

Final Technical Report

**Project Title: Bottom-up accountability initiatives and Large Scale Land Acquisition (LSLA)
in sub Saharan Africa (01.10.2014-30.09. 2017)**

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Fishing communities left with no other option that to reside at dangerous proximities to the Lake in kiziru-Uganda

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I. Abstract

This final technical project report covers the period 01.10.2014 –30.09.2017. During this period, we engaged in a Participatory Action Research (PAR) process to investigate bottom-up accountability in LSLAs in Africa. We focused mainly 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. To do this, we looked more systematically into the general patterns of political processes of exclusion and inclusion of local communities' vis-à-vis Large-Scale Land Acquisitions (LSLAs)¹, and the conditions under which the interests and rights of poor people are protected and promoted.

From the findings of our action research, we can say that the TGs helped the communities working with KWDT in Uganda, MDT in South Africa, ERA/FoE in Nigeria and CNOP-CMAT in Mali to address some of the challenges related to public accountability from below. This is because:

- In the case of the fisheries communities in Mukono District in Uganda where there was no previous experience of community organising and mobilising to demand accountability, communities' understanding and interpretation of the TGs showed to be a key enabling factor to organize for collective action especially with the formation of land pressure groups.

- In the case of all four partners (KWDT, Masifundise, ERA and CNOP), the TGs helped to engage critically with existing legal frameworks so that people could enhance their knowledge about existing customary as well as statutory laws which protect their rights; at the same time they were able to identify shortcomings/gaps/bias in the existing laws working against them. Summarily, in cases where national law did not yet reflect what villagers needed/wanted in terms of democratic land control, they used the TGs to identify, lobby and advocate for specific provisions that were missing. In cases where national law reflected what they needed/wanted, the TGs were used to further justify such provisions and frame collective action to push for them to be put into practice.

- In the case of CNOP-Mali for example, using the TGs proved to be critical not only to enable local communities to organize themselves and steadfastly demand for accountability in the governance of their natural resources but also to overcome the challenge of criminalization–

¹ Although this conceptualization was used while framing the research proposal, communities involved in our action research resisted and rejected the conceptualization as 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. Community preferred to use the word land grabbing.

whereby- those who attempt to stand up for their rights are portrayed as “criminals” and subjected to criminal legal charges. This is because, CNOP and the affected local communities based their claims on an international instrument which makes them to be seen by public authorities as being anchored on legitimate frameworks so that the TGs tended to open up a space for collective community dialogue and brainstorming for ways forward without them facing any “authoritarian backlash” to use Franco et al.’s (2016), words. On the whole, our experiences suggest that, a technical approach to the implementation of the tenure guidelines is inadequate. Rather, giving life to TGs is complex and gains are incremental. It takes more than a mechanical or technicist approach to ‘recalibrate the political-legal terrain in favour of human rights and democratic control of land and other resources’. Using TGs in practice required ongoing challenges, nuanced strategies and alliances. There is no blueprint, and derived lessons when shared could enhance further actions in different contexts.

Through this project, it also became clear to us that, since issues of land grabs tend to engender the grabbing of other resources like water, forests and pasture, collaborating CSOs and communities involved in the action research were faced with the effects of policies and laws governing different administrative departments and in some cases, Ministries. This presented challenges in local people’s ability to organize and demand for accountability from below. Given that the financial and time resources of the research were limited, field collaborators together with their supported communities tended to priorities their actions and demands. This choice was often guided by the pertinence of the resource for their immediate livelihoods, the available resources, and 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.

The research also found that, while women and youths tended to lead PAR process in local accountability initiatives, they tended to be relegated to the back when it came to negotiations between authorities and affected communities especially when there was the need to make major decisions with public authorities (for example when deciding on compensations, evaluating the differentiated uses of different resources by community member etc). In this way, the outcomes

(for example compensations, valuations) tended to omit or under value women and youths uses of the affected resources.

Keywords

“Bottom-up”, Accountability, land grabbing, Africa, Action, Research

II. Research problem

In our project as a whole, we 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 the global rush for land which is rapidly changing the use of land and water from small-scale, labor-intensive uses like peasant farming for household consumption and local markets, toward large-scale, capital-intensive uses such as industrial monocultures linked to metropolitan areas and foreign markets. To do this, we looked more systematically into the general patterns of political processes of exclusion and inclusion, and their terms, of local communities’ vis-à-vis large-scale land acquisitions (LSLAs), and the conditions under which the interests and rights of poor people are protected and promoted. In this context we particularly delved into the way 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, could be mobilized to protect and promote the interest of poor people in the context of current resource deals in the countries where this study is to be carried out (Mali, Nigeria, Uganda, South Africa).

Our fundamental assumption in this research was 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. Taking the side of the poor people guided by the norms of social justice and human rights, our project aims to look more systematically the general patterns of political processes of exclusion and inclusion, and their terms, of local communities vis-à-vis large-scale land acquisitions (LSLAs), and the conditions under which the interest of poor people are protected and promoted. An important factor in this calculation is the fact that there emerged multiple national and international governance instruments to address resource politics issues, including the TGs.

III. Objectives

Our project sought to:

- 1) generate evidence about differentiated impacts (inter alia in terms of gender, ethnicity, generation, class) of LSLAs on local people and about differentiated people's responses to LSLAs;
- 2) have an empirical understanding about how local, national and international factors, actors and institutions are re-shaping the existing governance of land understood as key natural resource connected with other resources;
- 3) have a grounded understanding of the various strategies to enhance the capacity of civil society organisations and rural female and male workers to hold decision-makers at all levels accountable in the context of LSLAs;
- 4) have a systematic understanding about the conditions under which international governance instruments and principles, especially the TGs (this includes how TGs relate to the national governance framework, understanding the lines of tensions and synergies; as well as how TGs relate to other international governance instruments), can be used to hold public authorities more accountable in the context of LSLAs with the view to ensure the realization of the right to food and gender equality;
- 5) capacitate social movement actors in appropriate action research work – as well as to equip key actors with research-based evidence in order to inform their interventions and actual policy measures, locally, nationally and internationally in terms of land-related laws and policies;
- 6) contribute to the broader scientific debates on this issue by publishing peer reviewed working papers and journal articles from this action research project – in addition to popular format of written outputs such as policy briefs targeted for policymakers, and popular guides targeted for social movement activists.

IV. Methodology

The research used an action research methodology which entailed a multiple loop learning in which “the methods and types of actions developed over time through iterative process of research, action and reflection. This process was one of strategic and collective reflection–action–reflection–action “from below” through creating [participants] own “virtuous circles” of authoritative and accountable natural resources governance in reality.” In this process, the researchers also engaged into an iterative process of deepening insights about policies, laws, as well as the role of authorities.

It is important to mention here that, the research was in collaboration with four in-country CSO collaborators who; have varying experiences with the tenure guidelines but used these guidelines in researching bottom-up accountability in different cases and contexts of “land and resource grabbing”. In effect, all four country cases dealt with intersections of different resource grabs (land in the context of Mali; land and forests in the Nigerian case; land-water in the context of Uganda; coastal water and marine protected areas– in the context of South Africa) yet, all attempted to use the same tool (the TGs) across a set of diverse starting points for bottom-up accountability initiatives. Specific participatory research methods that were used included but not limited to: participatory observation, community meetings, resource mapping, problem identification and visioning, testimonials, timeline analysis, public dialogues, engagement with state authorities, events and processes to reflect and learn from these, use of media, key actor analysis among others. For a more detailed explanation of these methods, see the Toolkit for Participatory Action Research developed in the context of this project (Appendix 11).



Pictures taken during a community dialogue in Bulebi-uganda (left) and mapping in Arniston, South Africa(right) where a participants shows how the land adjacent to the lake is being increasingly encroached on with more households that were not seen in the past.



Left: Residents of Bulebi fisher community in Uganda ; during a community dialogue reflect on the history of their community and what changes have taken place in regard with land, water access and management of these resources.

Right: Community dialogue with Men in Mali

In addition to the participatory research methods used above, conventional methods of data collection like focus group discussions, in depth interviews, household interviews, key informant interviews, community dialogues, meeting with women leaders, literature review, informal discussions, meetings with public interest pro-bono lawyers and paralegals, life histories as well as surveys with the use questionnaires were used to complement the data collection process.

In order to further ensure the robustness of the research, there was a mid-term external peer review of the research methods and preliminary findings. The external review was conducted by both African as well as non- African scholars (who all had rooted experiences in research work on the topic in Africa namely; Professor Jonathan Fox, expert in accountability studies at the American University, Professor Dzodzi Tsikata, University of Ghana and the current president of CODESRIA, Professor Svein Jentof who is a fisheries expert at the University of Tromso). The external peer reviewers read through all four country reports and gave constructive feedback with most of them appreciating; the robustness and appropriateness of the research methods as well as the breadth and depth of actions and analysis. We discussed the comments of the external peer reviewers with our country partners and guided them on how to revise their country reports and methods based on the feedback.

V. Project Activities

According to our project schedule, the first project activity was an inception seminar. It was also planned that the research outputs will be presented in each of the four countries i) at an internal workshop to the members of the African organizations involved in the project; and ii) at least, at one national

high-profile policy dialogue event with the participation of policy makers, other civil society organizations and key actors. At the international level, the academic outputs (peer reviewed articles and book) were to be presented at least at one high profile international multi-actor conference where the key findings of the study will be discussed. Also, it was expected that high profile media publications of key issues of the project will be pursued nationally and internationally.

V.i Project Inception Seminar

This seminar was officially launched on the 12th of January 2015 in Kampala, Uganda by Sofia Monsalve from Fian International (the project leader) and Margaret Nakato from Katosi Women Development Trust (KWDT)-Uganda (the host organization). In attendance were 17 participants who came from all eight collaborating organizations including Ramata Thioune from the IDRC. The aim of this seminar was to identify key issues, refine research questions and settle methodological issues/trainers' training of research methods and techniques. The seminar included a capacity building for research and human rights methodologies. The seminar venue was the Pope Paul Memorial Hotel in Kampala Uganda. During the inception seminar, field partners presented their cases (subject of the action research) and based on the cases, as well as the identified knowledge gaps for each selected case, the partners were provided with feedback on how to best redefine their research questions so as to fit into the main project research questions. During this inception seminar, the entire research team also made a one day field visit to fishing communities in the Katosi and Mpunge districts of Uganda. The aim of this trip was to listen to the experiences of the communities in the domain of livelihood challenges and land tenure conflicts around the lake in the context of LSLA. Below are some pictures of the trip to Mpunge-Uganda.



Photograph provided by: Carsten Pedersen (a field partner to the IDRC project)

Description: Left (community members, women groups and local authorities), middle (inception meeting participants), Right (women group representatives sharing their livelihood challenges in the context of LSLA).

In order to settle methodological issues, one day of the inception seminar was dedicated to research capacity building with a focus on “Action Research”. This was provided by PLAAS and ISS as anticipated in the project application. Picture 2 below shows some pictures of the training exercise. Below are some pictures of the training of CSO project collaborators on PAR.

Research team members being trained on PAR using the TG during the inception seminar



Photograph provided by: KWDT (a field partner to the IDRC project)

Description: Left (Ruth Hall from PLAAS training participants on Action Research Methodologies), Middle (participants elaborating on the ways in which Action Research will be applied in their research cases), Right (participants reflecting on the possible challenges of using action research in their cases).

During the seminar, Fian and TNI provided a half-day capacity building on the TGs, human rights and international governance issues to field partners. Both capacity buildings aimed at the development of data collection tools, as well as the training of social movement researchers as earmarked in the expected project output. As was expected in the project application, the research team members selected the three external project reviewers namely;

- Professor Jonathan Fox, expert in accountability studies at the American University.
- Professor Dzodzi Tsikata, University of Ghana and the current president of CODESRIA.
- Professor Svein Jentof who is a fisheries expert at the University of Tromso.

In the same light, the project steering group was set up. The group was established on the 16. 01. 2015 during the project inception meeting in Uganda and comprised of two persons from each of the participating organization (one main responsible staff and one alternate). The main duty of this group was the overall coordination and management of our project. The group convened skype calls regularly to review the reports of all partners including the financial reports (in case of trouble) and the upcoming plan of activities before submitting the overall report to the IDRC.

V.ii Country research activities

During the first year of the project, each of our field collaborators prior to beginning their action research process, organized a country based project inception meeting. Masifundise for example organized a national training workshops on the tenure guidelines while ERA organized a media parley as well as a workshop to train communities on communal land rights. These meetings set the stage for all research activities that took place in each of the countries during the three years of the research.

V.iii Training on using the tenure guidelines for bottom up accountability initiatives in all four countries and internal workshops to strengthen the data collection and documentation process.

During the second year of our project beginning on October 2015 until September 2016, Fian, TNI, and PLAAS (technical and academic support organizations) carried out research visits to all four countries of our research. During these research visits, the technical and academic partners among other tasks, provided further training to our collaborating CSOs on using the TGs to do action research for accountability in governance, as well as explored possible ways forward in helping them to better document their action research process and outcomes. It is important to mention here that, although our field partners greatly appreciated the support they got from the technical and academic partners, we believe that the technical and academic support offered was much more than the existing human resource capacity. This is because, in the project, only few internal workshops were previewed whereas the needs of our field partners were way beyond. So, we had to resort to benefiting from meeting in other forums so as to better strengthen the capacity of our field partners.

V.iv Presentation of academic papers at international conferences

The draft of the first academic paper on why wait for the state in the implementation of the tenure guidelines (Appendix 12) was presented at an international colloquium on Global Governance/Politics, Climate Justice & Agrarian/Social Justice: Linkages and Challenges organized at the International Institute of Social Studies (ISS), The Hague, The Netherlands from the 4th to the 5th of February 2016.

V.v Final project meeting in Abuja Nigeria



Research collaborators discussing the relegation of women and youths during major decisions (consultations for compensation etc) in Nigeria (left) and Uganda (right) respectively 2017

From the 11- the 15th of February 2017, we organised our project's final seminar aimed at sharing the research results of each partner, collectively drawing lessons as well as elaborate a comparative analysis of the insights of the four national cases with respect to how to increase people's accountability and control of Land, Fisheries and Forests (LFF), and the dynamics/interface of local, national and international governance frameworks/mechanisms. During this seminar, there was a final (face-to-face discussion with the project partners), peer review of some of the research outputs (draft of the second academic paper, country reports, country videos, policy briefs, as well as the evaluation of the usefulness of the data collection tools produced at the beginning of the research). Recommendations for revisions made during this final seminar were fed into the finalisation process of various the research outputs.

V.vi Project findings dissemination meeting in Abuja- Nigeria



Left to right; Mr. Aubee Ernest-Head of Agriculture at the Department of Agriculture and Rural Development at ECOWAS (Representative from ECOWAS/LPI-UNECA), Mrs. Ramata Thioune –Senior program specialist at the IDRC(Project holder at the IDRC), Prof. Ruth Hall- PLAAS South Africa (academic collaborator), Mr. Ibrahima Coulibaly-President of CNOP Mali (field collaborator), Dr. Ojo Godwin-Executive Director of ERA(field collaborator), Mrs. Sofia Monsalve-Secretary General of FIAN International(Project leader).

On the 15th and 16th of February, 2017 we, thanks to additional financial support from the IDRC, organised a West African sub-regional meeting where the findings of our research were disseminated. This meeting counted the participation of the research team members together with other CSOs, academic research, as well as regional institutions like the ECOWAS Commission, the Land Policy Initiative (LPI) of UNECA and FAO. In total, there were 25 participants at the workshop coming mainly from 8 of the 15 countries in the Economic Community of West African States (ECOWAS) namely Nigeria, Ghana, Senegal, Mali, Burkina Faso, Sierra Leon, Ivory Coast and Niger. ERA- Nigeria and CNOP-Mali both field collaborators of our project discussed among other things, the ways in which they used the tenure guidelines to try to propose new laws and policies for a more responsible governance of tenure of land, fisheries and forests in their respective countries. During the project

dissemination meeting, the representative of ECOWAS advised participating CSOs on ways of collaborating with the ECOWAS to ensure local accountability and the responsible governance of natural resources in the context of food security for all at national level. He promised to report back to his superiors and in a communication with him on the March 30, 2017, he said “I will be reporting on the Abuja workshop organized by your organization and IDRC. I will be making a presentation on land activities in West Africa. I will also like to present a copies of the convergence advocacy document to both LPI and AUC with a covering letter from ECOWAS”. Following his advice, the participating CSOs including CNOP-CMAT have, in the context of the convergence entered into contact with ECOWAS.

V.vii National high profile project dissemination and policy discussion meetings



National Policy dialogue organised by MDT in South Africa –August 2017.

Between April and September 2017, all country collaborators organised country level dissemination events. KWDT organised their dissemination meeting on the 28th of August 2017, and attended by over 40 participants including: district officials such as the Resident District Commissioner (RDC- Representative of the president at the district level), Official from the district land board, Buganda land board of Mukono, representatives from civil society organizations including AFALU and UFFCA, leaders of the 19 women groups of Katosi Women Development Trust (KWDT), representatives from the various landing sites in Mpunge, as well as other local leaders from the study area. The meeting

sought to; disseminate findings from the study on land and water in Mukono district, bring to the attention of local district and national officials of the land grabbing and human rights abuses in fishing communities, as well as discuss the way forward in addressing the land wrangles in the fishing communities including the application of the guidelines. During the meeting, the tensions surrounding land governance in Uganda was reflected in a statement made by the Executive Secretary of the district land Board, who expressed his fears to comment on land issues in this area mentioning that; “whenever I am going to comment about land issues, I ask for guidance from God”. In his remarks, he noted that “we cannot avoid the buying and selling of land at the moment, because it is a very lucrative business everywhere in Uganda”. In the end, KWDT report that, their dissemination and high level event among other things achieved the following;

I. Bringing together the local people and the leaders from the district levels, whose offices are the key players in land matters in the whole district

II. The meeting, for the first time, brought to the attention of the leaders, the Voluntary Guidelines for land, fisheries and forests. District officials had not been aware of the guidelines before this meeting and the RDC requested KWDT to further disseminate and inform people about these guidelines, and how they can be used effectively to solve land disputes.

III. The meeting helped to bring to the attention of the officials the crimes being committed by the investors in the district, such as setting boundaries in water and mistreating the community members. CNOP proposed to make use of the space of an international meeting which they organised in September to commemorate the 10 years of the Nyeleni International forum for food sovereignty, a unique event which gathered hundreds of participants from all over the world to present their research findings and policy positions. MDT organized a national policy dialogue on the benefits of the differentiated approach towards policy implementation and how this could strengthen and enhance advocacy efforts locally, provincially, and nationally. During this dialogue, an intensive advocacy strategy on both macro and local level was decided upon. On the need for a differentiated approach in each province, it was agreed that MDT will continue its work as follows;

- Focus on MPAs in the KwaZulu Natal and customary rights issues in the Eastern Cape,
- Initiate a series of participatory community-based profiles that capture local demographics, services, skills, talents, household incomes and assets. These profiles will be conducted in the targeted communities by Coastal Links leaders in close collaboration with MDT field-staff. The information gathered will serve several purposes: to deepen the understanding of the current issues and challenges in the communities; to refine advocacy strategies and improve local level advocacy.

- Provide support and skills development for local talents to include the role of women and youth and value chain opportunities. Field-staff will provide this support.
- During the period September – April 2018, we will produce one manual with best practices relating to the SSFP (e.g. involvement of women and youth; co-management or community based management; cooperatives; value chain opportunities) with specific cases/best practices from each of the provinces; and produce one manual on customary rights (Eastern Cape in particular) and MPSs (KZN in particular).

Masifundise concluded the national policy dialogue by stating that, and I quote “we look forward to implementing this new approach and are optimistic that the activities of the next few months will re-energize the SSF sector and speed up the policy implementation process. We are anticipating that the women and the youth will find their place in the sector as we unlock value added opportunities thorough our local advocacy interventions. It is our aim to help restore the traditions and customs of the fishers, especially those living in the Eastern Cape and Kwazulu Natal Provinces. We thank the IDRC project for making it possible for us to have this important dialogue” (MASIFUNDISE Report on National Policy Dialogues, 2017). ERA/FoE organized a dissemination meeting in Abuja Nigeria with media coverage² where they highlighted the role played by local elites in land grabbing. To quote from their media release, “this is followed by illustrious sons and daughters from the communities, who also grab land for plantation agriculture and so on. Political office holders are also part of the grabbing, especially when and where there are mineral deposits.”³

V.viii Lessons learned about the implementation and management of the project’s activities

We noticed that, research which involves the affected communities not just as victims and respondents to questionnaires and interviews, but as informed active participants in the problem identification, methodology and analysis is indispensable in enabling communities to resist corruption and exclusion in the governance of land, forest, and fisheries. Through our action research, community members across all four countries are now able to mobilize for change and demand for accountability after receiving proper trainings in basic human rights, TGs as well as their existing national laws. These participating communities have among other things demanded the recognition and protection of their customary tenure rights, while questioning the inclusiveness

² See section on media outputs

³ <http://punchng.com/land-grabbing-by-multinationals-threatens-communities-study/>

of these customary rights especially in the context of inbuilt discriminations and exclusions of women and youths. We observed that, unlike traditional academic research whereby data is simply collected from communities and fed into academic discusses, our experience shows that, if properly thought through and planned, the research process itself can be very rewarding for communities, local authorities as well as academics. Most importantly, the clustering of research actors (academic, CSO, affected communities, and policy makers) resulted in:

- Simplified research results for ownership and awareness by actors such as the CSOs and journalists in a bit to build strategic advocacy to influence policy decisions;
- Robust training of CSOs on data collection and documentation which could serve other CSOs;
- Enabling CSOs to write policy briefs that could serve bureaucrats/actors who would naturally oppose or resist CSO inputs;
- Bringing to light the knowledge, interpretations and experiences of CSOs working on responsible natural resource governance which are vital for policy formulation and implementation, as well as informing the younger generations on issues of food and nutritional security in their countries and the world;
- Bringing more objective and balanced analysis of the phenomenon under study;
- Opening up space for discussions in different policy fora, but most importantly, it enabled academics to offer more balanced policy proposals to governments when called upon to do so either through consultancies or through specific requests for research;
- Expanding funding possibilities for both CSOs and academics involved in the project.

VI. Project Outputs

The major outputs expected from the research (as promised in the project proposal) were:

- Data collection tools:
 - 1 practical guide how to apply TG to the research;
 - 1 set of indicators to assess governance of tenure at national level using the TGs.
- Popular outputs:
 - At least 4 country reports and 4 country briefings (one each country);
 - 1 briefing presenting the findings of all country case studies;
 - 1 video for the entire project with multiple short video clips.
- Training:
 - 1 methodological guide on action-research for activists;

- At least 12 social movement researchers trained on rigorous action research methods and writing policy briefs.

Academic output:

- 5 peer reviewed academic articles: one each country case plus one summary paper;
- 1 edited book – for more detailed case materials from each of the four countries, plus cross country summaries including thematic summaries. ISS will raise funding for the book separately.

VI.i Completed Outputs

Most of our project outputs have been completed. The data collection outputs were tested by our field collaborators and further validated by our external peer reviewers through their positive feedback on the robustness of the research methodology. The completed outputs include:

- Data collection tools:

- 1 practical guide how to apply TG to the research;
- 1 set of indicators to assess governance of tenure at national level using the TGs.

The two data collection tools were merged to make them more practical for use by CSOs.

See Appendix 1 below.

Appendix 1. Using the Tenure Guidelines for Action Research: a primer

- Popular outputs:

- At least 4 country reports and 4 country briefings (one each country). Three of these country briefs have been finalised (CNOP, ERA/FoE, KWDT). See Appendices 2-4 below.

Appendix 2. Convergence Malienne contre les Accaparements des Terres: Note politique dans le cadre de la recherche action IDRC/FIAN/CNOP/CMAT

Appendix 3. Bottom Up Accountability and Securing Communal Land Rights in Cross River State. A Policy Brief by Environmental Rights Action/Friends of the Earth Nigeria

Appendix 4. Building Strong Communities against land and water grabbing. A Policy Brief by Katosi Women Development Trust (KWDT).

- 1 briefing presenting the findings of all country case studies; See Appendix 5 below.

Appendix 5. Building Bottom-up Accountability in an era of Land Grabbing in Sub-Saharan Africa. Policy Points and Recommendations from Nigeria, Uganda, Mali and South Africa

- Country reports. See Appendices 6-9 below.

Appendix 6. Les initiatives communautaires de redevabilité pour revendiquer les droits fonciers en Afrique sub-saharienne

Appendix 7. Bottom-up Accountability Initiatives to Claim Tenure Rights in Sub-Saharan Africa: Securing community tenure rights to land in Betem, Akpet, Idoma and Akampa in Cross River State, Nigeria

Appendix 8. Bottom-up Accountability Initiatives to Claim Tenure Rights in Sub-Saharan Africa: Collaborative action research on the rush for land and water in Uganda, Mukono District

Appendix 9. Bottom-up Accountability Initiatives to Claim Tenure Rights in Sub-Saharan Africa: Country Report on South Africa

- 1 video for the entire project with multiple short video clips. See Appendix 10
- Appendix 10.** A community made and driven video (overall project video). Country based video clips have also been shared.

-Training:

- 1 methodological guide on action-research for activists; See Appendices 11 below
- Appendix 11.** A Toolkit for Participatory Action Research
- At least 12 social movement researchers trained on rigorous action research methods and writing policy briefs.

-Academic output: (1 academic article published in Third World Quarterly)

Appendix 12. Franco, Jennifer & Monsalve Suárez, Sofía. (2017). Why wait for the state? Using the CFS Tenure Guidelines to recalibrate political-legal struggles democratic land control. Third World Quarterly. 1-17.

VI.ii Outputs in progress or dropped

- Popular outputs:

- 1 country based policy brief from Masifundise development trust in South Africa. (Our collaborators at MDT said that they are working on finalizing the brief after their national high profile meeting).

-Academic outputs:

- 4 peer reviewed academic articles: the second paper is being finalized for submission to an academic journal, a third paper is being drafted. Our CSO collaborators in Mali and Nigeria who wanted to write country based academic papers could not find the time to

write these papers and requested for their promise to be waived. This waiver was discussed with our program officer and agreed upon.

- 1 edited book – for more detailed case materials from each of the four countries, plus cross country summaries including thematic summaries (following demands from collaborating CSOs to make the book in a way that can be read and understood by the communities that participated in the action research, it was agreed with our project officer at the IDRC that we reduce the standard of the book from an edited book into grey literature which the communities can use).

VI.iii Capacity building of CSOs and communities

Prior to our IDRC funded project, KWDT had initially been providing services and direct support to the communities without the capacity to interrogate why the communities were not receiving the services and resources to which they were entitled. The trainings and peer learning activities during our project on bottom-up accountability gave KWDT an opportunity to interrogate the situations, and to learn and prepare a strong ground for fighting structures and systems of social injustice. Fighting for people's right to land, KWDT now argues gives a more sustainable solution to securing peoples livelihoods than direct service provision. When people have access and own the land, they have potential to engage in income generation and sustain their livelihoods. In the light of the experiences gathered by KWDT and its supported communities, there was the formation and training of a land pressure group. The group was formed at the suggestion of community members and is comprised of five members (also known as community representatives) from each of the four landing sites. This group continues to actively engage in land issues. The members of the pressure group work to continuously gather information and inform all community members about new developments regarding land grabbing in their community. The group is actively involved in mobilizing community members and informing KWDT about all ongoing events or programs carried out either by community members or landlords.

In Nigeria, during the course of the project, ERA/FoEN aided the community to establish five (5) new Community Forest Watch (CFW) each made up of five members who are now at the frontiers in addressing the issues and creating awareness on impact of Willmar's operation, defend the forest, land grabbing, biodiversity loss, environmental degradation and work towards redressing community members grievances. Their work and community training activities have a multiplier

effect on over 300 community members in community groups, organizations as well as community leaders who have been educated on the serious impact of land grabbing and equipped with advocacy skill and other tools to help them address the challenges faced by their community.

VII. Project Outcomes

“I came here with a lot of pain on my heart, over what is happening to us. But now I feel like my eyes are so open! Now I know! With this knowledge, I feel like I have a very valuable tool. Knowing how much I am supposed to pay by law is so important to me. You have actually erased the tears from my heart” representative from Bulebi landing site (KWDT, country report 2017:30).

The quote above was made after a community representative training meeting organized by KWDT together with supporting public interest lawyers in the context of the ‘ownership’ of landing sites that is not vested in the existing national laws, yet are being bought and sold. As KWDT reports, prior to this training, residents were required to pay land fees, sometimes to different landlords. There was also limited knowledge about who the rightful landlord is, what amount should be collected for land fees, and how often this should be collected. To use KWDT’s words, “the study has, however, so far given knowledge on land tenure systems, access, and management to community representatives. They now know that they are supposed to pay no more than UGX10,000 annually (and that this depends on the cost of land in that place as well as the cost of the structures that one has on the land. Because these people have only grass thatched houses, they should in most cases be paying much less) rather than paying UGX3000 per month, or UGX100000 whenever the landlord chooses” (ibid).

In Nigeria, the outcomes of our action research have spanned from state responses to corporation and community responses. These include but not limited to;

- The establishment of the Cross River State green police formed by the State. The mandate of this police is to protect the forests from illegal loggers and generally monitor the forests to reduce the risks of conflicts as a response to the community forest watch actions and campaign.
- Adoption of a law to regulate corporate social responsibility in Cross River State. Community members report that, prior to our Action Research, multinational companies which had acquired community lands tended to implement their corporate social

responsibility activities in communities where only a smaller percentage of their land was under exploitation rather than in communities where more than 50% of their land was grabbed. This perspective of implementing CSR in the Nigerian case for example led the community forest watches to engage into different advocacy actions with members of their state parliament which 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 which have concrete legal sanctions in cases of violations companies (unlike it the past when the companies presented CSR as a favor they were rendering to the communities). The law also sets up a conflict management committee responsible for “mediate and resolve 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)

- Awareness raising for the communities to define common interest and defend their communal land rights against what they perceived to be divide and rule governance introduced by the corporations especially under the guise of the implementation of their corporate social responsibility. In Mbarakom community for example, ERA reports that, some local chiefs went as far as openly signing petitions to accuse Wilmar of divide and rule. Such actions as highlighted in the country report are traceable to the advocacy and community organizing training provided by ERA. The implication of this is that, the PAR is generating community-wide debate that has embolden many to challenge the local power structures who are alleged by some community members to collude with Wilmar while also challenging Wilmar through repeated visits to make demands.
- Wilmar’s reported improvement of their consultation processes and relations with their host communities only began to happen after community organizing and self-representation facilitated by our action-research to demand information on the Memorandum of Understanding signed by the Cross River State on behalf of the community with Wilmar. Despite this acknowledgement however, the communities remain determined to continue to make demands in aspects where they believe that there is need for more accountability. In Mali for example, our collaborating CSO, CNOP-CMAT successfully used some provisions of the TGs to influence the content of the recently passed Agricultural Land Law of April 2017. This law is considered to be the first law in West Africa that recognizes the customary collective land rights of communities and formalizes management bodies from

the villages themselves. In the framework of this new law, village land commissions will be set up to issue certificates of possession which will then be registered at the council level and archived in the land department. Nonetheless, the composition and the tasks of these village land commissions need to be defined by decree. Article 12 of the law stipulates that transmission and transferability will be according to custom and practice, which is not favorable to women and young people in particular.

- In Uganda, the research has resulted in synergies between different CSOs that were not existing prior to the research. KWDT for example report that; engaging a lawyer (through their collaboration with the center for public legal education) to support the community is not only a new and empowering approach for KWDT as an organization, but for the community members in this area as well. Community members were excited to sit on the same table and discuss with lawyers, the lawyers too were overwhelmed by the unique experience they are having by interacting directly with these communities and they pledged their support throughout the project period to support the communities in their struggle (KWDT Country report 2017, 34).
- Also in Uganda, the research resulted in creating linkages and partnerships. The research project has helped to create linkages and connections between the local people and their leaders at the different levels. The community dialogues conducted during the study helped to bring leaders closer to the people as they both attended the dialogues. Even though some of the leaders do reside in these communities, the research created the first opportunities for the two parties to engage and dialogue on land issues affecting them. According to KWDT's, "while for a long time some of the community members harboured anger and resentment, suspecting the leaders to be behind the land selling deals in this area, the project helped to bring them to the same table, and helped the people to realise that the local leaders are also pressed hard to allow the investors who come with 'orders from above'. This however on one hand revealed the weaknesses among the leaders; their failure to resist such pressures, in an effort to 'keep their jobs'. On another level, the project has helped to create partnerships between the local communities, KWDT, sub county land officials and the district authorities. KWDT is now seen as a strong partner in the district, and a stronger working relationships with the top district officials, for example the Resident District Commissioner (RDC) who is the direct representative of the president at the district level. Members of the community that have been involved in this research project too, got opportunities to meet with such officials and discuss these issues with them. The RDC has

as a result compiled a list of all important contacts that people could reach in case of any emergencies or problems resulting from land and water grabbing. What according to KWDT makes this partnership so crucial is the fact that, in Uganda things get done mostly through networks and partnerships and building social relationships. Being a resident, or an institution working in the area, does not automatically guarantee you access, audience or listenership in government offices, but building social relationships does. This is important, as KWDT and the community members continue to fight land and water grabbing. The people can now easily get the attention of the district officials once they call upon them in case of any problems. This was completely lacking before the project, and it was one of the biggest complaints that people had; failure to get the attention of district leaders when they needed them”.

- Still in Uganda, after KWDT wrote a report on the impact of sand mining to the Resident District Commissioner (RDC) who represents the President in the district, the Mukono council passed a resolution that sand extraction should stop and the police informed the district administrators that there were no more complaints of sand mining.
- In South Africa, this action research project enabled small scale fishers to gain awareness of their rights, the legal frameworks that affect them, the policy instruments they can make use of, and the mechanisms of accountability to target. At a September 2016 workshop for example, the Arniston SSF community representatives completed an exercise where they looked at how their access to land and marine resources were impacted on by local, provincial and national / global influences, identified the different governmental departments responsible, initiated a series of actions to hold the responsible actors to account
- On the whole, this action research was for all collaborating CSOs, their first attempt to engage in an action research, as well as collaborate with academics who were guiding them to ensure the methodological soundness of the process and its systematic documentation. We observed that, the transfer of skills and knowledge from the academic partners of our research group through field visits and internal country meetings significantly enabled our collaborating CSOs to use the TGs in doing action research within their communities. To use Katosi Women Development Trust (KWDT)’s 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 2016:32). Summarily, the project helped to build the capacity of the organization's staff.

VIII Overall Assessment and Recommendations

This project was a very interesting experience because it entailed the involvement of multiple actors: from communities affected by land grabbing, to collaboration with CSOs supporting the communities on the ground, to academic and technical project collaborators as well as engagements with traditional authorities, policy makers and government authorities at varying levels. This sort of synergetic collaboration led to the transfer of knowledge and sharing of experiences between the collaborators which worked out quite well. To us, the outcomes of the project surpassed expectations. In the case of Uganda for example, the learning curve was steepest since the project capacitated and enabled KWDT to engage directly with public authorities on issues of local accountability in natural resource. To use their words,

The project has built the capacity of the staff and women members to understand, analyse and intervene in land matters, which had earlier been perceived to be very technical issues for technical people like lawyers... KWDT staff now understand land laws in Uganda. The officials at the district have acknowledged the important roles that KWDT has played. As a result, KWDT has been invited to take part in other land wrangle settlements elsewhere in the district. The organisation has also now been nominated to become members of the district stakeholders' forum, where development matters in the district are discussed and important decisions made. On one occasion of land dispute settlement, the Resident District Commissioner (RDC) of Mukono district has requested KWDT to attend and give technical advice to him on how the land matters can be resolved (KWDT final project report, 2017)

Despite the many positive experiences that we had from our project, we also encountered, challenges relating to the lack of sufficient time, capacity and resources to dedicate to scientific data collection, analysis and documentation for grassroots organizations. In our experience, meeting pure academic research standards was quite demanding for the country collaborators. With the exception of Masifundise which counted on the close support of PLAAS, all the others heavily relied on FIAN and PAR with grassroots organizations needs intense support. We also believe that

our project would have been even more successful if there were enough financial resources to facilitate mobility and more internal project meetings in each country and at regional and international levels. Across all four country cases, the lack of financial resources to source for the various actions (including strategic actions) and trainings required by affected communities was a major challenge. 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 sustain the activities of the Community Forest Watch team which was at the core of the action research process because they were very instrumental in organizing protests, dialogues, and media campaigns among others that required cost related travelling to the meetings and cost to connect with media outlets. 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. In the Ugandan country case whereby the fishing communities are located in different landing sites, organizing trainings in preparation to build land pressure groups in 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. Based on the experiences of Nigeria and Uganda described above, our suggestion would therefore be that, it is necessary to take into account the sustainability of such actions when starting them, particularly with the support of a research project.

Media publications

Fian

Fian international wrote a news item about the inception seminar. This can be found online at:

http://www.fian.org/nc/news/article/detail/multi_country_seminar_discusses_land_and_ocean_grabbing_issues_in_africa/

Dissemination workshop in Abuja 15-16th of February 2017 -Securing communal lands and forests: The findings of a three-year participatory action research project on the impact of and responses to land grabbing shows that large-scale land acquisition impacts women and men differently.

http://www.fian.org/en/news/article/securing_communal_land_and_forests/

PLAAS

Ruth from PLAAS also wrote a blog about the inception meeting on Future Agricultures. The blog is titled: “Can the UN’s land guidelines help Uganda’s threatened fisher folk?” Below is a link to it. <http://www.future-agricultures.org/blog/entry/ruth-hall-fao-guidelines-land-water-grabs>

ERA/FoE-Nigeria

ERA’s Inception meeting

<http://www.ngrguardiannews.com/2015/05/groups-raise-alarm-over-deforestation-in-cross-river/>

Other media works by ERA in the context of their IDRC project:
http://www.theecologist.org/News/news_analysis/2879965/deforestation_exploitation_hypocrisy_no_end_to_wilmars_palm_oil_land_grabs.html

Country based dissemination meeting: [Land grabbing by multinationals threatens communities](#)

<http://punchng.com/land-grabbing-by-multinationals-threatens-communities-study/>

Masifundise-South Africa

Media coverage of Masifundise’s research and training activities as covered by ‘the Hook’, but, also uploaded on Masifundise’s website.

Article: Masifundise Prepares for Tenure Workshop

<http://masifundise.org/masifundise-prepares-for-tenure-workshop/>

Article: Tenure workshop raises awareness of the guidelines

<http://masifundise.org/tenure-workshop-raises-awareness-of-the-guidelines/>

Article: Workshop Expands Knowledge of Participant on Governance of Tenure

<http://masifundise.org/workshop-expands-knowledge-of-participants-on-governance-of-tenure/>

Article: Tenure research Project underway in Arniston - <http://masifundise.org/tenure-research-project-underway-in-arniston/>

KWDT

Article for the newspaper. KWDT is utilising the potential of this project to scale up our advocacy to the national level through various means, first one being the use of the media. The article entitled “*A new wave of Land and Water grabbing: High levels of impunity and a blunt future for fishing*”

communities” was published in one of the national newspaper in December 2016.
http://www.newvision.co.ug/new_vision/news/1441739/wave-land-water-grabbing

Media coverage of the Project dissemination meeting in Abuja.

In addition to the press briefing held during our project’s dissemination meeting in Abuja, there were as press release in three different media outlets

<http://salandobservatory.org/groups-urge-ecowas-to-wade-into-communities-land-rights-the-guardian/>

<http://punchng.com/large-scale-land-acquisition-threatens-food-security-report/>

<http://leadership.ng/news/572683/women-are-more-affected-by-land-grabbing-report>