

The Political Economy of Land Governance in Africa

[Short Course](#)

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Policy Responses: African & Global Land Policy Guidelines

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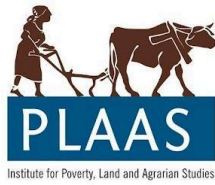
This session primarily looks at policy responses at the continental level. The African Union (AU) is made up of the Assembly of the Heads of State and Governments (the highest decision making body), the Executive Council, the Permanent Representatives Committee (PRC), Specialised Technical Committees (STCs), the Peace and Security Council, the AU Commission (day-to-day implementation), and Regional Economic Commissions (RECs). Other structures also exist, such as the Pan African Parliament (the legislative arm of the AU).

The continent has a shared colonial legacy, and this legacy is dotted with land grabs, land alienation, legal dualism, extraction, inequalities. Land policies need to respond to these challenges. The AU also has to respond to the emergence of large scale land acquisitions/land grabs, and address what has been termed the 'new scramble for Africa', acknowledging the rush for land in the continent. Additionally, the AU must acknowledge the central role that women

play as producers and natural resource managers, despite often being excluded in key decision making.

Many African countries have accumulated a wide range of sectoral policies and laws related to land, its management, and its use. There have been numerous policy responses at the continental level aimed at acknowledging and addressing these gaps. The first is the [AU Declaration on Land Issues and Challenges in Africa](#) that calls for land laws to ensure equitable access to land and resources for all users, including youth and vulnerable groups such as displaced persons. It highlights the need to strengthen land tenure security for women. Member states are urged to review and develop comprehensive land policies tailored to their specific needs, allocate resources for policy development and implementation, and adhere to the steps outlined in the Framework and Guidelines on Land Policy in Africa.

The [AU Framework & Guidelines on Land Policy in Africa \(2009\)](#) forms a basis for commitment by member states to the formulation/review and operationally sound land policies and suggests standards for best practices for land reform policy. It encourages meaningful participation in land policy formulation and implementation for improved governance of land resources. It provides a policy framework for addressing emerging issues and anticipating future trends relating to land resources. The framework and guidelines enhance coherent partnership between states/governments, citizens and development partners in land policy formulation and implementation on the continent. They establish basic principles for engaging development partners for the purposes of mobilising resources for land policy reform processes. They develop guidelines for sustainable management and utilisation of land and land-based resources shared by two or more member states.



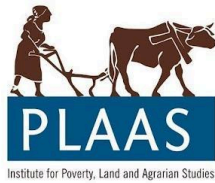
The [AU Guiding Principles on LSLBI \(2014\)](#) sought to ensure that land related investments in agriculture do not dispossess existing land rights holders and instead promote inclusive and sustainable development. It was developed through a consultative process involving governments, farmers' associations, the private sector, academia and civil society organisations. The fundamental principles of the LSLBI emphasise that land-based investments should respect the human rights of communities and contribute to responsible governance of land and related resources. Such investments should align with and contribute to the development strategies and priorities of states, be grounded in good governance practices, and uphold the rights of women by providing meaningful opportunities without further entrenching marginalisation. Decisions regarding the desirability and feasibility of land-based investments should be based on a thorough, independent assessment of their economic, financial, social, and environmental costs and benefits. Member states are expected to maintain high standards of cooperation, collaboration, and mutual accountability to ensure that land-based investments positively impact African economies and their people. Another important AU level policy guideline mentioned by Eileen Wakesho was the [Guidelines on prevention and addressing land-based conflicts in Africa](#).

These frameworks are not only on a continental level, but also exist at an international level. An example of an international policy response is the FAO Voluntary Guidelines on Responsible Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), designed in 2012. VGGTs provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all. VGGTs also recognise the centrality of land in addressing poverty thus promoting secure tenure

rights and equitable access to land, fisheries and forests.

The guiding principles for states and governments include recognizing and respecting all legitimate tenure rights holders and their rights, taking reasonable measures to identify, record, and honor these rights, whether formally recorded or not. They should safeguard legitimate tenure rights against threats and infringements, promote and facilitate the enjoyment of these rights, and provide access to justice for dealing with violations. Additionally, states and governments must work to prevent tenure disputes, violent conflicts, and corruption. The guiding principles for non-state actors include respecting human rights and legitimate tenure rights, and exercising due diligence to avoid infringing upon these rights. They should engage in and support non-judicial mechanisms for addressing grievances, and provide remedies, including effective operational-level grievance mechanisms, where they have caused or contributed to adverse impacts on human rights and legitimate tenure rights. Non-state actors must identify and assess any actual or potential impacts on these rights in their activities. The 10 VGGT implementation principles include: human dignity, non-discrimination, equity and justice, gender equality, holistic and sustainable approach, consultation and participation, rule of law, transparency, accountability, and continuous improvement.

There have also been policy responses from the private sector and finance institutions. An example is the Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI), formulated in 2014 by the World Bank, IFAD, UNCTAD, and FAO. These principles aim to promote responsible investments by ensuring that existing rights to land and natural resources are recognized and respected. Investments should enhance food security rather than compromise it, and be characterized by



transparency, good governance, and accountability. Those materially affected should be consulted and agreements from consultations must be recorded and enforced. Projects should be viable and adhere to the rule of law while reflecting industry best practices, and investments must produce positive social impacts without increasing vulnerability. Environmental impacts should be carefully assessed with measures to encourage sustainable resource use and mitigate negative effects.

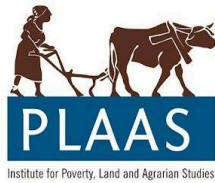
Another example is the World Bank [Environmental and Social Framework \(ESF\)](#) consisting of a [Vision for Sustainable Development](#); 10 [Environmental and Social Standards](#) (ESSs), which set out the requirements that apply to Borrowers; and an [Environmental and Social Policy for Investment Project Financing \(IPF\)](#), which sets out the requirements that apply to the Bank. The ESF supports green, resilient and inclusive development by strengthening protections for people and the environment and making important advances in areas such as labor, inclusion and non-discrimination, gender, climate change, biodiversity, community health and safety, and stakeholder engagement. It emphasizes strengthening national environmental and social management systems, building borrower capacity, and enhancing transparency and stakeholder engagement through timely information disclosure, consultations, and responsive grievance mechanisms. The question we must ask is: **is the intention really to protect communities and the people or is it to protect the institutions themselves?** Another example is the [Respecting Land and Forest Rights: A Guide for Companies](#), a multi-stakeholder forum composed of representatives from companies, investors, international organizations, and civil society groups. More and more, private sector actors are setting their own rules on 'responsible investments' or adopting the VGGTs to their context.

Important Civil Society Organisation initiatives and responses include [Behind The Brands](#), the [Land Matrix](#), and the [Kilimanjaro Charter of Demands](#)

Criticism/debates on the AU F&G and guiding principles on LSLBI include their non-binding nature, which relies on member states to follow through. There is weak monitoring and reporting, with existing efforts like MELA being insufficient. The frameworks are not well publicized among technical teams at the national level, creating a disconnect between continental policies and their implementation. They do not adequately address emerging issues such as 'green grabbing.' Despite these interventions, the land tenure rights of rural populations, especially women, remain weak and uncertain in many parts of Africa.

On the other hand, criticisms of the VGGTs include concerns about its status as 'soft law,' which raises questions about its effectiveness in changing power dynamics and influencing enforceable 'hard law' at the national level. The guidelines also face criticism for the problematic determination of what constitutes legitimate tenure rights. The language used, such as 'where appropriate' and 'where possible,' is seen as too suggestive and non-committal. There is perceived too much focus on strengthening governance rather than transforming land relations and ensuring equitable access to land. The VGGT does not prohibit large land sales or provide recommendations against large-scale land acquisitions, and there is no consensus on what constitutes responsible investment, how it should be monitored, or enforced.

“Africa is our business, and we need to really invest in understanding and applying these frameworks to the continent”.



Discussion & Spotlight

- *Reflect and critique a policy responses in your country that can be linked to the AU and other global land policy responses*
- *'Green grabbing' builds on well-known histories of colonial and neo-colonial resource alienation in the name of the environment/protected areas. Are there any know policies that can be leveraged to slow down or end green grabbing in Africa*
- *What other policy responses not discussed are relevant in your context*
- *How do you interpret the way 'governance' is used in policy documents?*

Hazel Tariro Chimbiro (Zimbabwe): A big problem is that the AU frameworks are not necessarily well known by the practitioners who need to enforce and implement them. As a result, there has not been much policy response on a national level. Another challenge is that policy-makers are themselves involved in green-grabbing. There needs to be a revolution at a local level.

Baboloki Semele (Botswana): The term 'governance' in policy documents is multifaceted and can be interpreted in many ways depending on the context. Good policies at international and continental level do not necessarily translate on a national level. To address these limitations it is essential to promote inclusive and participatory governance - actively incorporating marginalised groups and communities. Focusing solely on due process can mask deeper issues of inequalities and does not necessarily address underlying structural power imbalances.

Charles Kofi Menlah (Ghana): There is a need to consult local people and really listen to them and their needs. Local communities should have veto power. International institutions often project a positive image, but evaluations reveal that their actions frequently fail to match their claims,

highlighting the need to name and shame these inconsistencies.

Quotable from Zoom Chat:

Petit Patrick Ahishakiye (Burundi): "Due to the complexities of global cultural and societal diversities, I think that Africa needs to always consider our realities and remove the inherited historical and colonial inequalities. Global policies that promote capitalist interests should not be interfering in our internal affairs as long as they don't respond to our concerns (to avoid being an underdog)".

Lassana Kone (Côte d'Ivoire): "I think in the context of inequality, it's not just about due process, it's also about equity, fair redistribution and the principle of inclusion, effective participation (FPIC) and the ability of rights holders to be involved in decision-making processes through appropriate and legitimate mechanisms".

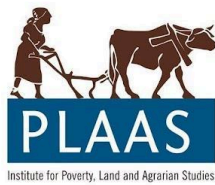
Climate Crisis and Land Governance

[Dr James Murombedzi](#)

United Nations Economic Commission for Africa



Dr Murombedzi explored the linkages between land governance and the climate crisis, critiqued the neo-liberal solutions which so far dominated the global policy discourse, and explored the connection between land governance and the climate crisis. Land and ecosystems are very important in contexts of climate change, reflecting impacts as well as being repositories of many of the climate responses. The impacts of climate change are accelerating and becoming more devastating.



The climate responses, framed by the United Nations Framework Convention on Climate Change (UNFCCC), have thus far proved largely ineffective. This is largely to do with the way these responses have been structured, designed to maintain a system of growth with greater new opportunities to profit from climate change. These responses are largely aligned to investment and act in favour of private interests.

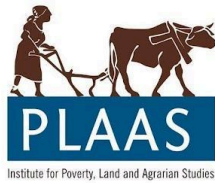
Greenhouse gas emissions have continued to rise primarily because neoliberal, state socialist, and populist governments have all based their national development strategies on the exploitation of cheap natural resources. This trend is likely to worsen as climate change intensifies. There is the exception of 2020-2021, which saw a slight dip in emissions due to the COVID pandemic - referred to as an enforced 'anthropause'. The rise of greenhouse gases began in the 1850s, showing a gradual increase until the 1970s, when a steep climb became evident. In 2021, there was a slight dip, but since then, emissions have been growing significantly. These emissions, and their consequences, are not evenly distributed across geographies. Developed countries, which are responsible for most emissions, also tend to have a greater capacity to adapt their economies to the impacts of the climate crisis and manage climate change.

While warming is global, its impacts are both uncertain and uneven geographically and socio-economically. Advanced western economies (USA, Canada, UK and the EU) are historically responsible for the bulk of GHG accumulations in the atmosphere. Emerging economies (China, India, Russia and Brazil) account for the bulk of recent emissions. Per capita, China has surpassed the USA as the largest GHG emissions. This pattern of increasing emissions from emerging economies informed the founding tenet of the Paris Agreement, **that all nations should commit to mitigating their**

emissions as well as to support their adaptations to climate impacts without differentiation between developed and developing economies. This is despite the fact that Africa has largely low to medium levels of emissions, and many African countries have net-negative emissions (yet have to carry the costs of climate intervention).

The impacts of climate change and responses to them are highly differentiated. The most recognised climate impacts are the high impact temperature and precipitation events (droughts, floods, sea level rise and heat waves). Scientists attribute a discernible surge in weather-related disaster frequency and losses in the past two decades to climate change. Disaster losses have risen by more than 200% in the last two decades, highlighting the intensification and acceleration of the challenges posed by climate change. Concurrently, climate-induced displacement is also rising, with millions of people forced to relocate due to the adverse effects of changing weather patterns. The consequences of the climate crisis extend far beyond rising temperatures and precipitation events. It includes devastating impacts on economies, ecosystems, weather patterns, vulnerable communities and exposed infrastructure and assets. **The climate crisis is not only an environmental concern, but is also a developmental concern, and in Africa is largely about poverty and inequality.**

The most frequent climate impacts are the less spectacular and incremental changes that occur because of changes in temperature and precipitation. These have been characterized as patterns of 'silent' or 'slow' violence, generally not reflected in policies. In Africa, these consequences include redefinitions of land use, expropriations of land and natural resources, displacement and migration, loss of access to water and other resources, exacerbation of existing inequalities, including gendered inequalities, changes in local



power structures (in many cases caused by climate responses), and so on.

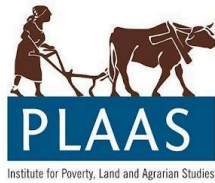
Climate change responses are framed by the Intergovernmental Panel on Climate Change (IPCC), which advises policy makers on the best possible responses based on the various temperature scenarios and projections that it generates. The IPCC is a global collection of experts on climate change who review published scientific work on various aspects of the issue and publish their findings in assessment reports every 6-7 years. African researchers generally have limited access to this scientific research and are often underrepresented in the process. Consequently, the science that informs the global climate response frequently excludes African science, knowledge, and perspectives, leading to technical responses that may not be relevant to Africa, as science itself is not neutral. The responses are generally categorized into institutionalized 'adaptation' and 'mitigation' schemes, often the centerpiece of rural development projects today. Responses to climate change range from migration to locally based practices (generally not captured by the IPCC) that respond to increased variability of rainfall. These responses are generally framed in a neo-liberal context and favour market-based approaches.

The "market" is increasingly represented as the solution to contemporary environmental problems and the challenges of 'sustainable development'. This perspective dates back to the establishment of the UN Convention on Climate Change in 1992, which often situated solutions to the climate crisis within the framework of marketization. The concept of a "green economy" aligns with this approach, viewing market mechanisms as the key to addressing environmental issues without challenging the market itself. However, the market has yet to resolve the fundamental challenge of unsustainable growth. The market itself is not monolithic; it takes many forms

and expresses itself differently across various localities.

Dominant policy responses to climate change include climate-financing, carbon credits and carbon-offsetting and sequestration schemes, renewable energy investment. **These have an impact on social, economic and political relationships in the rural world.** These transform rural landscapes through various forms of enclosure. Climate responses centered on shifts to low-carbon alternatives also involve the extraction of resources from rural areas to produce renewable energy and infrastructure, whether "green minerals", biofuels, hydropower or solar and wind farms. **The commodification and privatization of the environment has accelerated.** Prompted by the climate challenge, and backed by donor and private finance, national plans the world over are full of investments in biofuel, hydropower, REDD+ carbon forestry and Bio-energy with Carbon Capture and Storage (BECCS) projects. In some cases, these involve the wholesale alienation of land, and in others the restructuring of rules and authority in the access, use and management of resources that may have profoundly alienating effects.

Capitalism and nature are intertwined, as capitalism continually reconstitutes itself to create new forms of profit by commodifying new aspects of life. This includes the recent trend of commodifying nature and the environment, presenting climate change as an investment opportunity. The logic of capital in search of endless profit requires a continuous supply of cheap or free inputs (nature, labour, energy, food and so on), particularly on capitalism's frontiers, where inputs are mobilized, often violently and with little compensation. This generates uneven development of capitalism across geographic spaces and societies over time, which are exacerbated by climate change impacts. Every phase of capitalism emerges from a restructuring of nature-society



relations. “Neoliberalism is necessarily an environmental project with ‘the non-human world as a key part of its rationale” (Castree 2008a, 143). Contradictions have emerged between the rapidly growing global economy and the earth's resources. This in turn has informed a new global ‘green economy’, firmly located in capitalist networks, and as part of a vision of ‘ecological modernization’ where economic growth and environmental conservation work in tandem.

A core feature of the green economy is what has been referred to as “**green grabbing**”—the appropriation of land and resources for environmental ends. **Green grabbing builds on historical colonial forms of resource expropriation.** It also involves novel forms of valuation of resources and the commodification and markets for pieces and aspects of nature. Green grabbing does not always involve the wholesale alienation of land from existing claimants, but it involves **the restructuring of rules and authority over the access, use and management of resources** that may have profoundly alienating effects. ‘Appropriation’ implies the transfer of ownership, use rights and control over resources that were once publicly or privately owned – or not even the subject of ownership – from the poor (or everyone including the poor) into the hands of the powerful. Appropriation is central to the dual, related processes of accumulation and dispossession (simple capital accumulation, enclosure, increased capital concentration).

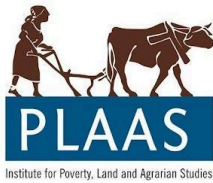
These multiple and diverse appropriations of nature have numerous implications for agrarian relations. It is important to analyze the emergent forms and dynamics of the commodification of nature under “green” capitalism within the context of the global forces shaping these interactions. Understanding how human-ecological interactions and agrarian socio-economic relations, rights, and authority are being restructured—and in whose interests—is

crucial. This aspect is often missing in most analyses of climate impacts, which tend to focus on physical impacts and overlook the significant governance implications.

Green grabbing is transforming livelihoods and landscapes in profound ways. Direct and material impacts occur where appropriations of nature result in the forcible, sometimes violent removal of people from land or the prevention of livelihood practices and resource uses. In other instances, new appropriations of nature exacerbate ongoing agrarian dynamics and livelihood struggles, where the impacts are less immediate and the winners and losers are less clear-cut. Green grabbing also leads to the restructuring of labor relations, creating opportunities for certain local actors to gain profit and power through new green deals. This interplay with context-specific livelihood and identity struggles is influenced by gender, generational, and wealth differences.

As nature becomes valued for its commodified products and services, ecosystems are metaphorically and practically torn apart as carbon, species, and aesthetic values are sold off. This raises additional questions regarding green grabbing: **Who benefits? Who bears the costs? What types of resistance emerge from smallholders?**

Increasingly, climate responses are framed as opportunities for investment rather than as chances to reimagine production, reproduction, and distribution systems. While there is substantial passive resistance, including non-conformity and sabotage, it is crucial to recognize the emergence of new movements in rural Africa that offer alternatives to mainstream adaptations. These movements are developing alliances with other actors, raising questions about the role researchers are playing in this evolving landscape.



Discussion & Spotlight

- *In what ways is the response to climate change driven by market forces ?*
- *How do policy responses to climate change affect rural agrarian relations and land governance?*
- *What types of rural resistance to the dominant climate change mitigation and adaptation initiatives have you observed?*

Bedu Mambo (Botswana): Policy responses to climate change have significant effects for agrarian change and rural development, and also intersect with land uses, agricultural practices, and rural livelihoods. Though policies may benefit agricultural activities, they can also create competition for water resources between rural and urban areas as well as between different agricultural users.

Ronald Murungi (Uganda): Uganda has introduced programmes of community forest management as a livelihood alternative, however the problem is that farmers are not plugged into the market value chains and this makes it difficult for small farmers to benefit from such initiatives.

Linda Ruben (Namibia): Monitoring tools are not in place to evaluate these initiatives, which often results in the displacement of communities when a top-down approach is used. When communities are consulted but their needs are not considered, the outcomes can be detrimental.

Shumirai Guzha (Zimbabwe): People are being forced to leave their sources of livelihood in rural areas due to new projects, such as lithium mining. This displacement is not benefiting local communities, as the lithium is exported to other countries at the expense of the people who live in these areas.

Quotable from Zoom Chat:

Baboloki Semele (Botswana): “Carbon markets, when designed and implemented effectively, can create financial incentives for companies to reduce emissions. By putting a price on carbon, they encourage innovation and investment in cleaner technologies and Carbon markets can facilitate international cooperation on climate change by allowing countries to trade emissions reductions. This can help mobilize resources and share the burden of reducing global emissions”.

Diom Jasper Yam (Cameroon): “I would like to express my sincere gratitude to NELGA for providing invaluable insights into land tenure and governance in Africa. The knowledge and understanding gained through your platform have significantly enhanced my capacity as a state land surveyor in Cameroon. NELGA's work has been instrumental in shaping my perspective on the complexities of land management, not only in Cameroon but globally. The comprehensive understanding of land tenure systems, governance frameworks, and the challenges faced by African countries has equipped me with the necessary tools to deliver more effective and efficient land surveying services. I am confident that the knowledge acquired through NELGA will enable me to contribute meaningfully to improving land administration and governance in Cameroon and beyond. Thank you for your dedication to fostering excellence in land management across the continent”.

Please note that this newsletter is not an official or approved record of the lectures or discussion in the course. It is compiled by a PLAAS team.