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## **Two-Year Study Helps African Communities Resolve Land Conflicts, Protect Rights from Land Grab**

### ***Communities that survived years of violent strife still struggle to secure permanent rights***

WASHINGTON, D.C./ROME (28 June, 2012)—A new report released today by Namati and the International Development Law Organization (IDLO) details an effective and cost-efficient process to help rural communities work together to protect their lands and natural resources—a potential solution to the global land grab. The communities, located in Liberia, Mozambique, and Uganda, have all survived long years of violence and upheaval only to find their lands coveted by foreign investors and local elite.

In recent years, governments around the world have been granting vast land concessions to foreign investors for agriculture, mining and logging projects. From October 2008 through August 2009, transactions covering at least 56.6 million hectares—including 39.7 million hectares in sub-Saharan Africa, more than the size of Germany and Switzerland combined—were concluded or under negotiation, according to the World Bank.

In the face of this land grab, an innovative collaboration assisted rural villagers who leveraged national laws to document their community lands as a whole, protecting not only family lands—the focus of most efforts to strengthen land rights—but also common resources like forests, grazing lands and water bodies. These resources, which communities depend on for their survival and livelihoods, are particularly vulnerable to appropriation. But while the laws allowing for community land titling are on the books in several countries, they are not well implemented.

“Community land titling efforts are not just about getting a document,” said Rachael Knight, Director of Namati’s Community Land Protection Program, and the report’s lead author. “In many post-conflict regions, years of war have broken local governance systems, leaving a management vacuum. The process of documenting community land rights was an opportunity to help communities resolve longstanding local land conflicts, demand accountability from their leaders, and implement rules to protect women’s rights and ensure sustainable use of shared natural resources.”

The project report concludes that community land protection should combine three processes: the technical task of mapping and titling community lands, the peace-building task of land conflict resolution, and the governance task of strengthening local land administration and management.

“Land titling can be the key that unlocks traditional barriers faced by women and vulnerable groups in rural communities,” said Ilaria Bottigliero, Director of Research and Policy for the International Development Law Organization. “Law and legal tools can be successfully used to mediate disputes over land claims and at the same time help empower rural communities to realize their rights.”

The *Community Land Titling Initiative*, was conducted by the [International Development Law Organization](#) (IDLO) in partnership with the [Sustainable Development Institute](#) (SDI) in Liberia, [Centro Terra Viva](#) (CTV) in Mozambique and the [Land and Equity Movement in Uganda](#) (LEMU) in Uganda. It is now proceeding as a permanent program of [Namati](#), a new non-governmental organization dedicated to legal empowerment for the estimated four billion people around the world living outside the protection of law. The Initiative’s field teams, carrying out the only randomized control study of its kind, provided 58 communities in the three countries with different methods of support in following national land laws.

Findings from the field work include:

- The communities’ desire to secure title to their lands created a strong impetus to peacefully resolve all boundary conflicts, some of which had endured for generations. These local conflicts

had destabilized relations with neighbors and contributed to regional insecurity

- The process of drafting rules for land and natural resources management gave community members the opportunity to evaluate community rules and implement good governance mechanisms for the first time—previously, these deliberations were limited to elites and leaders.
- The process also provided an opportunity for women and other vulnerable groups to challenge discriminatory practices and implement specific local protections for women’s property rights, often for the first time.
- Communities are generally receptive to outside investment, but only if they can negotiate all aspects of the investment project so that their health, culture and environment gain protections. Communities also need benefits and fair compensation as well as a signed contract ensuring that all benefits are paid.
- Community land documentation efforts include the common lands often left out of projects focusing on securing titles for family properties, yet the estimated costs of community documentation efforts are less than half the cost of separately titling all individual and family land in a given community.

Importantly, although many communities have fulfilled the necessary procedural steps and submitted their applications, not one community in the study has yet received a title, deed or delimitation certificate. The governments’ failure to issue the documents appears to stem from a lack of political will and necessary state resources. However, the communities empowered by this fieldwork reported feeling better prepared to fend off challenges to their land tenure.

“I don’t care what anyone says, this project is the best thing to happen in our history,” a community leader of one community in Liberia’s Rivercess County said. “Imagine: now we know our borders, we know our resources, we know our rules and they are written down for everyone to see and know. People are attending clan meetings; and our clan feels stronger together. This has never happened before! Now it is easy for us to organize and ask the government or [foreign investors] for things we want or refuse things we don’t want in our community.”

### **More than 15 Percent of Liberia Granted to Investors**

Liberia currently has one of the highest rates of land concessions in Africa. Between 2004 and 2009, the Liberian government either granted or re-negotiated land concessions totaling 1.7 million hectares—over 15% of the total national land area. Since then, seven forest concessions alone have granted another 1.7 million hectares. These concessions were often awarded with little or no consultation with the communities living and making their livelihoods on this land.

The fragility of rural tenure security has been compounded by contradictory national land and natural resources policies, corrupt and disorganized management, and a distinct lack of political will to ensure tenure security for rural communities. To address these problems, in 2009 the National Legislature established a Liberian Land Commission to reform Liberia’s land laws and policies. There is now a moratorium on further allocation of land grants, which provides a window of opportunity for other communities to take steps to document their land as well.

“Community governance is critical part of the land tenure discussion,” said Silas Kpanan’Ayoung Siakor, of the Community Rights Program at the Sustainable Development Institute. “After all that these communities have been through, it was essential to provide them the space to redevelop communal rules and resolve minor conflicts and tensions that have lingered for years. Together, they can now pursue their collective development aspirations.”

### **Uganda’s 1998 Land Act: Inaccessible for Communities**

In northern Uganda, a region burdened by decades of civil strife and insurgency, local communal grazing lands play a central part in village life. Communities depend on these areas to collect fuel, water, food, building materials for their homes, and traditional medicines. Yet growing population density—Uganda’s population, just 16 million in 1991, grew to 34 million by 2011—increasing land scarcity and weakened traditional land

governance systems have created a situation of intense competition for land. This competition has been exacerbated by local elites grabbing land in bad faith for their own enrichment, as well as by people displaced during the Lord's Resistance Army conflict who have moved onto other communities' lands and settled, sometimes without permission. As a result, some communities in northern Uganda are losing their common lands at an alarming rate. The resulting land scarcity has resulted in increased conflict between once-peaceful neighboring villages.

Uganda's 1998 Land Act provides communities with a number of legal protections for their land, but not one community been recognized as a "Community Land Association" and obtained formal documentation of its traditional lands. The national government not only lacks offices secure enough to house land titles but has not hired the necessary land officials to support communities that seek legal titles to their lands. Instead, it has focused solely on documenting individual land claims, leaving communal lands unprotected.

"This initiative brought out the challenges of translating a purely oral customary tenure system to a written and documented one," said Judy Adoko, Executive Director of the Land and Equity Movement in Uganda. "The initiative provided two important lessons: for stakeholders not to 'sensitize' people on what is good for them but to inform them of the various options the law gives them and leave them to choose the best strategy within their capacity to protect their land rights; and also that the communities cannot be rushed through this important work and need to proceed at their pace."

### **The Promise of Mozambique's *Lei de Terras* Remains Unmet**

Mozambique has also granted large swaths of land to foreign investors. Between 2004 and 2009 alone, the Mozambican government granted 405 large-scale investment projects more than 2.7 million hectares of land—seven percent of the nation's arable land.

Mozambique's 1997 *Lei de Terras* provides some of the most innovative protections for traditional communities and their land tenure. But for the most part the law has not been well or widely implemented. In 2010, the National Directorate of Land and Forests (DNTF) of the Ministry of Agriculture reported that out of an estimated 3,000 or more traditional communities in Mozambique, only 323 have had their lands delimited. As a result, community lands remain invisible on official maps and vulnerable to expropriation.

Most importantly, although communities must approve an investor's application to use communally-held lands, there are no legal mechanisms to ensure that investors fulfill any benefit-sharing agreements that they enter into with communities. For example, World Bank research found that although one biofuels project in Mozambique had promised to hire 2,650 workers, less than 40 people were employed full-time while 30 were employed seasonally. Moreover, the wages provided failed to compensate for the loss of livelihoods caused by the loss of farmland and access to natural resources.

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Namati is dedicated to legal empowerment for the estimated four billion people around the world living outside the protection of law. In partnership with civil society groups and governments, Namati implements and evaluates innovative interventions in environmental justice, community land protection, and the accountability of essential public services. Namati also hosts a global network to foster greater collaboration among practitioners worldwide. [www.namati.org](http://www.namati.org)

IDLO empowers people and enables governments to reform laws and institutions to promote peace, justice, social development and sustainable economic growth. IDLO is an intergovernmental organization that offers legal expertise, resources, tools and professional support to governments, multilateral partners, and civil society organizations. It carries out research and advocacy at national and international levels. Bringing together a range of diverse local, national and international stakeholders and working in an enabling rather than directive or prescriptive way, IDLO acts as a catalyst for significant social change. [www.idlo.int](http://www.idlo.int)