

# **Project synthesis report**

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## Abstract

This report summarises the findings of a three year (01.10.2014 –30.09.2017) participatory action research on bottom-up accountability in Large Scale Land Acquisition in Africa. paper analyses the differentiated impacts of, and responses to land grabbing with a focus on; how the CFS/FAO Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (hereafter TGs) albeit soft law are being used by local communities for bottom-up accountability against land grabbing in four African countries. The paper shows that, understanding the contents of the TGs and interpreting them along the lines of both customary and national legal frameworks as a strategy to; identify and complement existing gaps, strengthen existing legal provisions for a participatory and inclusive governance tended to trigger discussions between public authorities, affected communities and CSOs leading to some form of public accountability in the process of land grabbing.

## 1 Introduction

*It is clear currently that the market forces on land are almost overriding the law, as access to land and water is about “who can afford” and not “who has a right to it” (KWDT, country report 2016:36)<sup>i</sup>.*

Attempts to comprehend the new ways that land is governed are at the forefront of most discussions relating to natural resource governance today. At the core of these discussions are issues such as; identifying the actors, interests, mechanisms, instruments and ideologies driving particular governance initiatives<sup>ii</sup>. In analysing the struggles of social movements’ to claim indigenous rights, Sawyer and Gomez found that ‘...seeking and acquiring indigenous rights is not, in and of itself, emancipatory. Rather, it recalibrates the arena of struggle’<sup>iii</sup>. The same can be said about the pursuit of a right to land and/or other natural resources. In this regards, exploring how subaltern groups can use the TGs to recalibrate the political-legal terrain in the direction of greater respect for human rights and more democratic land control<sup>iv</sup> is indispensable. This is especially so because, as Franco and Monsalve (2016:3) put it:

the aspirations for greater state accountability to rural citizens runs deep despite these strong pressures narrowing the space for excluded rural working people to (re)gain effective control of their natural resources. Accountability is about holding those in power responsible for their decisions; accountability politics is about whether and how this can be done.<sup>v</sup> Accountability encompasses rights, rules and procedures that enable

citizens to demand answers and sanction misconduct, as well as citizen action to challenge power, claim citizenship and improve and expand democratic processes.<sup>vi</sup> Yet neither of these two dimensions of accountability arises out of thin air. Rights, rules and procedures must be formulated, adopted interpreted and implemented, while citizen action must be envisioned, planned, organized and undertaken –oftentimes in hostile political-legal settings marked by major power imbalances and cultures of impunity.

This paper is based on the findings of a three year (October 2014- September 2017) action research which sought to understand the conditions under which the CFS/FAO Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests can serve to increase bottom-up accountability amidst the pressures of Large Scale Land Acquisitions (LSLAs) in four countries of Sub-Saharan Africa, namely: Mali<sup>1</sup>, Nigeria<sup>2</sup>, Uganda<sup>3</sup>, and South Africa<sup>4</sup>). In the research, two assumptions were made. Firstly, it was assumed that, the realm of “resource grabbing” –land is often an entry point to the grabbing of other related resources like forest, water and other related resources. Secondly, it was also assumed that, when land deals hit the ground, they have differentiated impacts within and between social groups from one community to another across countries. Land deals are marked by highly contested political processes – usually in three-way contestations between the central state, local communities and corporate sector. The political reactions from below by poor people are generally assumed rather than empirically demonstrated in much of the literature around current land deals.

It is important to clarify here that, while the use of LSLA was actually used during the write up of the research proposal, the term changed in the process of the action research as the communities who were participants were doing and reflecting over the process and terminology being used. Initially, the reflection led to resistance towards the use of the terminology LSLA and at some later point in the process, the term really got overthrown as being politically insensitive to the various forms of oppressions, exclusions as well as struggles of the poor marginalized communities in land, forest and Fisheries resource governance.

Empirical data from all four country cases indicated that the participating rural communities were comfortable with describing the deals as being land grabs and organized their actions and

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<sup>1</sup> In collaboration with the *Coordination Nationale des Organisations Paysannes Du Mali (CNOP)*- [www.cnop-mali.org](http://www.cnop-mali.org)

<sup>2</sup> In collaboration with the Environmental Rights Action/Friends of the Earth Nigeria [www.eraction.org](http://www.eraction.org)

<sup>3</sup> In collaboration with the Masifundise Development Trust <http://masifundise.org/>

<sup>4</sup> In collaboration with the Katosi Women Development Trust <https://www.katosi.org/>

reflections around the term land grabbing especially that on the most parts, the communities did not have complete information regarding the existing contracts and their terms of implementation. In this light, this paper will use the same vocabulary. Thus, although Zetland, and Möller-Gulland “divide land deals (or investments) into two types: “land grabs” that transfer land and water rights from existing users without fair compensation and FDI that does provide fair compensation” (2012:1), this paper following the lead of the communities involved in the research and employs the word ‘land grabs’ to represent the cases that were researched. The term land grabs as Zetland, and Möller-Gulland put it, “are only possible when those in power approve unfair deals that existing users would not accept. That intervention happens in cases where rulers abuse power for their personal benefit, acting as corrupt and unaccountable “kings” who care about their personal wealth – their rents from the land – more than social welfare or efficiency. Buyers play their own role – supporting land grabs in corrupt circumstances” (ibid)

The research focussed systematic attention on the general patterns of processes of political exclusion and inclusion around “land grabbing” especially within and between local communities, and the conditions under which the interests and rights of poor, marginalized and vulnerable people in particular are constructed and articulated, as well as recognized, respected, protected and promoted vis-a-vis these processes. In this context, the research particularly explores how (inter)national governance instruments and principles, especially the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (TGs) adopted by the UN Committee on World Food Security, can be mobilized to protect and promote the interest of poor people in the context of current resource deals in the above mentioned four African countries.

## **1.1 Country cases and contexts**

In Mali, the research was carried out in Fonsira coro located at 30 km north of the capital of Circle of Kati, Koulikoro region, the rural municipality of Yélékébougou. The research collaboration was with the National Coordination of Peasants better known by its French acronym ‘*CNOP*’ Mali. *CNOP* is a member of the Malian Convergence against Land grabbing better known in its French acronym as *CMAT* and made up of five national CSOs which include (*AOPP*, *CAD-MALI*, *CNOP*, *LJDH* et *l’UACDDDD*). In the context of this research, *UACDDDD*<sup>5</sup> was particularly instrumental in the case of Fonsira because of their network with

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<sup>5</sup>A federation meaning *l’Union des Associations et Coordinations d’Association pour le Développement et la Défense des Droits des Démunis (UCADDDDD)* available online at <http://uacdddd.org/>

village chiefs and the council of elders who joined forces to face the authorities. ‘CNOP’ as a member of Via Campesina actively participated in the negotiations and consultation process of developing the Tenure guidelines. Following the adoption of these guidelines in May 2012, ‘CNOP’ has been the lead CSO actor in disseminating these guidelines as a tool to claim/demand for different rights among communities affected by land grabbing. ‘CNOP’ has for example used the tenure guidelines to intervene in seven villages of San<sup>6</sup> who lost their lands to a process of land grabbing. Through this intervention<sup>7</sup> which entailed multiple approaches and pressures, ‘CNOP-CMAT<sup>8</sup>’ together with the affected communities succeeded to get the Malian State to demarcate the boundaries of their collective community land known in the area as “*espace vital*”. To use their words;

*Cet espace vital est donc considéré comme une entité collective villageoise. C’est cet espace qui a été reconnu et borné selon les indications des villageois-es dans les « 7 villages de San » dont bien sûr Dalla. Ce qui représente un premier pas formel de reconnaissance des droits coutumiers des espaces vitaux des villages avant même la nouvelle loi(CNOP country report,2017:14)*

In the context of this research, ‘CNOP-CMAT’ tried to adapt their experience of using the tenure guidelines to defend the collective customary land rights of the people in Dalla (one of the affected communities) to Fonsira coro which has a similar challenge to protect its “*espace vital*” that are affected by land grabs.

In Nigeria, the research took place among the Ibiaye communities comprised of; Betem, Ehom, Idoma and Akpet located in Biase local government area in Cross River State (CRS) which is very rich in biodiversity. CRS forest provides shelter to several species of primates, migratory and resident birds, and 950 species of butterflies -a quarter of the number to be found in tropical Africa - 100 of which are not found anywhere else and at least three are new to science. The region also includes one-third of Africa's primate species -the most endangered rare and unique gorillas, drill monkeys are found here, hippopotamuses, chimpanzees, elephants, grey parrots and an incredible diversity of migratory and resident birds as well as other endangered animals and plants. However, this forest is being threatened by unhealthy land and forest grabbing activities (mostly for large scale palm oil plantation by Multinational corporations/transnational

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<sup>6</sup> Communities that lost their land as a result of a state development project, the Talo dam, followed by what the ‘CNOP-CMAT’ considers to be an illegal resettlement process(CNOP country report 2016:16)

<sup>7</sup> Which is fully described in page 16 of their country report

<sup>8</sup> In the context of this paper, the acronym CNOP-CMAT’ will be used to mean CNOP and a UACDDDD which is a member of CMAT.

corporations) that grossly undermine real sustainable forest management practices (ERA country report, 2017:9). In Nigeria, the research was in collaboration with the Environmental Rights Action/Friends of the Earth, Nigeria (ERA/FoEN), a Nigerian advocacy group dedicated to the defense of human ecosystems in terms of human rights and the promotion of responsible environmental practices by government, companies, communities and individuals through the empowerment of local people and campaigns. For more than 23 years, ERA/FoEN has worked with local communities to try to secure communal land rights while rolling back incessant cases of natural resource ownership rights as well as environmental governance conflicts between communities and investors (individuals, companies, multinational), within the rainforest communities of CRS. In the context of this research, ERA/FoEN did not participate in the negotiations and consultation process of developing the Tenure guidelines mostly because their focus over the years has been on forest and environmental governance and they were not involved in the negotiations and initially were somehow skeptical about the need for TGs as a tool for bottom-up accountability especially given its voluntary nature.

In Uganda, the research was done in Nangoma, Bulebi, Mbale and Kiziru in Mpunge sub-county in Mukono district of central region in Uganda. These communities are; poor, vulnerable and marginalized farmer and fisher communities around Lake Victoria who are getting squeezed by a combination of “land and water grabs”. The research was carried out in collaboration with the Katosi Women Development Trust (KWDT) which brings together 554 women, organised in 19 smaller groups to harness the benefits of solidarity. The organisation has worked in fishing communities in Mukono for close to 20 years essentially focusing on Water and Sanitation (WATSAN) issues – with no focus on issues of the right to land/water in the human rights perspective. However, ongoing resource grabbing (crucible of land and water grabs) started to really undermine their traditional WATSAN work – places where they had trained and supported the women to build sanitation facilities as well as livelihood related projects – were now increasingly being encroached by grabs. In this light, the organisation engaged in the research project to start to try to do something new and learn new repertoires – to try to protect the technical gains that had been made in the past, while also building on the political gains that had been made as well (like the women being better networked with each other and better organized and more seasoned activists). KWDT participated in the negotiations and consultation process of developing the Tenure guidelines as well as the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) and is embarking on efforts, not only to disseminate but also to utilize the guidelines in an effort to increase awareness of land rights for local community members. They have so far used the guidelines to

interrogate, understand and interpret the situation of access to land and water, identifying which actors and which actions are abusing people's rights to access land.

In South Africa, the research was with the Fishing communities of Arniston, Overberg region, Western Cape. Arniston is surrounded by stretches of land which are gradually being consolidated to become part of a conservation area that will stretch from Cape Agulhas to Cape Infanta. This will include the almost 36 000 hectares of De Hoop, where Armscor, now called DENEL established a missile test range in 1984. According to Masifundise Development Trust (MDT), the organisation with which this research collaborated in South Africa, the decision to establish a weapons testing range adjacent to the Arniston community was made in a clandestine manner Armscor, now known as DENEL, had hoped to complete the deal before the matter became public, specifically to circumvent public debate. Also, a marine reserve stretching twelve kilometres into the sea was declared in 1986" (country report 2017:12). Thus, among the fishing communities in Western Cape, issues of Marine Protected Areas and DENEL mostly affect the fishing communities of Arniston. MDT works with traditional fishing communities who are dealing with the impact that the past and current fishery management regime has on the social, cultural and economic life in their communities. MDT has been working in the fishing communities of South Africa for 15 years and is currently serving as the International Secretariat of the World Forum of Fisher Peoples (WFFP). It works in close to 100 fishing communities along all the four coastal provinces of our country. Over the years, it has supported and worked closely with fishing communities on a daily basis so that they can advocate for their constitutional rights, and in particular their Human Rights in terms of Article 1 of the African Charter on Human and Peoples' Rights. In 2004, they assisted fishers in the Western Cape to establish Coastal Links, an organization that represents more than 4000 members nationwide. MDT serves as the secretariat of Coastal Links. Through its work with the World Forum for Fisher People (WFFP), MDT, was involved in the negotiations in Rome regarding the adoption of the Tenure Guidelines. After the guidelines were adopted in 2012, MDT has actively participated in disseminating the TGs at national and local levels.

## **2. The Research Findings**

### **2.1 Drivers of land grabbing**

#### **2.1.1 Political economy behind the deals**

Across all four country cases, external factors like liberalisation of capitalism and internal factors like local and national elites pursuing vested interest showed to be the common

denominator of the drivers of land grabbing. The paradox in the context of the four country cases however was that: while the state appeared to be strong and coercive, it was at the same time often weak, and reliant on alliances with capital. This was not only in the case of resource tenure; but also about the triumph of a particular model of development which is about production at scale, based on big capital, transnational value chains. This model of development represents the deep mistrust and non-belief by African states in the economic, social and political value of poor people's resource uses. On the most parts, undemocratic politics, policy making, law making, interpretation and implementation all showed to be at the center of these drivers of land grabbing in the four country cases.

In the Nigerian case for example, the political economy behind the deals –were anchored on both external and internal factors. External factors such as the country's excessive dependence on oil which has witnessed plummeting prices in recent years – from \$100/barrel to below \$37/barrel was driving attempts of economic diversification by the government towards an agricultural based economy mostly by promoting policies that favour FDI in agriculture. These external factors were compounded by internal factors like the 'availability' of arable land in the country. To use the words of ERA (country report, 2017:12), "Nigeria has a huge potential for agriculture and there are factors that encourage agricultural land investments on a large scale [such as] the quest for agricultural development, the vulnerability of rural dwellers as land owners, the interests of the local elites and the government's commitment to new perspectives in alternative development". More so, the personal interests of local, state and national elites showed to be powerful factors determining land grabbing in the research communities. Local elites like village chiefs tended to aid and abet in land grabbing by fronting for multinational companies without any consultations with their communities. The state and national elites, on the other hand, tended to use their political positions to exploit multiple loopholes that exist in the country's land use act of 1978. In other cases, these elites, commonly referred to in the communities as being political office holders grabbed the lands especially when and where there are mineral deposits in the area (ibid).

In Mali, the government's internal development policies which favour agro-industrial development showed to be an important driver of land grabs. This was for example the case of the Talo Dam construction for irrigation farming of rice and other cereals in the Ségou Region that led to the forced evictions of seven communities, Dalla inclusive. This promotion of agro-industrial development as a driver of land grabbing is further enhanced by the misuse of democracy through a rocky decentralization process that operates in an administrative system

that marginalizes traditional and customary systems. In the Malian decentralised system, mayors and sub-divisional officers (*sous-préfets*) have supplanted traditional chiefs in land governance and are now in charge of land in the municipalities and subdivisions where they favour land grabbing for large scale agricultural investment at the expense of rural small scale farming communities. In addition to these, speculation funds are also moving into Mali, facilitated by business people, some with whom multinational companies have developed partnerships to secure land in Mali. Also, urban expansion – for hotels, residential areas and public infrastructure among others – is also a driver of land grabs in Mali. In one of the cases, over 8,000 households were for example evicted to make way for a new airport, whereas, a lot of the land acquired is speculative and has been kept for possible future use rather than for immediate alternative uses.

In the Ugandan country case, foreign investment-led development is considered to be one of the primary approaches to socio-economic development. This has, as KWDT mentions, been facilitated by a presidential directive which demands that foreign investors be enabled access to land. According to KWDT, the president often says, ‘don’t touch my investors’ to mean that the president esteems investors highly. Intriguingly however, KWDT argues that, political decision-making is based on quid pro quo rather than on any sense of how investments will affect people (KWDT country report, 2017:20). There is no explicit policy guiding the processes; instead, politicians shift their positions on land deals depending on electoral cycles and their own interests. In most cases, powerful and wealthy families that control substantial territories are strongly embedded in political networks and bankrolling electoral campaigns is the mechanism through which private capital secures political capital. In the research communities, these forms of state and elite driven land grabbing often sidelined local authorities who tended to say that land deals were ‘orders from above’ and all they could do was respect it, or lose their jobs(in the extreme of cases). This findings corroborates the World Bank research findings on global rising interest on farm land which stated that, “in many cases the nature and location of lands transferred and the ways such transfers are implemented are rather ad hoc - based more on investor demands than on strategic considerations”<sup>9</sup>. In addition to the political drivers, the land near Lake Victoria where the research took place attracts a variety of activities other than fishing and these include; sand mining, recreational / leisure activities, as

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<sup>9</sup> World Bank Paper - Rising Global Interest in Farmland: Deininger, Byerlee, Lindsay, Norton, Selod and Stickler (2011)

well as posh and classy residence for the high income earners in the country and foreigners who like to stay close to water bodies and away from major cities.

### **2.1.2 Institutional & legal conditions enabling resource grabs**

The research found that, on the whole, the colonial denial that African people's customary occupation and use constitutes a form of property is still in evidence. This is because the governments of the four country cases either retained laws that assert state control and ownership, or, where they recognized customary rights – as in Uganda and South Africa– they have not put these into practice and in reality, other tenures trump the customary rights of ordinary people. This project seems to validate Deininger et al. (2011) perspective that land grabs are happening in countries where there is weak governance. Nigeria, Mali and Uganda are clearly situations in which weak governance is facilitating land grabbing. South Africa, too, has a mix of strong and weak governance, but weak when it comes to operationalizing the rights of small-scale farmers and fishers. While weak state institutions may facilitate land grabs, it is worth noting that the models of development (mainly large scale agricultural investments) being promoted shape and reshape the effectiveness of state institutions to be accountable to their citizens. The communities across all our cases have been living according to a different regulatory order mostly customary and it is these systems that have regulated how land and water are allocated, how they are used, who has which rights.

In Nigeria for example, the Land Use Act of 1978 is interpreted to mean that the state owns all land in trust for all and can be appropriated for overriding state interest, or, economic development for the social good of all. From this interpretation, an overriding clause based on 'public interest' is the basis of state-driven land grabs. Elites as discussed earlier, use the provision of the act to facilitate the entry of Multinational Corporations (MNCs) that promise development to communities. Also, the privatization policy of government facilitates MNCs – as small state farms are privatized and then companies take these over and expand as is the case with part of the Wilmar plantation in Cross River State (CRS).

In Mali, the 1991 investment code has been reviewed and amended to promote large scale agricultural investments. Some of the provisions of the code include; starting a business with a tax exemption period of eight years, as well as fewer demands on the social and environmental conditions. The code is promoted as one of the most attractive investment codes in Africa mostly because of the generous tax conditions for big investors. More so, new structures have been created to facilitate investments and these include; the Presidential Council for Investment,

chaired by the Head of State and consists of government representatives, foreign and national private sector representatives, as well as large multinational corporations. There is also an Agency for the Promotion of Investment (API) which is under the Ministry of Industry, Investment and Trade and has the task of facilitating direct investment. In this light, it could be said that, in Mali, a "one-stop shop" has been created to offer a single point of entry for all business start-up and investor assistance procedures.

In the Ugandan country case, the Land Act Amendment Bill of 2016 provides the state with the authority to compulsorily acquire land from citizens without compensation – and valuations can be done afterwards. Furthermore, KWDT report that there is a policy requirement of ensuring that all land is titled and this has made local communities with unregistered land, communal land and other informal tenure systems more vulnerable to land grabbing. Land that is missing in the land registry appears as “land available” and considered to be “vacant” or “unused”, thus, often given out to investors whereas, most of this land is actually occupied and used by small scale food producers such as some of the fishing communities in Mukono. Besides, there is no access to information for instance at sub-county level which is where land records are kept and this compromises land governance at local level.

In South Africa, the Constitution which was adopted on 8 May 1996 and amended on 11 October 1996 now recognises tenure rights that stems from both customary and state law<sup>10</sup>. The Constitution therefore places an obligation on the State to develop law and policy that will develop systems of tenure that promote the human rights enshrined in the Constitution. In effect, human rights is strongly reflected in the Bill of Rights (BOR)<sup>11</sup> which enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. According to this human rights based bill, the government has to put in place systems of tenure that; address past injustices and discrimination, promote human dignity, aim to eliminate inequality, promote and protect women’s rights, do not discriminate against any marginalised groups, protect and contribute towards food sovereignty(MDT country report, 2017:35). In practise however, the beautiful South African constitution and its developed legal and policy framework does not translate to very different outcomes from those from the other three countries because of lack of implementation of the policies and in some cases conflicting policies.

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<sup>10</sup> Constitution of the Republic of South Africa, no.108,1996

<sup>11</sup> <http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng-02.pdf>

In 2005 for example, the government of South Africa adopted what is known in the country as the long-term fishing policies, but this policy made no provision for small-scale fishers. Masifundise took the matter to the Equality Court in 2006. By 2007 the court ruled that a new fisheries policy that would secure the rights of small-scale fishers must be developed, but in the meantime an Interim Relief (IR) package should be formulated and implemented to provide temporary relief to small-scale fishers who did not benefit from Long Term Rights. The IR started in 2007 and were meant to be in place for a year while the country's Small Scale Fisheries (SSF) policy was being developed. However, the Small-scale fisheries (SSF) policy was only finally adopted in 2012 and the Marine Living Resource Act (MLRA) which needed to be amended to make provision and give recognition to the SSF sector and pave the way for the SSF policy implementation was only amended in 2016. In the long wait for this implementation, the interim relief became marred by corruption, mismanagement and general dysfunctionality. The IR brought more frustration than relief to many fishers especially because non-fishers tended to benefit from it while, many small-scale fishers from being denied access to marine resources<sup>12</sup>.

## **2.2. The differentiated impacts of LSLAs on local people in the research communities**

The experiences, findings, as well as lessons learned suggest that, across the four countries, the differentiation of the impacts of LSLAs were mostly at the level of gender, class and generation (youth and elderly people) and the environment.

### **2.2.1 Gender**

*By taking away our lands from us without our due consent, they are taking away our authority from us. What is a man, I mean especially a villager without his land, and how can he take care of his family? You know, here in our community, a man feels that he is a man when among other things, he is able to take care of his wife and children” (In-depth Interview with a community chief in CRS, on 06.11.15)*

Across the countries, land grabbing impacted women and men differently. In effect, when some men lost access to their lands which they considered to be the source of their financial autonomy, they sometimes became violent against women leading to an increase in gender

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<sup>12</sup> See an article published in the Daily Maverick on the current issues with Interim Relief [“Something fishy: After nine years of destructive policy delays, fishers vow to take action”](#)

based violence as shown by the Nigerian country case. In other cases, these men abandoned their families and migrated to other parts of the country leaving behind the women and the children. This in some cases affected women's access to resources because, in some communities like those in the Ugandan country case, women's' right to land depended on their men (who are considered to have customary rights of ownership).

### **2.2.1.1 Women's rights and resources**

Amid forced evictions, land dispossessions, and or other land grab related activities that have resulted in landlessness or limited access to land, the burden of household food provision showed to weigh more on the shoulders of the women who sometimes had to; deal with malnourished kids, as well as ensure that there was food on their husbands' table. Intriguingly however, as the cases in Mali and Nigeria show, in land and resource cases where compensation albeit inadequate was provided, it was given to men and not the women. More so, when the dispossession was partial, most of the land affected was that on which women customary user rights had. In the fishing communities of Uganda and South Africa, limitations of access to fishing areas resulting from coastal land grabbing, as well as the reduction in the quantity of fish caught, has led to a surge in unemployment for women who previously derived their living from processing and selling fish either caught by their men, or bought from other fishers. In the South African case for example, the grabbing of land and marine resources of the communities represented a problem most particularly for women because, besides fishing, there is not much to do in Arniston which is constituted mainly of; holiday houses, the fishers' homes, few restaurants and the famous Arniston Hotel and Spa. The few employment opportunities available for women in housekeeping and casual tourism related jobs are only available during the holiday season which coincides with the high fishing season (MDT country report, 2017: 14). Women also feel discriminated against as their right to harvest inter tidal species have been taken away. In Uganda, many of the women members of KWDT are greatly affected by issues of limited access to land and water resources because their access rights largely depend on their husbands. As KWDT highlights, complaints of failing marriages, loosing of spouses and consequently denied access to land are becoming more often with the upsurge of land and lake grabbing in the communities (KWDT country report 2017:17).

### **2.2.1.2 Women's and girls' roles and reproductive labour (including time).**

Across all four country cases, women are most affected because they are caregivers. In the Nigerian country case for example, when the sources of household water (like open streams

and rivers) were polluted and in some cases completely destroyed during Wilmar's bulldozing activity, women and girls had to travel long distances to collect water for their households and this reduced the time available for other livelihood activities. In the Ugandan case, most of the women in the fishing communities are 'second wives' because most men in fishing communities are polygamous having a home (with a wife) at the landing site, and another home (with a wife) in other part of the country where they came from (applicable to fishermen who settled in these areas for fishing). Amidst intense land wrangles that force the men to migrate and leave the lake, they leave the women and children behind as homeless, since they cannot take this second family to the first family. This makes the women to be more insecure and more vulnerable since they automatically become the household heads and are left to take care of themselves and their children. Besides, in the communities, land disputes affect women in a special way because they are mainly engaged in smoking fish or sun drying of fish. So, while the men need more access to the water to catch the fish, most, if not all the activities that women do, require them to have space on the land. Silver fish is sun dried on land, smoking is done on land, all the domestic work and their caring roles can only be done when they are settled on the land. Since the people in Bulebi(one of the research communities) were evicted from the land which they occupied and relocated to another piece of land that was much smaller, many women no longer have individual spaces to sun dry silver fish. As a result of this, they now have to fight for a small space that is only available on the basis of 'first come first serve', meaning, whoever can bring their silver fish faster is the one to take the space and dry her silver fish. Since these women cannot keep the fish fresh for long, they are forced to sell it immediately at cheaper prices(since they can neither preserve it, nor add value to it) to other people from neighbouring communities who have access to land for drying. This way, women are pushed out of the fishing activities and have to resort to other means of survival, which are often much more complicated to learn and sustain. Women from this evicted community who were formally engaged in small scale farming were also greatly affected because in the new site where they are settled, they are only allowed space enough for their small house and not extra space for farming (KWDT country report 2017:14-15).

### **2.2.2 Impacts across different social groups (class, generation and ethnicity)**

Across the four country cases, different social groups had varying experiences. Among the fishing communities especially in Uganda, land grabbing along the shores of the lake was increasingly leading to the restriction of fishermen to only certain parts of the lake, squeezing fishing community members to occupy only limited space on the landing sites. There were also

investors that were said to have 'bought' or been given license to invest on the lake, and sometimes, fishing communities were arrested by armed forces deployed by the government to prevent local fishermen from entering 'their areas'(KWDT country report 2017:14-15). This grabbing of large parcels of lands surrounding fishing areas (the lake) by foreign and national investors either for fishing or for the construction of coastal resorts showed to have heightened the prices of farm lands for the fishing communities, who, in some cases resorted to agriculture as an alternative to fishing for their livelihoods. This entry into farming by previously fishing communities was increasing pressure on the limited land available to the communities while also contributing to the reduction of the stock of fish available to the entire community. This is especially taking into consideration the synergetic relationships that once existed between fishing communities and their neighboring agricultural communities who exchanged foodstuffs for fish. In this regards, it can be argued that, coastal resource grabbing is altering community relations between fishers and farmers.

In the Nigerian country case, the lands grabbed used to be collective lands and forest owned by the communities where youths used to gather NTFP and sell to meet their school needs while landless rural community members, especially women used to also gather NTFP, as well as cultivate the lands for food and other subsistence needs. However, with land grabbing, most of the youths have dropped out of school while the landless community members have resorted to renting land for farming which for them is very expensive taking into consideration the fact that, in the past they did not rent farms. Moreover, they have to rent the farms at a time when there is an increased competition from new evictees who are resorting to scramble to rent farm lands where they can cultivate food and feed their families. This phenomenon seems to be pushing the land out of reach of ordinary people while driving-up the prices of locally produced foodstuffs in local markets, thereby, endangering the right to food, as well as the food sovereignty of the affected communities. On the other hand, the landlords who rent out their lands to the landless and evicted communities are deriving huge profits (as there is no effective state control of the land market and the land lords decide what their rents are uniquely based on the demand). This is has created a considerable economic gap between landlords and tenants in the affected communities and this gap seems to be deepening inequality and class divide in the rural communities where land grabbing is ongoing. The hikes in prices of these farm lands also seems to be nurturing internally driven land grabs by some local chiefs and national political elites who misuse their powers to acquire huge parcels of lands and in turn, rent it out to landless and evicted small scale farmers. This land grabbing by some local chiefs seems to be transforming the nature of customary governance of tenure of land, forest and fisheries in that,

such chiefs have now supplanted their duties of custodians of community lands with being the owners of community lands. These suggest that, in Africa, land grabbing may transform the nature of customary governance of tenure in affected communities. Summarily, it seems from the findings of this research that, LSLA is engendering a new class divide in Africa, not only along ethnic lines (which Africa is known for) but along landowners and the landless. This is especially the case in Uganda where the fisher communities which are getting squeezed between land and water grabs are mixed ethnically and linguistically, yet the current grab cycle is affecting all of them

Along generational lines, land grabbing is affecting the intergenerational transfer of land from parents to children and while this is enhancing rural exodus, it is disrupting the social system in the communities. In Fongola Mali for example, land grabbing has led to the increase of rural exodus among youths in affected communities. This exodus of rural youths from land grabbing affected communities showed to have drastic consequences on the rural productive force and food sovereignty in the communities. This is because, as the energetic youths left their villages in search of livelihoods elsewhere, older and less energetic family relatives stayed behind in the villages and depended on their migrant family members to support them with food and other basic needs. Contrary to the proponents of land grabbing who sell it to the public as being a means of generating employment for affected communities (through job creation from the investments made on the lands), this research showed that, while large scale agricultural investments on land can provide some gainful employment in the industry, this requires specialized training which is not often the case with rural youths who have very basic educational trainings (when they are educated). On the other hand, the jobs that require minimal educational training are very manual, exhaustive with extremely low wages that do not often enable the youths to feed themselves and their families in local communities where land grabbing has driven up the prices of local food-stuffs in their local markets. This for example, was the case with the youths in Mbarakom in CRS-Nigeria who were often hired by Wilmar to work as wage labourers in their plantation but complained that their jobs were very strenuous yet, monthly wages could not suffice to meet their household needs.

Ethnicity as an axis of differentiation in the impacts of land grabbing appeared to be more visible in multi-ethnic communities (where some ethnic groups-who in some cases were descendants of landless slave communities-immigrated into another community called the host community and were given land by the traditional leaders of the host communities). As the case in Mali shows, immigrant ethnic communities who in most cases were granted the rights to use

community commons by their host community tended to see their user rights eroded when these host communities encountered land grabbing.

### **2.2.3 Environmental Impacts**

As Gibbs et al. highlight, the environmental impacts of land grabbing especially for agricultural expansion include the destruction of natural habitats, often at the expense of primary or secondary forests (2010). In the Nigerian country case, there “is severe loss of biodiversity due to pollution and other unsustainable environmental practices caused by the activities of the various multinational companies. As a result of the opening up of the forests, wildlife habitat has been degraded and many terrestrial animals and birds have come under threat including the Mandrills monkeys, Chimpanzee, and variety of birds endemic to the area” (ERA country report, 2017:34). In the community of Betem for example, there was pollution and in some cases, total destruction of community water sources. In Fonsira-Mali, the process of ‘*dynamitage*’ of the rocks for the COVEC quarry led to the pollution of water sources, loss of pasture for livestock, the pollution of agricultural lands (small pieces of gravel were washed down into farms making the soil extremely hard for tilling, cultivation and harvest). The process also led to the destruction of sheabutter trees (*karité*) from which most women extracted shea butter oil for sale and livelihood sustenance. In Uganda, using the excavators for sand mining along the lakeshores has destroyed some fish breeding grounds, displacing the fish and reducing the amount of fish that can be caught in those particular parts of the lake. In the same light, sand mining has affected the water table, leading to constant floods and the destruction of fishers’ homes. Likewise, the mining has resulted in the demolition of community wells, thereby, compromising the community’s access to clean water. The eviction of the community of Buleebi, with a population of more than 1,508 inhabitants deprived community members of the ECOSAN toilet constructed on their previous settlement site by KWDT. At their new site, there is no latrine and the fact that the site is very close to the lake made it is impossible to dig and keep a pit latrine which is the most common and most affordable technology. As such, community members resorted to open defecation commonly referred to as; “twatwa” (KWDT country report, 2017). This practice compromises sanitation and public health for the community which collects its drinking water from open water sources. In South Africa however, the environmental impacts of the weapon testing facility DENEL are not immediately clear especially given that, there is a paradoxical coexistence of DENEL and a government established marine protected area adjacent to the Aniston community.

### **2.3 Factors that have contributed to the differentiated impacts and how they have contributed.**

Across the four countries, laws and policies governing the tenure of land, forests and fisheries were sometimes either inadequate, incomplete, not implemented, or, worked against the legitimate tenure rights of local people. On one hand, as the case in Uganda shows, these laws and policies were unclear about customary and legitimate tenure (which regulates community commons, as well as most village lands). This lack of clarity opened up space for powerful manipulation of the laws and policies by state authorities and national elites, who negotiated land grabs most often without the participation of local communities (who are the victims of land grabs).

On the other hand, as the cases Mali, Nigeria and South Africa shows, sometimes, there were several regulatory systems which co-existed and were clashing – so that the resulting balance of power fell in favor of certain actors while excluding the rest. This clash of regulatory systems – as it unfolded – determined not only which actors’ and claims will “win” over other competing ones, but also which regulatory system will prevail. In south Africa for example, “*the Constitutional Court ...noted that there is a difference between the ‘living customary law’ of the people which is the law that is lived by communities, and that of ‘official customary law’ that refers to the customary law that has historically been recognized by colonial and apartheid law enforcers and statutes*” (MDT country report 2017:38). In the Nigerian case, “the informal customary land rights and the modern mode of land rights by Deed of Property is in direct conflict with the loosed traditional land rights methods” (ERA country report 2017:24) . In Mali for example,

*«La situation du foncier est caractérisée par la dualité du régime foncier avec un système traditionnel et un système moderne. Le droit coutumier, bien que reconnu par la loi, n’est pas réglementé et les pratiques coutumières et traditionnelles sont souvent en contradiction avec les textes de loi et réglementations des textes législatifs et réglementaires incompréhensibles pour la majorité des intervenants et chacun interprète différemment en fonction de ses intérêts»(CNOP country report,2017:36).*

In addition to the convolutions with the laws and policies, the local communities on their part were not aware of these laws, as well as other international governance instruments to address resource governance issues. This lack of awareness about the existing laws showed to reduce local people’s ability to organize and demand accountability from their authorities. The research

also found that, sometimes, the corporations involved in land grabs tended to implement their Corporate Social Responsibility (CSR) in ways that were perceived by community members as being insightful of conflicts. This for example was the case in Nigeria and Mali. To quote ERA/FoE Nigeria, “Wilmar in an attempt to continue to operate without corporate social responsibility in Mbarakom<sup>13</sup> where they have their headquarters, they have built block of classrooms and borehole for their staff to keep them at work, but has presented it to the community as though it is their CSR, thereby trying to sew conflicts among the affected communities that were once very united” (Country report, 2017: 13)<sup>vii</sup>. In Mali, ‘*CNOP-CMAT*’ reported how, the communities of Fonsira Coro argued that COVEC, the Chinese quarry company which has acquired the community’s land has constructed a paved road to Faboulouga which is different village, not affected by the company’s activity. According to the Fonsira Coro community members, this construction of a road in another village within the same municipality is a strategy to create conflict between communities so as to weaken their joint efforts against the company (CNOP country report, 2016:28).

## **2.4 The responses and political reactions of local people to land grabbing**

The research pointed to three contradictory tendencies in the ways that local people responded to land grabs. Some local people felt powerless to influence the ongoing processes of land and natural resource governance in their communities, other local people resisted the land deals, while others ‘connived’ with local and national elites/authorities to facilitate the deals at the expense of fellow community members. These responses tended to be shaped by factors such as; the availability of alternative livelihood options in the community, the nature of the grab (for example in cases where the government provided military force to protect the grabbed resource, or when political elites grabbed the land), and the stances of local chiefs and or administrators towards the land grab.

In the South African country case where the community was characterized by extreme poverty with very limited livelihood alternatives to fishing for example, local people’s reactions to the land and water grabs were divided between ‘feeling powerless to resist’ and resisting. As MDT highlight;

the community has become more vulnerable and many doubt whether the community can be restored to its former harmonious state. For many, it is a case of mere survival.

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<sup>13</sup> Which has a lesser percentage (estimated to be 20 %) of its land grabbed by the company as compared to the other communities which have larger percentages of their land under the control of the company.

Stories of SSF not being able to go to sea for weeks on end is extremely concerning especially that it leaves them with chopping firewood and pouching as alternatives to survive. In effect, as the fishers become more impoverished, crime and drug usage is on the increase, even among them, many say that people are using drugs to deal with the stress of not being able to provide for their families...Amidst this however, there remains a group who are trying very hard to remain within the framework of the law and who are still hoping that the SSF policy will bring the necessary justice and restoration to their tradition. It is very humbling to see them remain steadfast when they have so much against them. It is this group that remains keen to engage with DENEL, DAFF and DEA towards a fair resolution. They are challenging the current agreements, equip themselves with knowledge and information on the SSF Policy, the Guidelines on SSF, and even the VGGT and are seeking to participate in the discussions on how the use of resources can be managed more equitably(Country report 2017: 30).

In the Nigerian case, “corporations acquire these land deals through non-transparent means excluding the native inhabitants from negotiations, appealing to the greed of those who hold power, local chiefs’ involvement in land grabbing is obscured in community representation. They are often targets of divide and rule in accepting gifts including financial inducements” (ERA country report, 2017:32). In this context, community members have organized and are challenging this collusion of local chiefs, as well as resisting land grabs in their communities by forming Community Forest Watches (CFW), holding their local chiefs accountable in the customary governance of community lands, writing petitions to state authorities, and organizing media campaigns among others.

The divided responses to the land deals by local communities seem to be impacting on social stability in communities witnessing land grabs. This is because, across all four country cases, there were reported conflicts among community members which showed to have implications on the community’s ability to organize and demand change from below.

#### **2.4.1. Division and Conflicts**

In the course of the action research, both state and company driven divide and rule tactics were perceived by the communities. In Nigeria, division and conflict was very intense. According to most community members, the state government tended to offer senior political and civil service positions that came with a lot of money to some powerful individuals who supported

the deals in the affected communities, while those who opposed were victimized. Local chiefs who oppose the deals were for example told that they will be relieved of their appointments as chiefs (their certificate of chieftaincy was going to be withdrawn) – meaning that they would lose their influence. As such, those who knew the truth about the deals were often afraid to speak out. On the other hand, the company focused the implementation of its CSR on certain villages (mostly which loss lesser land comparatively) – and not others (who loss a greater percentage of their land) and this tended to create conflicts. Also, the secrecy of the MoU, lack of transparency in community consultations (whereby community members alleged that some few village chiefs were invited to secret places and corrupted), as well as uneven compensation tended to create division and suspicion within the community. To minimize the effects of these conflicts and divisions on community organizing, the CFW encouraged chiefs to tell the people of the next village what they were being offered as bribes to support the deals – so that everyone was clear about the strategy was being used. According to ERA, the CFW strategy worked because, in the communities, it is the people who normally elect their local chiefs and then the elected chiefs are recognized by the governments, so, although the government could influence the chiefs by withdrawing their certificate of chieftaincy, the community members who elected the chiefs in the first place could as well decide that they no longer wanted the chief (if they judged that he was not serving their collective interest. In this way, even if the chiefs wanted to play to what the government told them, they were also reminded that they could lose their authority in their communities. This, the communities considered to be internal accountability within the community.

In Mali, there were divisions and conflicts within the communities, as well as between the communities and their elected bodies. Corruption of one party against the other tended weaken social cohesion. As CNOP report;

*Dès le depart, toute la communauté du village de Fonsira coro a été unanime pour s'opposer à l'installation de la COVEC et en premier lieu le chef de village. Par contre, le maire lui a trouvé une complicité auprès d'un autre village de la commune, le village de Fabougoula. Ce village est en lien de parenté avec Fonsira coro ce qui met beaucoup d'amertume dans la communauté de Fonsira coro. D'ailleurs Fabougoula a été « remercié » par la COVEC, qui a bitumé leur piste d'accès entre leur village et le goudron, la route nationale qui relie Bamako à Kayes, et qui continue sur Dakar. Le maire profite de la situation, en ayant accentué la discorde historique entre les deux villages. De plus il s'enrichit en vendant les graviers de la COVEC stockés sur le site.*

*Selon lui, la mairie a besoin de remblayer à différents endroits du village de Yérélebougou, le chef lieu de la commune, mais en fait il vend directement pour lui des graviers à ceux qui en cherchent(CNOP country report, 2017:31).*

In a bid to maintain ‘social cohesion’ between the communities, CNOP/CMAT together with the affected community members always requested the government to set up investigation committees so as to get the facts right. In the case of Fonsira for example, they organized a protest march and requested for a government delegation to be set up and go to the communities to see the facts on the ground, as well as reinstall coexistence. Eventually, the authorities agreed to set up the delegation which was headed by the sub-Divisional officer, government technical services of; agriculture, livestock, water and forests and the environment, the mayor, the representative of the village chief of Fonsira, four community delegates and two representatives from the CSO. The outcome of this delegation’s trip to the field was a report on the damages done and recommendations for compensations. The report equally led to the signing of a protocol between the village of Fonsira coro and the administration (through the Divisional office).

In Uganda, the conflicts were less between land officials and the communities than between co-existing tribes (especially given that most fishing communities are made of immigrants and autochthones). In effect, tribal tensions and conflicts were a common strategy whereby, as KWDT argues, sometimes, when people wanted to acquire land, the MPs and other politicians convinced the in-migrants that they will get the land (once it was acquired)—thereby setting the minority against the majority (the Baganda). The community dialogues and meetings organized by KWDT aimed at getting collective responses rather than people turning on one another.

In the case of South Africa, divisions and conflicts around DENEL arose along the lines of small scale fishers and commercial fishers. In effect, while small scale fishers considered that bomb testing by DENEL was greatly responsible for the shortage of stock, the commercial fisher’s response was that they were being adequately compensated by DENEL especially that they got 50% of the compensation while the remaining 50% was shared between eight (8) small scales fishers who often made up the crew in each commercial boat. Similarly, there were community divisions when “DAFF allowed non – fishers in the community to get Interim Relief (IR) permits instead of the traditional fishers who were meant to benefit from IR. Those who got the permits were either already employed somewhere, eg. at the Arniston Hotel, or on a building site and did not meet the criteria to be on the IR list” (MDT country report 2017:30). More so, the community leader for the fishers who worked for the municipality was fired after

raising the issue of the exclusion of traditional fishers. MDT together with the affected communities launched numerous communications, protest and meetings with DAFF to redress the divisions.

#### **2.4.2 Women's voice and leadership**

The engagement and participation of women varied depending on the cultural context, as well as the experience and ability of our collaborating CSO in the country to mainstream gender in the action research process. In Nigeria for example, women were keen to be part of the activities of the action research from the very beginning. Unlike the men who were less interested and only very few they participated in the early actions, women were very interested and engaged. Nonetheless, when ERA's campaign led to direct meetings with the company, the government, and with the village chiefs, the women were left out—no women were invited by the few men who participated. So, it could be said that, women were mostly involved in doing a lot of informal work, engaging around land rights – but when the discussions moved to formal meetings, delegations and negotiations, the women were sidelined mainly because, in CRS, the traditional system pushes women to the back. At village level, women, due to patriarchy are not allowed to be in meetings to discuss investments and their interests are hardly taken into consideration. Women are not chiefs, and ultimately it is chiefs that takes decisions. In the context of our research, women were often told 'go and fetch their husband'. Basically, women's voices were barely heard in any public discussions. The research found that, a fruitful method to promote women's voice was to have training for women separately – nonetheless, due to lack of funding, this strategy was not fully implemented in this phase of the research.

In Mali, the action research provided a platform for women in the villages to recognize that, when land is lost, it affects them. In the course of the research, women participated in all demonstrations, but in the beginning, during meetings, men met, and then afterwards, the women met. Culturally in the Sahel, men make decisions but women influence the decisions. Building on this<sup>14</sup>, the researchers started by asking chiefs in the villages to always send three people (one representative each of men, women and youth) to represent the village all meetings. In the second and third year of the research, women started to come by themselves to meetings without waiting to be asked by the chiefs.

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<sup>14</sup> Because the research did not attempt to change the cultural setting in a precarious context where radicalized religious groups are threatening erode the existing space for women's roles and place in the society.

In Uganda, women were very interested in learning about the county's land laws and always strove to know more. During the formation of the land pressure groups, KWDT ensured that, although there were very few women as leaders in the community, they were represented on the land pressure group committees although this often came with some resistance and challenges. According to KWDT, whenever men appeared at a meeting and said 'I am representing my wife', KWDT followed up and asked the women why they were not attending meetings. The strategy here was that, KWDT met with women and had focus groups discussions, which gave the women an edge over men in terms of discussing land and water rights to the point that, one of the women leaders refused to collect bribe that was given to her by some people attempting to negotiate a land deal concerning their community.

In South Africa, women actively participated in the process of the trainings on the TGS and further trained other community members who were participating in the action research. Women equally engaged in mapping the shifting trends in access to land, fishery and marine resources in Arniston. They also took part in leading protests at DAFF against the exclusion of SSF from the Interim Relief.

#### **2.4.3 Resistance, protest and other forms of direct action**

The forms of direct actions shared by participants in all four country cases included; countless marches, protests, occupation of public offices, letters, emails, telephone calls, faxes and press releases. In Nigeria for example, women and young people were often very resistant – women sat on the path of bulldozing tractors chanting statements like 'no tractor is coming pass here today'<sup>15</sup>. Youths wrote numerous messages on T-shirts and placards and took them out to the street for protests. Nonetheless, the state government often tended to prevent protest in front of government offices—police refused clearance to protest. Press releases, marches and letters to state and the company were also used to resist further expansion of the oil palm plantation into lands which the communities considered to be theirs.

In Mali, mobilization, local dialogues and letters to authorities formed the basis for resistance. The participants of the action research set up local discussion groups in all the affected villages which often came together to protest at the capital city Bamako where they targeted the ministries and marched to their offices. An example of such marches was the protest march of

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<sup>15</sup> Personal communication Maurice Olory, National coordinator of the CFW, 13 February 2017, Abuja-Nigeria

landless people best known in the country in French as ‘*réunion village des sans terre*’. To use their words,

*Lors du premier village des sans terre organisé par la CMAT ...à Bamako, les recommandations de la commission ont été portée au premier ministre qui a « été forcé » de recevoir une délégation CMAT autrement les 1500 personnes, victimes d'accaparements de terre présentes allaient marcher dans la ville. De cette rencontre une première mission sur le terrain a été effectuée ... Puis, une deuxième car la CMAT n'était pas d'accord avec le premier rapport effectué par la Primature. Depuis tout le monde a approuvé les recommandations à mettre en oeuvre sur le terrain (CNOP country report, 2017:14)*

Sometimes, the protest were planned to coincide with relevant national events so as to amplify the visibility of their struggle. In addition to protests, they sent open letters to the responsible Minister of Land (‘*Ministre des Domaines*’). In the context of making law as was the case with their ongoing agricultural land law for example, CNOP/CMAT organized numerous meetings with; MPs directly, MPs and communities, as well as awareness-raising campaigns directly with the communities on the ground aimed at calling on local MPs to ensure that the agricultural land law took into consideration collective customary land rights.

In South Africa, the occupation of government offices and harbours were the very prevalent forms of resistance. In effect, government’s failure to implement the SSF policy after it was gazetted in 2012, as well as the disrespect shown towards the fisher’s when no explanation was offered for excluding some of them from the IR, caused the Arniston fishers supported by fishers from across the province and from as far as Port Nolloth to occupy the entrance hall at DAFF’s office. During this occupation, the leaders of the SSF handed over a Memorandum, addressed to the Director General (DG) of the DAFF. Also, during the occupation, a delegation of fishers met with high level officials of the DAFF. It was at this meeting that the DAFF agreed to put the fishers back on the respective lists from the affected town. Nonetheless, DAFF later failed to respect its agreement to include the excluded fishers in the IR list. In response to this failure, the communities again protested, this time they blocked the harbour at Arniston harbour and prevented all vessels, commercial and recreational from going to sea.

In the Ugandan country case, when for example, sand mining led to the destruction of the road used by the fisher community in transporting their fish from the landing site to the markets, the community members in Bulebi organized a demonstration where people expressed their

dissatisfaction and blocked the roads for the sand miners. Nonetheless, their efforts were futile because the government used the army to disperse the demonstrators.

## **2.5 Using the tenure guidelines to enhance the capacity of local people to effectively hold public authorities accountable to people's rights: Experiences and challenges**

Monsalve and Franco (2016:3) argue that, in Africa;

public accountability in favour of the recognition, respect, protection and fulfillment of the right to land and natural resources of vulnerable, marginalized and threatened social groups – such as peasants, small-scale and artisanal fishers, herders and pastoralists, and indigenous peoples, women and youth – is scarce. Many legal and extra-legal obstacles exist or emerge along the way to undermine movement forward on either dimension. Large-scale land acquisitions (LSLAs) are being initiated in such settings, making it especially difficult to hold those in power responsible for their decisions.

In a similar vein, Fox (2013:3), mentions that, “democratic collective action by the rural poor is often constrained by obstacles that are internal to the social movements and those which lie in the interaction between such movements and the state (local and national)”. Building on the above challenges, Franco et al., (2016) add that, for those seeking to build power and voice towards changing an unjust situation, numerous challenges must be addressed along the way – including: (i) the challenge of collective action (how to organize and act together systematically and reflexively); (ii) the challenge of breaking through inertia and “walls of silence” that have arisen around injustices in politically inhospitable settings (how to initiate breakthroughs); (iii) the challenge of reaching out to others and building multiclass, multiethnic, multi-sectoral alliances (how to extend and scale up power and voice); (iv) the challenge of authorities and officials at different levels of the political system who “pass the buck” (how to “plug” the gaps/holes in state authority/ state law that allow room for anti-reform evasion and manipulation -- a problem which Fox has referred to as “squeezing the balloon”); and the twin challenge of criminalization and impunity – where those who attempt to stand up for their rights are portrayed as “criminals” and subjected to criminal legal charges on the one hand, while the criminal and illegitimate actions of powerful parties go unpunished (how to defend against “authoritarian backlash” and to dismantle structures that facilitate impunity). In the light of Franco et al.’s (2016) discussion above, and in the context of this action research, we identified

varying challenges and proceeded to address them using the tenure guidelines as will be discussed in the next sections of this paper.

### **2.5.1 Using the TGs to train the community on community-organizing and mobilizing.**

In communities like Nangoma, Bulebi, Mbale and Kiziru in Mukono district in Uganda where there was no pre-existing community mobilizing, our collaborating CSO, KWDT discovered that bringing the people together to reflect and take actions was an uphill simply because the communities had very little experience about collective action and thinking. As a result, they- KWDT- started their action research by training the community members on community organizing and mobilizing. The trainings were done using different toolkits, guides and training instruments developed from the tenure guidelines like; the tenure guidelines learning framework for CSOs co-developed by Fian International in collaboration with FAO, a practical guide on how to apply TG to the research on bottom-up accountability, as well as a set of indicators to assess the governance of tenure at national level using the TGs respectively developed by TNI and FIAN as data collection tools for this research project. As KWDT put it, their research initially appeared to be a very sensitive one for community members because some of the land acquisition had political connections, thereby, raising fear for actions (in the context of our action research) to be perceived as being political actions. However, because of the thorough explanations provided to the communities, as well as KWDT's long history of engagement with the communities, the participants trusted the researchers and following the trainings, some of the actions proposed by the affected communities themselves, include training in their national land laws and formation of pressure groups among others.

Interestingly, in communities like; Arniston in South Africa, Betem and Akpet in Nigeria, as well as Fonsira coro in Mali where there was some sort of pre-existing community organizing to resist land grabbing prior to the beginning of the action research, we noticed that, it was much easier for the community to reflect and take actions in a more strategic and collective manner. In Nigeria for example, there were already Community Forest Watch (CFW) set up in other forest impacted communities in another state called Edo State, so, CFW was extended to the Wilmar impacted communities in CRS to foster community organizing, mobilization for resistance and to assert and protect their communal rights to land. To use ERA's words, "during the training and advocacy strategy meetings, village advocacy committees were suggested... However, since some community forest watch was already established in Edo state, it was better to expand the network of community forests defenders"( ERA country report 2017:28) Even

so, training the community Forest Watches on community-organizing and mobilizing using the tenure guidelines toolkits was indispensable to strengthen their strategies.

### **2.5.2 Training on the existing legal frameworks governing related natural resources, as well as on building strategic action plans and alliances to effect change**

In spite of the fact that the process of developing the TGs was highly participatory compared to other international standard setting processes, and that the TGs enjoy certain high profile recognition by both national governments and international bodies like FAO, TGs remain largely unknown at most national and local levels. During the action research, CNOP-CMAT in Mali and MDT in South Africa found that, due to the lack of extensive transfer of knowledge and sharing of experiences concerning the TGs and their use in holding public officials accountable, many CSOs at national level meet TGs with great criticism because they have too often experienced that international policies are done by technocrats of international agencies with little relationship to grassroots realities. More so, most communities and CSOs did not know how deeply social movements were involved in making the TGs, and lacked firsthand experience in attempting to use them in actual struggles. In this regards, CNOP-CMAT and MDT which were both very engaged in the negotiation process leading up to the adoption of the TGs by the CFS and FAO in 2012 and had prior to the start of our research, received financial and technical support from FAO to disseminate the content of the TGS among CSOS in their respective countries found that, an obvious step in the implementation process of the TGs especially for bottom-up accountability was to make them known and this entailed challenges in terms of resources, but, also in terms of approach.

As a result, CNOP, MDT and FIAN conducted multiple national level trainings on the TGs, telling the story behind them, to show the trajectory of the food sovereignty movement and how it managed to advance important procedural and substantive issues during this process. This, in other words, aimed to and ended up effectively empowering people to make their own interpretation and creative uses of the TGs, as well as reminded them of their agency for democratizing land control and institutions. We observed that, this transfer of skills and knowledge enabled collaborating CSOs to use the TGs in doing action research within their communities. To use Katosi Women development Trust (KWDT)'s own words; "KWDT had initially been intervening in this community, providing services and direct support to communities, without the capacity to interrogate on why communities do not get the services and resources that they are entitled to... This project on bottom-up accountability in LSLA has given KWDT an opportunity to interrogate the situations, learn and prepare a strong ground for

fighting structures and systems of social injustice” (KWDT, country report, October 2017:32). CNOP has also highlighted the importance of such transfer of knowledge and skills when they say that;

L’intervention des organisations paysannes et mouvements sociaux réunis dans un même collectif comme la CMAT a permis de reconstruire de la cohésion sociale, de former les communautés sur leurs droits, premières pierres nécessaires pour mener une lutte digne et légitime, pour qu’ils deviennent de réels acteurs et pas des spectateurs résignés. Ces luttes de terrain et luttes “textuelles “ permettent d’être efficace et de construire des argumentaires solides et des rapports de force, nécessaires pour que la lutte au cas par cas trouve des réponses en transformation juridique pour une justice sociale générale, les avancées positives des villages dont font partis Dalla et Fonsira en sont une preuve(CNOP country report, 2017:55)

In effect, across all four countries, we observed that, one of the most instrumental strategies to enhance the capacity of local people to effectively hold public authorities accountable to people's rights was to train these people on; the existing national/local legal frameworks governing their related natural resources, relevant existing international/human rights instruments, as well as on building strategic action plans and alliances to effect change. In Nigeria, during a training of community forest watches on safeguards as envisioned in the TGs, most of the participants argued that, for them, it was important to understand the concept of tenure rights which for them was essential for effective lobbying as well as engagement with the government to help them regain their loss communal/individual land and forest. They argued that, a proper understanding of tenure rights as provided for in the TGs, as well as in their national land law will enable them to answer the question “who owns the land in Nigeria”? According to them, they did not know if it was the communities who owned the land, or, it was the government that owned the land, and a clear cut answer to this question, as well as a justification as to why who owned it, was for them, indispensable to move ahead with their community forest watch actions. To use ERA’s words:

The communities of Betem, Akpet, Idoma and Akamkpa, have been affected greatly by force eviction due to illegal land grabbing, environmental degradation and pollution and little or nothing is known by these community people on safeguards. So it became necessary to train community forest watch on Tenure Guidelines which are an example of soft law, a law that sets standards and guidance on a particular subject but is not mandatory. The Tenure Guidelines establish standards that States and other actors

should be held responsible for when it comes to the regulation of tenure of land, fisheries and forests, and in so doing establish normative “pressure points” that can be used to investigate specific situations and consider mounting bottom-up accountability initiatives. The training on safeguards as prescribed by the tenure guidelines informed and sensitized community individuals, grassroots communities, youth groups and network to understand the concept of tenure rights which is essential for an effective engagement of the government and lobbying to help them regain their loss communal/individual land and other properties(Country report, 2016:29).

The quote above from ERA is significant in two folds – the point as well as the fact that it is coming out of a report by ERA (the Nigerian country case). This is because, at the start of the action research, the ERA team was very skeptical about the usefulness of the TGs (an international instrument) in promoting land governances at local and state level. This skepticism was anchored in the context that, the history of land governance in the South of Nigeria has been different from that of other states (of the north of the country). In the northern part of the country, colonial administrators enacted different land governing texts such that, after Nigeria’s independence, the Northern Nigerian Legislature enacted the Land Tenure Law of 1962 which was the operative legislation at the time that the country’s Land Use Act was enacted in 1978(the main act governing all lands in Nigeria). The tenure systems formulated by these two statutes are in many respects similar. On the contrary, in the south of the country(where CRS is located), land tenure prior to the 1978 land use act was regulated mainly by customary law. As Nwocha put it,

The various communities, tribes and nations comprised in the territory operated diverse land tenure systems, which largely endured and survived colonialism. The basic thrust of these various land tenure systems in the South was private ownership of land. Land was owned absolutely by private individuals, families or communities and was not subject to superior control save where the occupier held an inferior title as tenant or customary tenant... In effect, land could only be acquired through negotiation with various land owing families, communities or individuals (Nwocha, 2016:1)

Upon the enactment of the land use act in 1978, community lands in the south of the country which were initially governed by customary law now had to be govern by laws that in principle were perceived as grounded in colonial policies contrary to their customary norms which in their views were better albeit with its own gaps. In Nigeria therefore, training of community leaders, as well as community forest watchers on the legal recognition and allocation of tenure

rights and duties (with a focus on safe guards and indigenous peoples and other communities with customary tenure systems), investments as well as expropriation and compensation as provided for in the TGs enabled both the communities and the community forest watchers to take a stand against the issues of LSLA through letter/petition writing, civic engagement, lobbying and effective advocacy. Prior to this training, the forest watchers and community leaders were not even received by the state officials when they wanted to make a demand to see the MoU in a LSLA deal that affected their land and forest. However, after the transfer of knowledge, sharing of experiences, as well as the resulting interpretation of and collective actions around the existing legal provisions of the TGs vis-à-vis their national legal frameworks, there seems to have been a change in the political status quo that prompted the authorities to receive the communities.

As in the Nigerian country case, the same need for training on existing national and international legal frameworks on the governance of natural resources was reported by KWDT in Uganda when local communities complained about having limited knowledge about the existing laws and requested for a training on the existing laws and how to form pressure groups. According to KWDT<sup>16</sup> “there is a common saying: ‘why this [resource grabbing] is happening is because everyone is riding on the ignorance of the masses’”. So, they first sought to make the masses aware of the laws and rules, so as to enable them to make bottom-up accountability demands from their leaders. Here, it was interesting to revisit the classic discussions that surrounds what “law” is and therefore what “knowledge” about law. As Franco and Monsalve (2016:1) argue, law is not self-interpreting or self-implementing, but rather gets interpreted and implemented by real people with their own worldviews, perceptions, experiences and understandings. This means that, “training” people to expand their “limited knowledge” about the law and the TGs as soft law was not only about technical knowledge but intertwined with interpreting these laws to serve their struggle of inclusive land and water resource governance in their communities. In South Africa, Masifundise organized a national training workshop which was attended by fishers, farmers and forestry workers. The aim of the workshop was to raise awareness amongst community organisations about the themes and articles in the TGs and also to have communities come up with their own strategies of how they can use the guidelines for their benefit (MDT country report, (2017:9). MDT also reported that, the small scale fishers believed that, “capacity is enhanced through the acquisition of information and education [and] this action research gave the community new hope and confidence that there is an international instrument

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<sup>16</sup> Oral project presentation in Abuja 12-14.02.2017

(VGGT) that is in support of protecting their tradition, restoring their dignity and securing their livelihoods”(MDT country report,2016:49-50). In Mali, CNOP highlighted similar actions in Fonsira-coro where they reported that, training the communities on the provisions of the TGs specifically on the articles on the ‘legal recognition and allocation of tenure rights and duties, investments as well as expropriation and compensation, emboldened the communities to make demands such as; immediate halt to the land deal, recognition of their legitimate customary tenure to the land being exploited, adequate evaluation and compensation for the damage done on their lands from the Mayor of the Municipality. These demands from communities who in the past felt powerless to confront public authorities regarding the governance of natural resources on which their livelihoods depended was very telling about the role played by training communities on existing legal frameworks governing their resources. This finding shifts the conventional discussion around land grabbing and capitalist accumulation where by the communities are often considered to be victims and powerless without any agency to an open-ended actor oriented and political process approach where outcomes are contingent on factors such as the communities abilities to effectively make their own interpretations and use of existing laws.

From the experiences above, we can conclude with some certainty that, the different trainings mentioned above are vital for any effective strategy that seeks to enhance the capacity of local people to effectively hold public authorities accountable to people's rights. This is because, despite the specificities of the local community contexts and political situations in each of the four countries, every bit of success recorded in the respective action researches for bottom-up accountability followed the trainings which were context specific. In Nigeria for example, the focus was on training community forest watches on understanding the 1978 land use act in the light of the safeguards provided for in the TGs, while in Mali, the training was on the country’s land law in the light of the recognition of legitimate tenure as provided for in the TGs with additional emphasis on the fact that, most often, this concept of legitimate tenure rights is more of a political concept than an effective legal one, since, whose rights end up being considered “legitimate” – both in law and in practice - very much depends on political struggles. In addition to the trainings, the research found that, in all four country cases, collaborating CSOs’ facilitation and technical as well as financial support in identifying and agreeing upon the sets of demands, advocacy and organizing strategies were also important for an effective approach to enable local people to effectively hold public authorities accountable. This was very visible in the Nigerian country case where they reported that;

it was clear that community participation was key to challenging the excess power of Wilmar and government officials dispossessing them from their land. Community willingness to act backed by CSOs robust advocacy workshop organized to equip communities with advocacy skills in order to stir debate, streamline demands against Wilmar, and make demands on national and state government. The dirty tricks of divide and rule of multinationals working in communities were discussed. Communities were able to provide examples. These include: CSR promises, financial inducements to elite and influential members of the community to support them, and outright intimidation. The communities were able to identify with these as already happening in their respective communities although with some shades of differences (ERA country report, 2017:27)

Another clear example of such facilitation and support was seen in the case of communities like Nangoma, Bulebi, Mbale and Kiziru in Mukono district in Uganda where there was no pre-existing community mobilizing. These communities with support from KWDT were able to articulate a common interest in holding both local and federal officials accountable in the governance of the lands which they occupy. Recently, with the help of KWDT (which facilitated contact), the communities consulted with the center for public legal education in Uganda and came up with a plan of action (within the frame work of their action research) to effectively hold public authorities accountable.

### **2.5.3 Using the tenure guidelines to create policy spaces with public authorities**

The research found that, training public authorities(at local, state and national level depending on the level of governance and the target of accountability) about the content and substance of the TGs, as well as interpreting them along the lines of both customary and existing legal frameworks within the country as a strategy to; identify and complement existing gaps, strengthen existing legal provisions for a participatory and inclusive governance showed to trigger discussions between public authorities, affected communities and CSOs leading to some form of public accountability in the process of LSLA. This was for example the case in Mali where, CNOP, in the context of the framework for consultation on the TGs was proactive in using the TGs as an instrument to initiate dialogue for policy/legal reforms. CNOP's experience in appropriating the TGs can be read in the quote below:

*Une plateforme multiacteurs sur les directives a été crée lors d'un atelier de lancement le 18 Novembre 2014 sous l'égide du ministère du développement rural et de la FAO*

*Mali, à l'initiative de la CNOP. Cette rencontre répondait à l'évidence à une attente de nombreux acteurs et c'est ainsi qu'un cadre de concertation, appelé "cadre de concertation sur les Directives" ayant fonction de groupe de travail s'est mis en place et en est actuellement à sa quatrième rencontre. Composé des services de l'Etat (agriculture, pêche, élevage), de la FAO, du secrétariat permanent de la loi d'orientation agricole, du Haut conseil des collectivités, d'experts fonciers, d'associations issues de la société civile et bien sûr des initiateurs et facilitateurs la CNOP et la CMAT. Il se veut être à la fois un "think tank" et une force légitime de propositions pour le gouvernement sur le foncier et d'autres acteurs. Etre en phase, voire proactif, par rapport au non-respect des droits fonciers des populations et des villages, la prévention des conflits et en particulier sur les textes législatifs et réglementaires jusqu'à leur mise en œuvre tout (CNOP, country report, October 2016).*

CNOP started its engagement with the TGs by organizing a conference with public authorities on the TGs together with affected communities in an attempt to influence some of the contents of their land law (regarding land grabbing and collective customary lands) which was then being negotiated. This law got voted in March 2017 and although CNOP does not yet have access to the final document that was voted so as to assess which of their inputs (anchored in the TGs) was accepted and voted, an early appreciation of the law, they argue shows a positive step in the right direction. This they argue is especially given the fact that, after the law was voted, the minister of agriculture said;

*Ce projet de loi viendra compléter le dispositif juridique lié à la gestion du foncier agricole dans notre pays. Et il s'agit de trouver les moyens de sécuriser les terres des paysans, de les différencier des domaines de l'Etat et d'éviter les litiges fonciers en milieu rural en privilégiant aussi l'aspect genre dans les prises de décision<sup>17</sup>.*

What this shows is that, the TGs will not self-interpret or self-implement, because national governments are unlikely to use them without pressure to do so from below. Nonetheless, the "content of this pressure depends on how mobilized the people are in imprinting their particular interpretations. From CNOP's experience in using the TGs to influence the process of law/policy making in Mali, there is no need to wait for an official process of TG implementation. Rather, claiming the TGs in existing processes of reform, or in relation with major natural resources conflicts in the relevant countries is what is needed. The experience

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<sup>17</sup> Published online by Farmlandgrab.org on 04.04.2017 at <http://www.farmlandgrab.org/post/view/27047>

from this action research is that, appropriating the TGs and using it to formulate CSO inputs for existing processes of policy/law reform, or in relation with resolving major natural resources conflicts in the respective countries appear to be the most practical way forward for local people who are already affected or may potentially be affected to use the TGs, to hold public authorities more accountable in the process of land grabbing. This is because; if the affected communities have to wait for their governments, it may take national governments many years before they can consider initiating official implementation processes for the TGs.

#### **2.5.4 Using the TGs to inform/reform customary systems and national land governance frameworks**

Following the trainings of communities and CSOs on the content of TGs, CNOP-CMAT used the provision of the TGs on indigenous peoples and other communities with customary tenure systems to convince the patriarchal system of self-governance of traditional lands in Mali to open up for the participation of women and youths. The main TG provision that inspired their actions was that which states that;

Indigenous peoples and other communities with customary tenure systems that exercise self-governance of land, fisheries and forests should promote and provide equitable, secure and sustainable rights to those resources, with special attention to the provision of equitable access for women. Effective participation of all members, men, women and youth, in decisions regarding their tenure systems should be promoted through their local or traditional institutions, including in the case of collective tenure systems. Where necessary, communities should be assisted to increase the capacity of their members to participate fully in decision making and governance of their tenure systems.

In a similar vein, within the consultation framework on the TGs set up by CNOP-Mali, there was an analysis of the then draft agricultural land law and proposals to revise the draft of the law were also discussed. As CNOP report, this process of analysis and review of the draft law was particularly important because, the proposed law which initially had 180 articles later got reduced by parliament to 49 articles thereby losing coherence and clarity especially in the context of the application of collective customary rights where there was no clear definition of the duties of village land commissions which are the principal body responsible for implementing customary land rights. In this regards, the consultation framework on the TGs made proposals that CNOP used as an advocacy tool for MPs so as to ensure that the final legislative text is applicable to collective customary land rights. Among others, the following fundamental recommendations for review of the proposed agricultural land law were made:

1)  *dans les catégories de terres qui relèvent du régime foncier Agricole, en plus des terres Agricoles de l'Etat ; des terres Agricoles des collectivités territoriales ;et des terres Agricoles des particuliers; le patrimoine foncier Agricole des communautés*

2)  *une définition du droit coutumier qui serait : La coutume est une norme de droits objectifs fondés sur une tradition populaire et sur des conventions orales qui prêche à une pratique constante et respectée. C'est une véritable règle de droit mais d'origine non étatique. La terre est la propriété de la communauté, que ce soit les espaces vitaux (So foro) y compris forêts, cours et points d'eaux, zones de pâturages ou les terres familiales, qui sont gérés dans l'esprit collectif. Ces droits coutumiers non formalisés appelés droits locaux sont un droit légal (CNOP country report, 2017:52)*

The research found that, with the exception of South Africa where MDT reports that most of the provisions of the TGs are coherent with most of their existing national land governance frameworks, there were generally more discrepancies between the provisions of TGs and those of existing national land governance frameworks (even in cases where these frameworks claim to 'recognize' customary tenure) than there were coherencies. MDT highlights regarding the implementation principle of the TGs that, "the Implementation Principles include similar human rights principles to the principles that are already in the South African Constitution. In fact, all of these principles are in our Constitution" (MDT, Country report 2016:44).

According to MDT, the courts have recently recognized that, legislation that gives certain powers and authority to traditional leaders, such as the Traditional Leadership and Governance Framework Act 41 of 2003, must be informed by the living customary law of the community. The authority and roles of a traditional leader and the nature of the customary governance institutions in any given community are therefore defined in the context of the living customary law of that community. This constitutional recognition of living customary law requires that the Departments of Agriculture, Fisheries and Forestry (DAFF), together with the Department of the Environment (DEA), take cognizance of customary rights when developing legislation and policy for the governance and protection of marine resources. In this regards, Masifundise argues that, a reinterpretation of existing legislation and policy in the light of the protection of customary law is urgently required in order to reincorporate the excluded and to contribute towards the promotion of an equitable and sustainable approach to small-scale fisheries governance and management. From this, it can be argued that, getting the laws passed and having them implemented demand continued engagements and demands by civil society organizations.

Contrary to the South African situation, CNOP argue that, in Mali, it is a bit difficult to assess the coherency of the TGs with national land governance frameworks because at the time of the action research, there was no unique governance framework that focused on land in its totality (Country report, 2016: 39). As of then, while there existed only one article in their 1986 'Code Domanial et Foncier(CDF)' there was even no implementation policy for this text, thereby making it difficult for the communities defending their rights. To use their words;

*Le CDF comprend 277 articles dont seulement 6 traitent véritablement du foncier rural coutumier et 2 sont relatifs au cadastre rural...L'essentiel des dispositions figure à la section I « De la confirmation et de la constatation des droits fonciers coutumiers». Dans son article 43, le texte stipule que «non seulement les droits coutumiers exercés collectivement ou individuellement sur les terres non immatriculées, mais également, précise que nul individu, nulle collectivité, ne peut être dépossédé de ses droits coutumiers, si ce n'est pour cause d'utilité publique et moyennant une juste et préalable indemnisation. Les droits coutumiers exercés collectivement ou individuellement sur les terres non immatriculées sont confirmés » mais n'a pas toujours de texte d'application. Comment interpréter une telle législation qui ne définit pas les droits coutumiers si multiples et dont certains sont particulièrement iniques (Country report, 2016.:33-34).*

According to them-CNOP, although Mali's new land law which was voted in March 2017 seems to have taken on board a few of their inputs, this only happened after a tireless struggle and advocacy anchored on the provisions of the TGs but they are not yet in the position of assessing the new law in the light of the TGs. Intriguingly though, they argue that, pre-colonial laws governing land and other natural resources seem to be more coherent with international instruments like the TGs than do existing national legal frameworks. As they put it:

*L'une des premières chartes des droits fondamentaux, est née au Mali La Charte du Mandé. Proclamée par l'empereur Soundata Keita le jour de son intronisation en 1222, elle affirme des droits contre la famine et l'esclavage tout en assurant la maîtrise et le contrôle de son territoire; extraits. Toute vie étant une vie, Tout tort causé à une vie exige réparation. Par conséquent, que nul ne s'en prenne gratuitement à son voisin, Que nul ne cause du tort à son prochain, que nul ne martyrise son semblable...Que chacun veille sur le pays de ses pères. Par pays ou patrie, faso ...car tout pays, toute terre qui verrait les hommes disparaître de sa surface deviendrait aussitôt nostalgique... L'essence de l'esclavage est éteinte ce jour, "D'un mur à l'autre", d'une frontière à l'autre du Manden ; La razzia est bannie à compter de ce jour au Manden; Les tourments nés*

*de ces horreurs sont finis à partir de ce jour au Manden. Quelle épreuve que le tourment ! Surtout lorsque l'opprimé ne dispose d'aucun recours. L'esclave ne jouit d'aucune considération, Nulle part dans le monde...Chacun dispose désormais de sa personne, chacun est libre de ses actes, chacun dispose désormais des fruits de son travail. (Tel est le serment du Manden à l'adresse des oreilles du monde tout entier). Cet extrait de la charte du Mandé n'a pas aujourd'hui de réel écho dans les textes maliens sur le foncier.*

Nevertheless, it was beyond the scope of this cycle of the action research to explore more deeply whether pre-colonial land norms are more coherent with modern day international governance principles and instruments like the TGs in this case. It would be an interesting attempt for future researchers interested in the topic.

In the Nigerian context, there is a problem in the law itself. According to Agbosu (1988:1), the Nigerian Land Use Act of 1978 is “a product of the inherent contradictions of the colonial and neo-colonial dependent, pseudo-capitalist economic structures established in Nigeria since colonial times”. In effect, the concept of "legitimate tenure rights", which covers those tenure rights not officially recognized and/or registered, but which nevertheless are deemed legitimate as provided for in the tenure guidelines is recognized in the constitution of country. However, there is no extant law prescribing punishment and redress, hence defending communal land rights proved highly difficult. The customary land tenure system of landholding is indigenous to Nigerians. Thus, the legitimate tenure rights to land, fisheries and forests are well recognized and protected under the customary law in the constitution of the federal republic of Nigeria. The mechanism and procedures to claim legal recognition for legitimate tenure rights to land, fisheries and forests are well established and even provided for in the national Constitution. The 1999 Nigerian Constitution provides that all citizens have the right to acquire and own immovable property.

More so, although the Act takes away the freehold title vested in individuals or communities, the Customary Right of use and control of the land have not been swept away (ERA country report, 2017). This is more so because, no prospective customary tenant can bypass the customary landowner to apply to the Governor or the Local Government for a lease of the land. Also, alienation of such land requires first and foremost, the requisite consent of the family or the community (ibid.). In spite of these ample provisions, very little protection in terms of practice is put in place against arbitrary and forced evictions of people and communities whose legitimate tenure rights are yet to be secured. “It is not surprising that although some provisions

exists to protect communal rights, such laws lack direct mechanisms for seeking redress other than the regular civil court of law... No doubt, the informal customary land rights and the modern mode of land rights by Deed of Property is in direct conflict with the loosed traditional land rights methods” (Country report 2017: 24). The research shows that, in Nigeria,

there is no clear tenure [governance instrument] provision beyond the Land Use Act of 1978 which entrusts land to government control that is subject to manipulation and abuse and to the detriment of local communities...To this end, [the project on] bottom-up accountability on land governance provided fresh entry point to discuss the subject. In particular, the provisions of the Tenure Guidelines 2012 to recognize and protect communal land rights can form the basis of reforming the land use act if it cannot be abrogated as it is a constitutional matter. That said, a new land governance law based on the TGs can be an effective way of formulating a new regime of laws that situate local people and their communal land rights at the heart of development (Country report 2016:24)

The hypothesis by ERA and ERA-supported communities in CRS that the TGS can form the basis of reforming the land use act appears to be the anchor of their ongoing advocacy actions.

### **2.5.5 Using the TGs train communities on the clear cut distinction between accountability of corporations and accountability of public authorities**

Through the research, it was observed that, in communities like Fonsira coro in Mali and those in the Cross River State in Nigeria, the lands were acquired by companies notably COVEC (a Chinese company) and Wilmar International respectively. In these countries, the communities were not aware about the terms and conditions of the agreements/ MoUs established between government authorities and the companies (including their Corporate Social Responsibility (CRS) activities which were often limited to social good for community development like; drilling of bore holes, building of class rooms and paving roads among others). These communities did not also understand that corporate social responsibility activities was an obligation of the companies for which –they the companies- had to be accountable for. Rather, based on the reports of our field collaborators in Mali and Nigeria, it seems that these companies tended to instrumentalise the implementation of this corporate social responsibility such as to hinder community organizing and resistance against land grabbing. These companies, the communities perceived, did this by implementing their corporate social responsibility activities in communities whose lands were either not being acquired/exploited by the companies, or, in communities where only a smaller percentage of their land was under exploitation. In Mali for

example, CNOP reports that, COVEC made a road for Fabougala whereas they are exploiting the lands of Fonsira. To quote one of their community participants:

*«donc ces terres qui nourrissaient les familles avec du mil, du maïs du sorgho et des arachides sont soit indisponibles soit polluées [mais] Les chinois on fait la route pour Fabougala, pas pour nous et nous n'avons plus nos champs ! se lamente Solo » a victim of COVEC's LSLA in Fonsira (2016:37).*

ERA also alluded to a similar situation in Nigeria when they say that:

Typical of multinational cooperation's operation, the company's Corporate Social Responsibility (CRS) lacks transparency and accountability which sometimes creates conflicts in the communities. Wilmar in an attempt to continue to operate without corporate social responsibility in Mbarakom where they have their headquarters, they have built block of classrooms and borehole for their staff only to keep them at work but has presented it to the community as though it is their CSR, thereby trying to sew conflicts among communities that were once very united (Country report, 2017:13)<sup>viii</sup>.

Based on the above experiences, we used the provisions in article 3A (3.1 and 3.2) of the TGs on general principles on the guiding principles of responsible tenure to train collaborating CSOs and their supported communities on the clear cut distinction between accountability of corporations and accountability of public authorities in terms of the governance of natural resources. This training, coupled with previous trainings on the legal recognition and allocation of tenure rights and duties, investments as well as expropriation and compensation as provided for in the TGs helped to raise community awareness about the fact that, "Corporate Social Responsibility (CSR)" is a loose tool that can be deployed by companies to serve what could be considered "Corporate Self-Regulation" which has lower regulatory standards. This perspective inspired the community forest watches in the Nigerian case to for example to engage in different advocacy actions for revising CSR with members of their state parliament. These actions led to the adoption of a corporate social responsibility law (no. 11 of 2015 later amended in law no. 9 of 2016) in CRS in Nigeria. This CSR law has concrete legal sanctions in cases of violations by companies (unlike in the past when the companies presented CSR as a favour which they were rendering to the communities). The law also sets up a conflict management committee responsible for mediating and resolving conflicts arising between corporate bodies and host communities with a view to promoting peaceful co-habitation (Amendment, paragraph g in law no. 9 of 2016). In a similar vein, the Community Forest

Watchers, supported by other community members staged many protests against the company to resist the news of a planned expansion of the company's oil palm plantation. These protests were reported in at least five (5) media publications some of which were national daily newspapers and drew the attention of the company to respond to community grievances and pledged to engage more in using Free, Prior Informed Consent (FPIC). In Betem for example, the community youths embarked on advocacy and dialogue with the company to press home their demands for redress on environmental pollution of their local river which they depended on. In effect, there was a case of water pollution by Wilmar activities, and few youth came together and took the case to their chiefs and Wilmar. At the end, Wilmar was able to provide a borehole for the community. Also, the company was not employing youths from the community to work in management positions within the plantation. In response to this, the CFW protested against it and the company began giving scholarships to two youths from each community to study in high school. The conditions of this award were not investigated in the context of this research. On the whole, we noticed that, in the context of the action research on bottom up accountability, deciding whether or not to engage the company was a tactic and a legitimate choice for the collaborating social movements and their supported communities. This decision depended on the context of the land grab. Contrary to the experience in the Nigerian country case for example, we noticed that, in Mali, directing accountability demands at the state—appeared to be the best way of making the company responsible.

In Mali, the communities did not engage directly with the company because, based on their previous experiences, engaging with the companies led to the company to try to act as though it were their government. According to them, the company wanted to 'dictate' to them their terms of relationship which was unacceptable to the communities. This as they argue was because, no TNC can come in Mali and grab land without going through the authorities – so, in their view, it is the authorities that allow the TNC to operate. Hence- they- the authorities must be held accountable to the people who elected them. In this regards, the communities preferred to deal directly with their authorities (both elected and appointed). For these communities, their strategy was to put pressure on the government and discuss with their administrative officials including governors and even their Prime Minister. A vivid example of how this unfolded concretely can be read in the following quote;

*Nous avons rendu visite aux villageois A cette issue ils nous ont informés qu'ils voulaient aller ensemble voir le maire et que la CMAT les accompagne. Nous prenons rendez vous avec le maire pour le mardi 26 mai 2016. Arrivés à la mairie le jour dit, le*

*maire n'est pas là. Nous allons chez lui , on nous indique qu'il est à Kati , ce qui est étrange puisqu'on avait rendez vous. Nous décidons de reprendre rendez vous, les villageois s'en occupent. La prochaine date est fixée au 10 juin. Même scénario, le maire nous a fuit. Le vendredi 24 juin nous débarquons sans rendez vous et enfin nous avons une entrevue. Il nous dit « que ce n'est pas lui, que ça dépend du sous-préfet ou préfet et qu'il ne peut rien faire », nous le savions déjà bien sûr, mais ce que nous voulions c'est que le maire soit avec nous lors de l'entrevue avec l'autorité supérieure. Nous envoyons une lettre au préfet demandant d'organiser une mission sur le terrain avec la CMAT pour évaluer les nouveaux dégats et élaborer le deuxième protocole. C'est ainsi que le 26 juillet nous allons tous rencontrer le sous-préfet à Kati. Ce dernier était tendu et agressif en début de séance, répétant qu'il n'a pas à traiter avec la CMAT ou toute autres organisations. Peu à peu après discussion l'ambiance s'est détendue et le sous préfet nous adit qu'il avait l'argent de la COVEC pour payer les villageois conformément au [premiere] protocole(CNOP Country report,2017:46-47).*

In this way, they made the authorities to face their own responsibilities and their own citizens. In the course of the research, an MoU was established between the communities and the company, but the MoU was negotiated with the government Divisional Officer –not with the company. The communities did not also use the courts because in their view, the court is very corrupt.

#### **2.5.6 Parts of the state which the actions for accountability prioritized – local, district, regional, national institutions**

Across the countries involved in the action research, using international governance instruments and principles, especially the TGs, to hold public authorities more accountable in the process of land grabbing varied and depended on the level (local, state or national) of public governance, as well as the intersection of resources in question (land/ water and fisheries, Land/Forest). This was especially because, the processes of participatory governance of natural resources differed across the different administrative levels in the different countries. Moreover, the existing legal frameworks for the governance of tenure of land, fisheries and forest were different across national boundaries. In the case of Nigeria which is a federal republic, state laws were sometimes different across the states. In addition to these, the mix of local-regional-national-international regulatory institutions and co-existing regulatory orders (customary, corporate-business, military, and/or other) varied across subnational level in Nigeria (a federal republic)

compared to Mali, South Africa and Uganda which are unitary decentralized states. On this note, it is important to discuss the level of public authority that each of our country cases prioritized in their actions and strategies.

In the Nigerian country (which has a federal system of governance) case, the priority was the state government of Cross River State. Although, the research targeted frameworks like the country's 1978 Land Use Act and the policy on Environmental Impact Assessment (EIA) which were national in nature, the research prioritized the state government because these frameworks had resonance at the state level. Moreover, in the context of the land grab in CRS, the MoU and ensuing CSR was signed between the investor and the government of CRS. There was also some focus on local chiefs, because, as discussed earlier, some of the chiefs tended to be accomplices in the land deals against the wishes of their communities. So, the CFW targeted the chiefs to ensure that there was unity in the community struggles.

In Mali, the targets varied from local institutions (municipal councils, sub-Divisional and Divisional offices) to government ministries depending on the nature of the existing regulatory texts as well as the authorities responsible for overseeing the effective implementation of the texts. The regulatory texts targeted in this case included "*Le code domanial et foncier, La Politique Foncière Agricole (PFA), La Loi d'Orientation Agricole (LOA), La charte pastorale*" which are all national legal frameworks. However, starting from the experience that, the mayor of the municipality of Fonsira always told them-the communities and collaborating CSO (in this case CNOP/CMAT) that the orders for land deals were coming from a higher authority, the Malian researchers coordinated their strategies to target the municipal council (mayor and his line of leadership), the sub-Divisional and Divisional Offices, until the level of the prime ministry. In their view, if the decision of a land deal is an instruction to all mayors – a strategy of targeting national institutions from where the orders came will have a bigger impact on all mayors and by default on all communities.

In Uganda, the legal frameworks guiding the accountability actions were; the county's 1995 Constitution (amended in 2005), the 1998 Land Act and its 2001, 2004, 2007, 2010 amendments, the 2008 National Land Use Policy, the 1998 National Environmental Act and the small scale fisheries policy. Following these, the targets of accountability varied, but the process was systematic from the local to the sub-county, to the district, and finally to national level. According to KWDT, there is no transaction on land that can be done without the signature of the local land offices and the local councils who are sometimes compromised, threatened and bribed, and are also not aware of certain existing legal provisions relating to the

resources that they are meant to govern. Thus, in KWDT's view, it made more sense to focus on this level first because it is at this level that they aimed to stop the transactions.

In South Africa, the accountability strategy focused on assessing the MPA, DENEL, MLRA and the SSF Policy. Taking into consideration the interrelations between the resources grabbed (water and land), the targets of accountability were two ministerial departments; the Department of Agriculture, Forestry and Fisheries (DAFF) and the Department of Environmental Affairs (DEA). DAFF is responsible for regulating DENEL, a military weapon testing plant, implementing the interim relief permits, as well as the policy on Small Scales Fisheries (SSF) while DEA is responsible for overseeing the implementation of the MLRA and the overall governance of MPAs. In the South African context, this plethora of policy arrangements and overlapping legislative frameworks tended to confuse and contradict each other. As MDT put it:

*Under the new small-scale policy, communities will need to establish for themselves what their tenure arrangements will be and unravel and unpack the myriad of governance frameworks governing resources. For example, on the Eastern Cape (EC) coast, communities have the governance of the SSF policy, MPA governance, tribal authorities, and local municipalities but in addition to that, many communities have successfully won land claims over protected areas, and in accordance with prescribed legislation on the Land Restitution Act (LRA), these areas are governed by communal property associations. The complication arises when, for example, only some members of a community are marine resource users and therefore need different tenure arrangements to those who, for example only use the land (MDT Country report 2017, 10).*

More so, the Department of Agriculture, Fisheries and Forestry (DAFF) which is implementing the SSF policy for small scale fishers must communicate with the DEA on how the implementation will impact the governance of Marine Protected Areas (MPA's).

### **2.5.7 Dealing with the intersections of land/fisheries and forest and institutional Silos**

It is clear that, since issues of land grabs tend to engender the grabbing of other resources like water, forests and pasture, collaborating CSOs and communities involved the action research were faced with the effects of policies and laws governing different administrative departments and in some cases ministries. These presented challenges in local people's ability to organize and demand for accountability from below. In Nigeria for example, there was the intersection

of agrarian, forestry and environmental impacts. In Mali, there was the intersection of land, pasture, water pollution and health (dynamiting and pregnant women feeling stomach discomfort). In Uganda and South Africa, there was the intersection of regulations governing land and fisheries. Given that the financial and time resources of the research were limited, field collaborators together with their communities tended to prioritize their actions and demands. This choice was often guided by; the pertinence of the resource for their immediate livelihoods, the available financial resources for the action research, as well as their ability to get strategic allies to support their struggle. This approach was however limited in that it could not result in holding all responsible authorities accountable. Nonetheless, as the research itself was planned to test the applicability of non-binding international governance instruments like the TGs by CSOs in concrete situations on the ground, prioritizing the targets of accountability was the most feasible thing to do.

#### **2.5.8 Building a critical mass of land / forest rights defenders / monitors / pressure groups and cultivating allies in the broader society**

The research shows that, clearly, to demand accountability requires identifying where within the state critical change can be effected, developing a strategy to engage with the state at multiple levels – sometimes moving from the local to the national, or vice versa. Across the cases, we saw the possibility of building alliances between affected rural communities, social movements, CSOs – and allies within the state. The research found that, with the exception of the Ugandan country case which only started to build a critical mass only during the process of the action research, the communities supported by MDT, CNOP, and ERA used existing alliances. In Uganda, KWDT started by identifying the Centre for Public Lawyers (Center for Public Legal Education) and moved from there to form an alliance with other national environmental NGOs, as well as lawyers who were willing to work with them pro bono. In the South African case for example, MDT reported that;

Before the Arniston Community joined Coastal Links(CL) and Masifundise in 2006, this small remote fishing village which is almost 100 % dependent of fishing for their livelihoods felt hopeless in their fight to secure the necessary right to fish as imposed on them by the then, Marine Coastal Management (MCM), now known as DAFF. Once they started interacting with other SSF communities from along the coastline, they then became confident, strengthened and supported in by the knowledge that they were no longer alone and that information they were getting through CL and MDT was

empowering them to assert their rights and restore their dignity (MDT country report, 2017:52)

In Mali, the communities of Fonisra supported by CNOP anchored their actions in the networks of CNOP-CMAT. More so, CNOP-CMAT worked with a group of well-trained journalists who have been working with them for many years. In addition to this, UACDDDD the main CMAT partner of CNOP always have cohorts of student jurists within their organization, some of whom have gone on to become mayors, and were sensitized on the TGs. CNOP-CMAT also developed allies within the national assembly and among the MPs. Another ally they had was the High Council of Collectivities—the Senate that manages all issues related to decentralization in Mali. In the Nigerian case, the extension of community Forest Watch network from other states like Edo to CRS was very instrumental in providing a veritable bedrock to build upon grassroots resistance to land grabbing. As part of the advocacy and organizing strategy, five new Community Forest Watch units were established. In each of the communities, a unit comprising of 5-youths (male and females) came together to organize their community for resistance. These CFW had the general responsibility to create awareness on the impact of Wilmar's operations, defend the forests by representation, and redressing of community members grievances. The forests watch committees were established to conduct community organizing from bottom-up, and be the arrow head of local campaigns against corporation oriented land grabbing. An advocacy work plan was developed to help the forest watch members to be active in the protection of their rights. Community members were empowered to take a stand against the issues of land grabbing now and in the future, work towards reclaiming the land that was appropriated through; letter/petition writing, civic engagement, lobbying and effective advocacy. The CFW interacted with legislatures, making sure that the representative understood the challenges of the people, and took these challenges to the parliament as a matter of urgent public interest. Another important ally they had were people in some media in CRS. The CFW invited these media people to their programmes and these media people reported back to the wider public. The CFW also built relationships with local CSOs and with some people within the ministry of environment in CRS. Summarily, they had three allies – two outside of government and one inside government

In Uganda, KWDT supported the establishment of land pressure groups<sup>18</sup> in the affected fishing communities. These pressure groups work in synergy with other pro bono public interest legal centers and are taking action – to stop people from losing land; building strategies; using legal information from the lawyers who trained them pro bono. The pressure groups now ensure that, if people pay rental fees, they must get a receipt as proof and as a defense against eviction. In the past, the communities faced the challenge that, multiple<sup>19</sup> landlords came requesting for rents from them and after they paid, they were never given receipts. In some cases, after such payments, the rightful landlords later came and evicted the communities for not paying the land rents. According to KWDT, these land pressure groups are efficient in changing the tides of such corruption because, now, when the landlords hear that the tenants were advised to ask for receipts, some of them stopped coming to demand payment.

### **2.5.9 Available financial resources**

In order to enable the CSOs leading the action research to train and provide the necessary technical support needed to enhance the capacity of local people to effectively hold public authorities accountable to people's rights, there needed to be enough financial resources available. Across all four country cases, one of the major challenges that affected the action research was lack of financial resources to source for the various actions (including strategic actions) and trainings required by affected communities. The Nigerian country case highlights this more when they argue that, one of the major challenges of the research was the lack of financial resources to motivate the Community Forest Watch team which was at the core of the action research process. The team was very instrumental in organizing protests, dialogues, and media campaigns among others and this required cost related travelling to the meetings, cost to connect with media outlets just to name a few. For the CFW to have made significant strides like; getting the CRS government to institute the green police which is mandated to protect the forests from illegal loggers and generally monitor the forests to reduce the risks of conflicts, getting the CRS parliament to vote a law on CSR, getting the company to at least provide study scholarships for youths and boreholes to replace their water sources which were polluted by its activities, demanded significant finances. The shortage of finance limited the activities and availability of CFW who were only available in specified times instead being available on a full

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<sup>18</sup> In the beginning, many people wanted to be on the committees of land pressure groups because some of them thought that they could engage with people wanting to buy land, and be in a situation to accept bribes. So not all the motivations are pure.

<sup>19</sup> Some of whom were not the rightful land owners because in these communities which are located on the shores of the lake, it is hardly clear who owns the land; sometimes it is the government buffer zone, sometimes it is privately owned.

time basis as required by the communities. The sustainability of the community forest watch depends on their ability to generate funding which is critical for their overall functioning as a community forest vigilante group. In the Ugandan country case where fishing communities are located in different landing sites, organizing trainings in preparation to build land pressure groups in the context of the action research process required extra resources to bring the participants together. Upon the eventual setting up of these pressure groups, there was constant need for funding to facilitate their mobilization and transport to different dialogue and advocacy meetings.

## **Conclusion**

This research sought to understand the ways in which communities affected by land grabbing are using the TGs for bottom-up accountability in Africa. After three years of participatory action research, the experiences of the four country cases indicate that, the TGs are very helpful in enabling the communities to address some of the common obstacles for bottom-up strategies to hold public authorities accountable. Among others, the TGs enabled collaborating CSOs and their supported communities to; overcome the challenge of collective action by enabling them to organize and act together systematically and reflexively through; forming Community Forest Watchers as the case in Nigeria shows, and land pressures groups as the case in Uganda shows. Also, the TGs enabled all four collaborating CSOs to extend and scale up power and voice by cultivating strategic allies and a critical mass to support their actions by mobilizing allies within the government, journalists, other CSOs and the communities just to name a few. In this way, they overcame the challenge of reaching out to others and building multiclass, multiethnic, multi-sectoral alliances. In Mali, the TGs enabled the collaborating CSO ‘CNOP-CMAT’ and their supported communities to steadfastly demand for accountability in the governance of their natural resources while evading the challenge of criminalization and impunity – a process whereby- those who attempt to stand up for their rights are portrayed as “criminals” and subjected to criminal legal charges. This is because, CNOP-CMAT and the affected local communities based their claims for the recognition of their legitimate customary land tenure (mainly what they call ‘espace vital’) on TG provisions like:

“States should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems, consistent with existing obligations under national and international law, and with due

regard to voluntary commitments under applicable regional and international instruments (FAO, 2012)<sup>20</sup>.

Such provisions in the TGs, an international instrument that enjoys recognition among powerful national governments and international governing bodies like FAO, made them-the communities and their supporting CSO- to be seen by public authorities as anchoring the demands on legitimate frameworks. More so, CNOP had facilitated the setting up of a multi-actor platform which brought together members of government, INGOs and CSO among others to reflect on possible ways of using the TGs to improve policy and law making in the country. Similar use of the TGs to enable CSOs and communities to evade the challenge of criminalization and impunity emerged with KWDT which was working in a very repressive political context, yet, communities' claims anchored in the TGs tended to open up a space for collective community dialogue and brainstorming for ways forward without them facing any 'authoritarian backlash'. Summarily, across all four cases, the TGs contributed to engage critically with existing customary and legal frameworks so that people could enhance their knowledge about existing laws which protect their rights and at the same time are able to identify shortcomings/gaps/bias in the existing laws working against them. From these, this paper argues that, CSOs and communities affected by land grabbing can use the TGs from three main perspectives which are; filling gaps in their existing national law; strengthening and complementing existing laws; addressing contradiction and proposing alternative norms.

On the whole, using the TGs in bottom-up accountability has been very instrumental for our collaborating CSOs together with the affected communities .The TGs have been the basis of community willingness to act, often backed by our collaborating CSOs' robust advocacy workshops organized to equip communities with advocacy skills so as to stir debate, streamline demands against corporations like Wilmar (in the case of Nigeria), and make demands on local and national governments. As ERA Nigeria put it, the TGs might provide opportunities to enhance local communal land rights if effectively grafted into the national laws in Nigeria. The Malians were more successful with using the TGs in defending their customary land rights because of initial (prior to the beginning of the research project) additional external financial support of FAO together with multiple trainings on the TGS.

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<sup>20</sup> Voluntary Guidelines on the responsible Governance of tenure of land, fisheries and forests in the Context of national food security.

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<sup>i</sup>All country reports quoted in this summary are the unedited and unpublished versions, so, there might be discrepancies with page numbers (because the published versions of the country reports are shorter and more summarised versions)

<sup>ii</sup> Margulis, McKeon, and Borrás "Land grabbing and global governance" 1-23.

<sup>iv</sup> With the meaning of human rights and democratic land control along the lines spelled out by Franco, Monsalve and Borrás, "Democratic land control."

<sup>v</sup> Fox, *Accountability politics*, 1-2.

<sup>vi</sup> Polack, Cotula, and Côte, *Accountability in Africa's Land Rush*.

<sup>vii</sup> In a communication with Wilmar, the company said that they do not have any hand in the management of the school and cannot therefore decide who is admitted in the school. However, since the communities are not fully aware about the company's CSR obligations- their perception of the company's implementation of its CSR cannot be clarified.

<sup>viii</sup> See note vi on Wilmar's CSR.