacement and evictions of local populations, undermining customary rights, corruption, food insecurity, environmental damage, loss of livelihoods and political instability.

Trivedi (2009:1) notes that land acquisition deals also have important implications for future foreign policy. In many host countries, the host population is food insecure. Ethiopia, for example, is the biggest recipient of food aid from the World Food Program. Yet, it is a conundrum as Ethiopia is giving away most of scarce food production to Saudi Arabia. Other examples include Niger and Tanzania. Examples of this nature make international food aid ineffectual.

Finally, as IFRI (2009:4) states, Africa needs financial investments in the agricultural sector with a specific aim of securing food for its population. In this regard, IFPRI is of the opinion that foreign investment can provide key resources for agriculture, including development of needed infrastructure and expansion of livelihood options for local people. They further opine that if large scale land acquisitions cause land expropriation and unsustainable use, then this investment becomes counter-productive and politically unacceptable. It is necessary, therefore to minimize the threats and realize the benefits if all parties can work for a mutually acceptable outcome.

Recommendations and Policy Implications

From the preceding sections, it becomes quite apparent that Africa is a rich tapestry of independent nations, each with its own history, laws, customs and political economy. It is quite obvious, therefore, that one cannot find a solution or make recommendations that fit all the countries and their experiences of land acquisition.

Recommendations for policy measures can only be tentative. Land deals take many forms and proceed in a wide diversity of contexts. Large scale land deals may involve 1000 hectares or 500 000 hectares. This diversity may also mean that recommendations need to be tailored to their proper contexts.

Thus, an attempt will be made in this section to provide generic recommendations. The majority of these recommendations have been adopted from various reports and academic articles that have dealt with the land acquisition issue, in detail.

The IIED and ILC (2011:25) believe that the recent land acquisitions will have a profound effect on global agriculture. They state further that decisions taken now will have long term repercussions on the future of livelihoods and food security, and therefore it is important to make strategic choices.

In the light of the above, the following policy recommendations are made to contend with the land acquisition phenomenon:

- A dual approach can help address the threats and tap the opportunities related to foreign direct investment in agricultural land. First the threats need to be controlled through code of conduct for both the host governments and foreign Investors. Second the opportunities need to be facilitated by appropriate policies in the host countries.

- Most of the land-seeking countries investing in agriculture are not taking into account the kind of governance structures of the host country. Some of these countries have a very poor human rights record. Investing in them may bolster rogue regimes. Furthermore, profits from such ventures are highly unlikely to trickle down to the peasantry and may fortify the accumulation agenda of the elite.
Transparency in negotiations. Existing local land holders must be informed and involved in negotiations over land deals. Free, prior and informed consent is the standard to be upheld. Particular efforts are required to protect the rights of indigenous and other marginalized groups. The media and civil rights organisations need to play a watchdog role and to make information available freely to all.

Respect for land rights, including customary and common property rights. Those who lose land should be adequately compensated and rehabilitated to an equivalent livelihood.

Without a proper code of conduct or environmental impact laws in place, and with hurriedly hashed-out deals, the environment and the ecology of host countries can easily be compromised.

The local communities should benefit from the land acquisition deals. Leases are preferable to lump sum compensation because they provide an ongoing revenue stream. Explicit measures are needed for enforcement if agreed-upon investment or compensation is not forthcoming. However, leases for 50 to 99 years are unsustainable unless there is local approval and satisfaction.

When national food security is at risk, for instance in the case of an acute drought, domestic supplies should have priority. Foreign investors should not have the right to export to their motherland during an acute national food crisis.

Mechanisms should be developed to discourage speculative land acquisitions.

There is need for advocacy and capacity building initiatives for all the key stakeholders involved in land acquisition deals, especially with respect to negotiation and conflict resolution skills.

Clarity is needed about the costs and benefits of the business transaction from the start. This includes realistic estimates and honest communication of what the project will bring, e.g. in terms of numbers and types of jobs and other positive and negative project impacts.

Land Acquisitions, Land, Food and Water Insecurity and the National State Security Nexus: Recommendations and Policy Implications

The current controversy of the land grab is broader than the land acquisition process. It underpins and raises the larger issues of land, land tenure, land rights, resource, and food, water and tenure insecurity – issues that are critical to the overall global development agenda. It has also raised fundamental questions regarding the world’s future development trajectory. It has opened up questions and debates on how to improve land administration systems and investments in agriculture in order that a more sustainable development process is achievable.

Within the African context, it is important, therefore, to focus on the potential threats that foreign land acquisitions pose to the land rights and livelihoods of the smallholder farmers, pastoralists, indigenous communities and other vulnerable groups. People’s loss of access to their productive resources (land and water) and the resulting loss of food security are key elements to the issue of sustainable development. These three aspects, land water and food security, are therefore inextricably linked, not only to sustainable development, but also, to the potential they have for conflict.

According to Siegenbeek van Heukelom (2011), food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. Yet the very fact that we speak of security in relation to food also evidences a more fundamental and perhaps even intuitive understanding of the link between hunger and conflict. Namely, when it comes to a human being’s survival, food and water are our most rudimentary needs to stay alive.

Failure to peacefully satisfy these needs is historically known to see individuals draw upon less peaceful means to acquire food and water – especially in situations of marginalisation where neighbouring countries, communities, tribes or individuals are affluent. Thus food insecurity and conflict, in one form or another, seem to go hand in hand. Even though not every chronically hungry person automatically resorts to violence, events in the last couple of years have increasingly evidenced a correlation between food insecurity and (violent) conflict. The 2008 global food price crisis saw food riots spread across the world and demonstrations over high food prices turn violent. The turmoil in 2008 was a direct effect of sky-rocketing food prices, causing unrest and conflict in parts of Asia, Africa and Latin America. The more recent revolts in Tunisia and Egypt as well as the growing protests in countries like Libya, Yemen, Bahrain and Algeria...
may not have been directly sparked by high food prices or strained food supply streams. On the contrary, Marie Brill of ActionAid (2010) argues that food had a significant role in relation to the poverty, unemployment, and relative deprivation these populations experienced.

Food is often seen as an environmental – and human security issue, but as Tolentino (2011) points out, while food security is seen as a “non-traditional security” topic, current discussions have been prominent, loud, and often vehement enough to take on the visibility and attention usually accorded to the “traditional” security issues. Food security has acquired a new prominence. Now, more often than not, food security involves ministries of trade, foreign affairs, and the agencies concerned with national security and defense.

Christensen (1977), for example, argues that ‘under conditions of increasing scarcity, food-importing countries have several reasons for considering their international food position as a matter of national security.’ In 2008, we noticed that a number of wealthy food-importing countries started to classify food as a matter of national security and invoked policies of “self-sufficiency” and “land acquisition” in foreign developing countries to avert potential future food shortages for their populations.

Lester Brown (2010) makes a similar argument when he warns that “land grabbing” is an integral part of the global power struggle for food security. He argues that increasingly geopolitics in the future will be preoccupied with access to supplies. In this respect, food importing countries are securing their food supplies, keenly aware that exporting countries could easily restrict or ban exports of agricultural products to secure their own food security.

In a Guardian article on “land grabs” in Africa, Bunting (28/01/2011) is convinced that land acquisitions are invariably about access to water and other resources and this could be a major source of conflict. She quotes the case study of Sudan and Ethiopia, both of which feed water into the Nile. She suggests that intensifying agricultural production in these areas could divert water. The other case, which she refers to, is Libya, which has leased 100 000 hectares in Mali and the venture has involved the construction of a massive dam diverting water from the Niger, a river which also feeds into Niger and Nigeria.

In the USA, a new field of systematic study is opening within research centers, the Pentagon and intelligence institutions (New York Times, 11/03/2011). It assumes that the 21st century will be shaped not just by competitive economic growth, but also by potentially disruptive scarcities. National security experts have begun to label such factors threats to “natural security” and to study them, often alongside environmental or advocacy groups. A basic question frames their thinking: What are the new relationships among resources, diplomacy, crisis and conflict? The National Intelligence Council has a major effort under way to analyze threats from water and food shortages related to climate change and other environmental causes.

On another front, the issue of protection of land acquisitions has also raised questions of national security. For example, when established, these huge corporate farms will also require protection and security. It is not clear how host governments in Africa will ensure the security of the newly acquired farms, especially, keeping in mind the prevailing law and order situation in the host countries. In Pakistan, for example, it is reported (Asian Tribune, 07/12/2009), the government will establish a security force of 100,000 personnel to protect these foreign owned farms from any harm. It is not clear though how this security force will be paid for its services but reports suggest that government will pay for this force - a rough estimate for this payment is around 2 billion dollars every year. It is stated in policy that there will be no upper ceiling to land holding for corporate farming. There are, therefore, chances that when investors demand more personnel for the security of their farms, the government of Pakistan will have to allow the foreign companies to bring in private guards and security firms, especially, given that the government has limited financial resources. Pakistani citizens and public officers are already facing security problems by the hands of some private firms which are hired by the foreign land acquirers. Furthermore, the current political economy does not allow any foreign private security personnel to stay in Pakistan. So, uncontrolled farm protection policies can also lead to serious national security concerns, as well. The land acquisition process in Africa will experience the same security-based discourses, unless measures are enacted to combat such loosely framed policies.

Stephan et al (2010:86) raise another issue which is pertinent to the land acquisition process in Africa – transparency and corruption. They state that the lack of transparency and checks and balances in contract negotiations like the Daewoo deal in Madagascar can be counter-productive to the overall development agenda in Africa. Furthermore, they argue that there is a fundamental difference between what is in the land acquisition statute books and the reality on the ground. This, they aver, is fertile ground for corruption. In the light of these developments, Cotula et al (2009:49) express concern over the weaknesses of provision within national law for local people to steer development options and defend their own land rights. An obvious corollary to this situation is that when governing institutions fail to provide the requisite security for the local population, foreign investments for land acquisitions creating a breeding ground for resentment and social unrest.

Within the context of the above, we can deduce that the nexus between land acquisitions and food, water and land insecurity, largely human related, can seriously impact national state security. The following section, therefore, highlights
some integrated policies and strategies to deal with these new challenges:

- Current Land Acquisition policies in Africa require serious overhauling to make them more compatible with national interests. Agricultural land must not be treated as a commodity. Leasing must only allowed in the cases when small farmers are also shareholders in these agreements and are given full protection by legal cover in form of laws. One sided concessions to investors must also be revised and adjusted. There are many Concessions like exemptions from labor laws and income tax will also have a negative impact, and accordingly must be revised as well. Foreign owned agri-businesses must be brought into the tax net to increase annual revenue for the host country. Most importantly, any policy related to the agricultural sector must not contradict long terms strategic plans of the host country.

- The importance of water security can hardly be over-emphasised for a country which as a large agricultural base. Both in urban and rural areas, there is need for massive investment in infrastructural developments. Even the existing infrastructure is deteriorating and is plagued by issues related to diversion of water, competition between provinces, inefficiencies of use and problems with irrigation and drainage. In other areas availability, access and affordability of water has become a major problem.

- Food security, which also includes dimensions of availability, accessibility and affordability, is of vital importance, especially given its impact on economic growth, human health and productivity, as well as political stability. The food insecurity-poverty nexus is pervasive in most African countries. Equally, energy, water and food security are interlinked with environmental security. Not uniquely, Africa suffers many conventional environmental threats such as water deficits, desertification, deforestation, and soil erosion – in addition to the environmental impact of industrial effluents, municipal wastes, agricultural residues and rampant and outdoor and indoor pollution in the face of poor implementation of environmental quality standards. The projected impact of climate change, unfortunately, is expected to add to these challenges by adversely affecting the ecosystem – the natural water storage capacity of natural water bodies – adding further to the existing food and water insecurity.

- Unless we deal with these problems holistically, we will not be able to overcome state security challenges, which have acquired many complicated dimensions in recent years. National security institutional arrangements must therefore take these threats in account. Any new national security institutional framework must pay careful attention to the inter-connectedness of state security with land acquisitions, food, water and land insecurity and other dimensions of human security and ensure appropriate linkages between various domains. Ideally, these should be reflected in terms of reference, substantive functions and composition of the national state security framework.

- Food security and political stability are often inextricably linked in many countries. Historically, significant malnutrition and famine have been caused by the disruption of food supplies through wars and civil strife. Yet the concepts of food security and political stability are often mutually dependent and reinforcing. Food security, for example, can influence that political stability of countries. Simultaneously, political instability can influence food security, as evidenced in the recent urban food riots in Africa, Asia and South America.

- The right to food and water security is one of those most consistently enshrined in human rights law, but it is the one most frequently violated in recent times. Targets set by the United Nations Millennium Development Goals Programme and the World Food Summit for the reduction of hunger has largely failed, despite food production having grown faster than world population. Global, regional, national and human security issues are increasingly converging, and in some areas overlapping. What is needed is an understanding that goes beyond conventional, orthodox wisdom to work more strategically in developing and implementing effective, international, regional and national policies. Availability, access and affordability are all elements of food and water security, complex issues that encompass a wide range of inter-related natural, economic, social and political factors, internal and external, which challenge the world’s ability to address the question of state security.

- The traditional state-centered concept of security and the resources of individual states are no longer sufficient. Instead, there has been a fundamental shift in the definition of state security – sustainable state security – which includes both the security of the state and its citizens. It also begs a coordinated approach, involving inter-governmental bodies, international and non-government organisations, as well as the significance of the business community.
Within the context land acquisitions and of the vagaries of climate change and food, water and land insecurity, a modern concept of national security demands more than an ability to protect and defend the national state and its boundaries. It requires that we expand our goal to include the attainment of sustainable security. The pursuit of sustainable security requires more than a reliance on our conventional power to deflect threats to the state, but also that we maintain the moral authority to lead a regional and global effort to overcome threats to our common humanity. With its global and regional scope, sustainable security demands that we focus not only on the security of our national state, but also of people, on human security. An emerging concept borne of multidisciplinary analyses of international affairs, natural phenomena, economics, development and political conflict – human security targets the fundamental freedoms – from want and from fear – that define human dignity.

Finally, the ability of African national states to deal effectively with land acquisitions, food, water and land insecurity and the resultant conflict may result from an absence of adequate, mechanisms for dialogue, a lack of capable institutional structures, shortfalls in administrative capacity, a lack of transparency and/or ambiguous overlapping functions. There is need for innovation to deal with the daunting challenges that face African states.

Africa cannot ignore these major policy issues. Land, after all is critical to the existence of all who live in Africa. Failure to deal with these issues could lead to multiplier catastrophes that we have never witnessed before.

REFERENCES


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