

# COMPENDIUM ON THE DYNAMICS OF LAND ACQUISITION FOR DEVELOPMENT IN THE GLOBAL SOUTH

OCTOBER 2023

Publication by The National  
Association of Professional  
Environmentalists (Nape) with  
support from The Rosa Luxemburg  
Foundation.





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## Foreword

*Historically, the condition of possibility for large-scale investments on land, public or private, has been massive land acquisitions based on the dispossession of landed communities, especially of lands that hitherto constituted their commons. ”*



I am glad to introduce this compendium on the dynamics of land acquisition for development in the Global South. This compendium is partly a product of the intellectual study group sessions that NAPE has been convening since January 2023.

NAPE has been convening Intellectual Study Group sessions on Land and Natural Resources Governance. The study group comprises Rosa Luxemburg Foundation partners in Uganda as well as other CSO actors, academicians, journalists, and opinion leaders from cultural institutions such as Buganda Kingdom.

The Study Group series is anchored on locally, nationally, regionally, and internationally focused thematic topics relating to historical, ongoing, and emerging land-related questions especially in relation to how land is acquired for large land-based investments. The platform ensures that its membership shares a minimum understanding of key questions, debates, interests, and perspectives on various issues arising from the subject.

Some of the papers published in these series have been beefed up and included in this compendium. The compendium also contains essays of scholars from South Africa and West Africa that have interest in NAPE work on land use dynamics in the Global South.

The compendium is prepared for civil society organizations (CSOs), government authorities at all levels, world bodies like the World Bank and the International Monetary Fund, academic institutions, and land practitioners who would like to get an overview of emerging issues and debates related to land governance from a Global South vantage point.

Historically, the condition of possibility for large-scale investments on land, public or private, has been massive land acquisitions based on the dispossession of landed communities, especially of lands that hitherto constituted their commons. In contemporary times, this dispossession is accompanied by claims to 'compensate', which has always raised questions regarding its constitution. For the idea of compensation is based on the assumption that communities must let go of their lands, for which they must accept the monetary equivalent of the same.

Questions of what constitutes value on land, and how to value it, have remained highly contested by landed communities in face of neoliberal economic assumptions on the constitution of value on land.

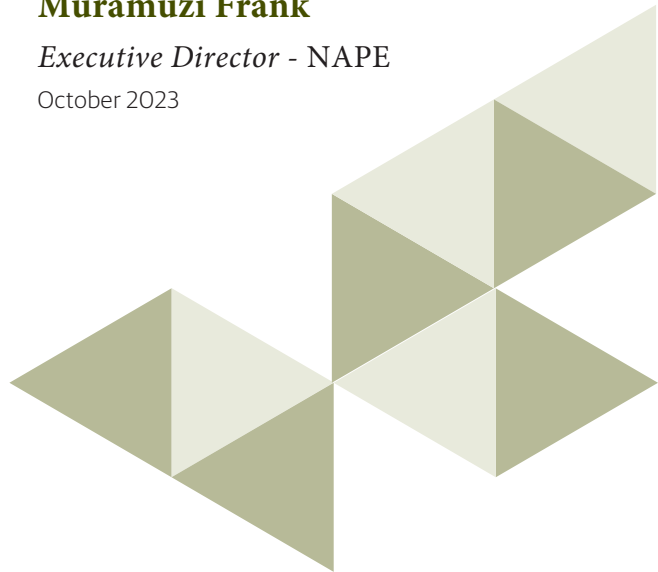
The compensation question is becoming more contentious especially with corporations in the Global North seeking swathes of land in the Global South for their investments, and the host governments' pursuit of industrialisation, extractives, and commercialisation of agriculture as shortcuts to economic modernity.

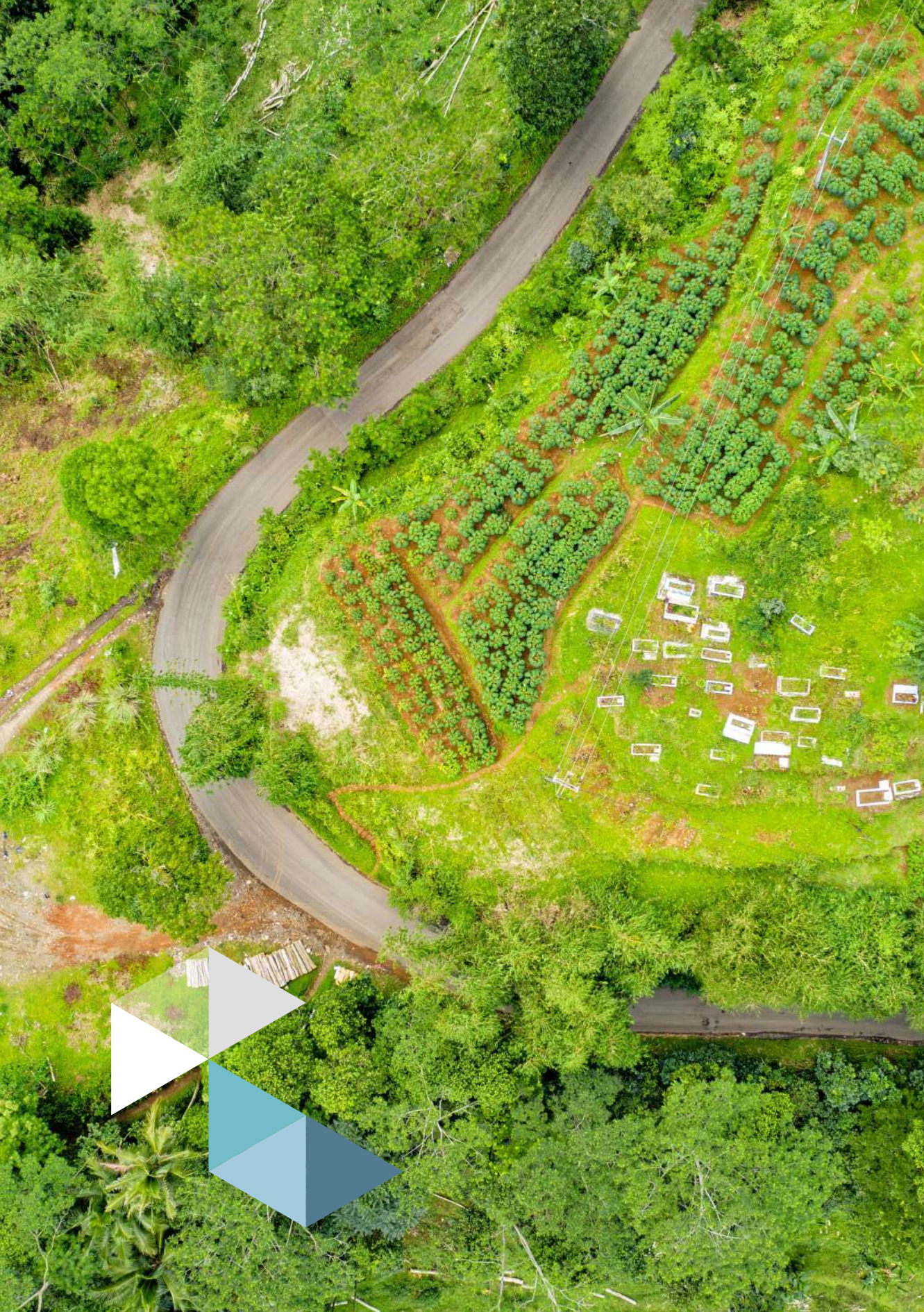
Our appreciation goes to all those individuals and institutions that contributed ideas and information for the various chapters of this publication. Special thanks go to the authors of the different essays carried in this publication. We thank without holding back the Rosa Luxemburg Foundation whose financial and technical support have enabled us to publish this compendium.

**Muramuzi Frank**

*Executive Director - NAPE*

October 2023





# Acronyms

ANC	African National Congress
AU	African Union
CSOS	Civil Society Organisations
DRC	Democratic Republic of Congo
EAC	East African Community
EACOP	East African Crude Oil Pipeline
ECOWAS	Economic Community Of West African States
EU	European Union
IMF	International Monetary Fund
KCUAIP	Kehong China Uganda Agricultural Industrial Park
LEMU	Land Equity Movement
LLBI	Large Land Based Investments
MISR	Makerere Institute of Social Research
NAPE	National Association of Professional Environmentalists
RSPO	Roundtable on Sustainable Palm Oil
RLS	Rosa Luxemburg Stiftung
UNFCC	United Nations Framework Convention on Climate Change
UWA	Uganda Wildlife Authority



# LAND, DEVELOPMENT AND ALTERNATIVES TO COMPENSATION

A CONTEXTUAL PERSPECTIVE

*Richard Mugisha - Oct 2023*

## 1. INTRODUCTION

This paper is a political economy treatment of land as a question of sovereignty for the natives of a modern African country. The uneasy relationship between tradition and modernity in land management originates in the unchanging dominant perspectives and attitudes the global west has had towards Africa for over a century now. The current spate of interest in Africa's land however goes back only a little less than two decades, shortly before the so-called 2008-2009 'credit crunch' that was preceded by a food crisis in 2007.

These related 2007 and 2008 events devastated the financial sector in the United States of America (USA), in the process brought down the country's real economy and then spread to the rest of the developed world. This paper surveys the global rush for Africa's farmlands in order to cash in on the rise of food prices resulting from the crisis. Although many foreign investors are also 'sinking' their money into Africa's land to protect their wealth given the general financial collapse, this paper dwells more on the drive for land for large-scale export food production.

The paper first sketches land acquisition in a few selected African countries as a way of giving a continental context to the problem we are faced with. The examples outline the conflict inherent in the land debate between global corporations, African elite agents and very poor African populations.

This is followed by simple outline of the development problem in relation to the land question. Compensation in the context of the current immiserating land dispossessions is about political, economic and cultural struggles to decolonize African territories.

This implies a call for an authentic restitution of sovereignty where appropriate culture-specific rules and regulations of managing land take precedence. The role of federation is discussed in connection with the customary norms that govern a traditional society.

A discussion of limitations to individual land rights brings the compensation section to a close. The last section briefly explores the debate on the future, or perhaps the fate, of development in consideration of land as a common pool resource (CPR).



## **2. THE GENERAL LAND PROBLEM (Madagascar, Ghana, DRC and Uganda)**

The process by which the global northern countries progressively attempt to acquire Africa's land for large-scale, or industrial level, production has come to be known colloquially as 'land grabbing,' or simply 'land grabs,' and it has become the biggest problem in Africa's interactions with global economies in recent times.

According to a 2022 study by Anku and colleagues on large-scale land acquisitions in Ghana, the global financial crisis of 2008-2009 was caused by rising food and energy prices, which raised demand for arable land globally. While there is undoubtedly a longer history of land grabbing before 2008 – which this article will attempt to summarize in the parts that follow – the recent economic downturn has important implications for land, development, and compensation.

**According to organizations GRAIN and TANY (2018), the more notable land-grabbing incident in Africa came to light in 2008 when Daewoo Logistics Corporation of South Korea negotiated a 99-year lease with the government of Madagascar for access to no less than 1.3 million hectares of land, or half of the country's arable land, to grow maize for export back to Korea. 'Outrageous new trend... for agricultural production driven by food and financial crises,' is how the groups characterized this development. From GRAIN and TANY we are informed that when this arrangement was discovered, popular movements toppled the ruling government of Madagascar.**

In Ghana Anku et al (2022) report an estimated total of over 1 million hectares of land acquired for agricultural purposes by 2010, and a decade later acquired land totalled 1,344,588 hectares. The researchers suggest that the reduced rate of acquisitions in the second decade might have been hidden in one of the invented categories after 2010. 'Large-scale land acquisitions (LSLAs)' were considered legal while land grabs, were illegal or 'coerced dispossession.'

Importantly, they noted that foreign investors as well as a significant number of Ghanaian investors were involved at least in either form of land acquisition. The study also found that biofuel projects, particularly jatropha constituted some 15 percent of all acquired land in the country, which undermined host communities' livelihoods.

In Congo (DRC today), Peemans (2014) presents the current land acquisition experience from a political economy perspective, which reveals the extreme violence in land grabbing that took place throughout the country's modern history. The history is divided into six consecutive 'waves' that since 1885 were all determined by two fundamental logics: the 'logic of accumulation' and the 'logic of enclosure.'

Accumulation and enclosure have their origins in the development of capitalism in Europe. The first wave, which Peemans calls 'the founding violence' was ushered in by the decree of 1 July 1885 of the General Administration of the EIC (*Etat Indépendant du Congo - Congo Free state*) that empowered the state to dispose of all land in the colony not occupied by indigenous communities.

This first wave of displacement became genocidal as it is estimated to have reduced the country's population between one-third to one-half according to a source cited by the author. This genocide was justified as a necessity for the advancement of 'progress.'

The second wave took place between 1920 and 1945 when in the Kivu area, more than 12 million hectares (about double the area cultivated by the peasantry in 2010) were granted by the *Comité national du Kivu* (National Committee of Kivu) to large foreign corporations. The Congolese peasantry were subjected to a policy of 'authoritarian' agricultural modernization model known as *paysannats indigènes* (indigenous peasant settlements) supervised colonial agronomists and intended to introduce 'progress' to a select minority of peasants, writes the author.

The last quarter of colonial rule experience the third wave of land acquisition and final variant of colonial modernization that was based on partial privatization of communal land, a process that nevertheless suffered stagnation. In the fourth wave this state of affairs ended in 1973 with the institutionalisation of '*zairianization*' by the independent state. Through a new land law (73-021 of 20 July 1973) to strengthen its control over private investment in agriculture, the state entered co-operation with private entrepreneurs, the so-called 'barons,' who were claimed to be more 'efficient.' It is thus after independence that we see indigenous 'barons' join the accumulation and enclosure business sanctioned by the state through legal instruments.

The 1980s and 1990s were characterized by political instability and multiple conflicts accompanying state decline, ethnic clashes, and a proliferation of armed bands sponsored by foreign stakeholders.

At the centre of all this social violence however were land disputes. Politicians, army officers, civil servants, traders who wished to gain or consolidate their economic or political positions in the area had to take control over land and use it as some proof of local identity. 'In fact, for actors seeking a regional social identity and social prestige to be recognized as 'big men,' the accumulation of land was as important or even more than the productive potential of that land,' writes Peemans. Traders, soldiers, and politicians had underutilized land in Kivu in the 1990s while peasants' livelihood remained insecure.

The most important land concessions granted to foreign investors in the current sixth wave represented up to 11 million hectares. This included the eight-million-hectare project awarded to white South African farmers who feared the wrath of land redistribution in their own country.

Claims were repeatedly made in the media that only 6.7 million hectares (or 3% of the country's arable land) of purportedly 75 million hectares of the total arable land is currently cultivated, thus giving a false impression to potential investors that the peasantry would not be threatened by the giveaway bonanza. Whether these numbers were accurate or not, whether the vague concessions would be fulfilled or not, the message was that the DRC was potentially the new 'vacant land' Eldorado.

In Uganda, a 2008 online publication reported that Egypt had been allocated two million hectares by the Uganda government to grow wheat and corn. It was not clear whether the deal was a sale or a lease or had just been given free of charge.

The report went on to assert that President Museveni had a practice of making decisions favouring investors without consultations, and claimed there were more such cases whereby prime areas in Kampala city were given freely to foreign investors only to regularise the transactions later. Uganda's relevant agencies like the Uganda Investment Authority, the Ministry of lands, Uganda's parliament and a number of political executives did not have any knowledge about Uganda's alleged deal involving at least 2 per cent of Uganda's fertile agricultural land (*AfricaNews* 28 September 2008).

**Kaweri:** In 2001 Neumann Kaffee Gruppe, a German-based company, established Kaweri Coffee Plantation in Mubende District, Uganda. The multinational leased land from the Ugandan government, which purchased the parcel from a formally-tenured mailo owner the year before. However, 2000 villagers filed a suit against Kaweri for violating their customary<sup>1</sup> tenure rights after being forcibly evicted from their farms by the Ugandan military to make way for the plantation. This is a question on dispossession of small holder farmers who are constitutionally protected under customary tenure.

Findings in the study indicate that the establishment of 'Kaweri Coffee' at the expense of Mubende farmers is a 'textbook example of accumulation by dispossession.' More specifically, however, the study reveals substantial ambiguity and contradiction in Uganda's constitutional and policy frameworks purported to protect small landholders, while making it possible for 'government to pursue neoliberalising development goals through international land acquisition.'

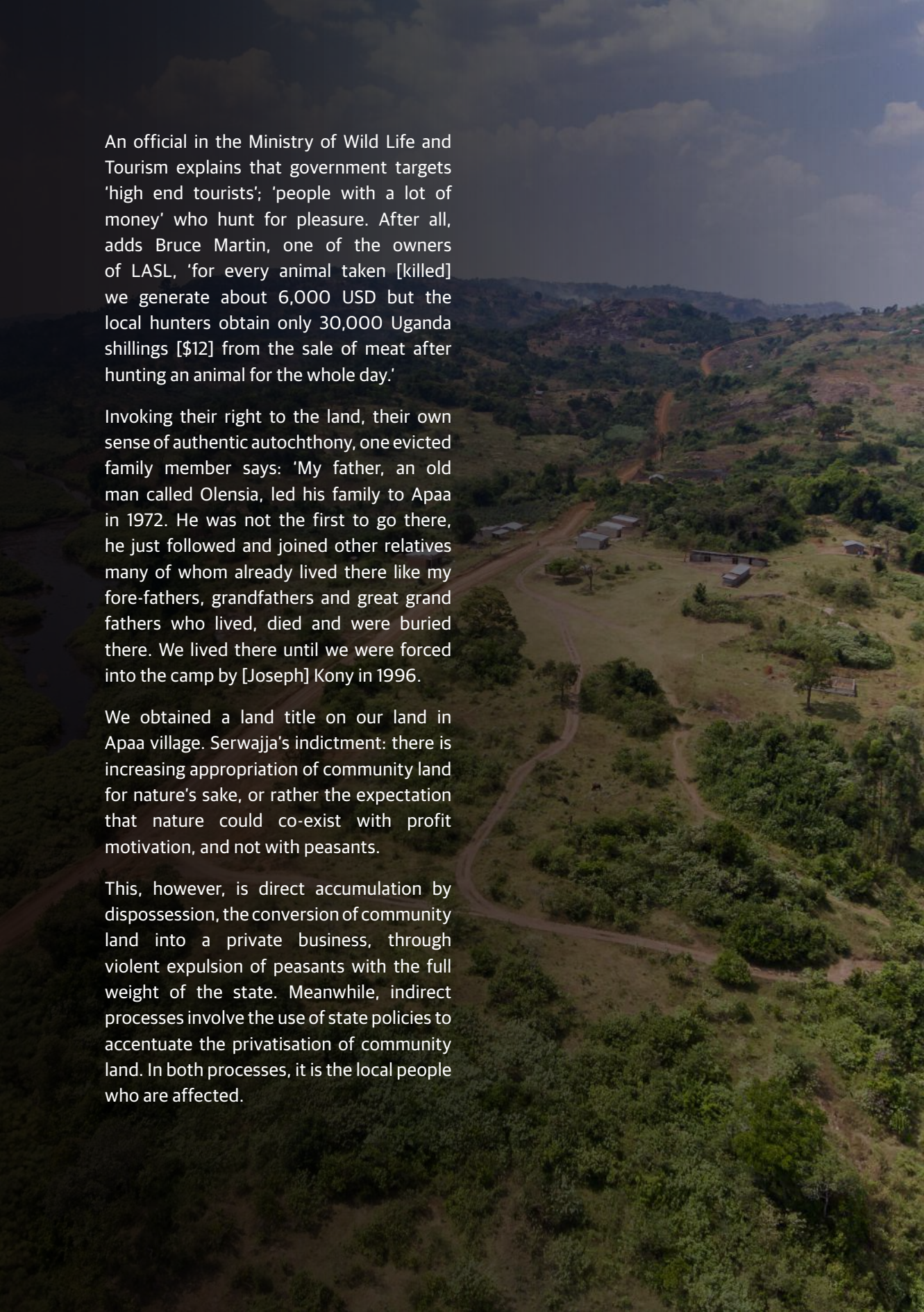
The authors term this behaviour 'accumulation by ambiguity.' Thus Neumann Kaffee Gruppe shielded itself from liability by interpreting Ugandan law in a way that privileges 'formalised [titled] land tenure over customary tenure'; the notion of 'legal, yet unjust,' makes land acquisitions associated with market liberalisation possible in Uganda.

Green land grabs are possible in Uganda according to Serwajja (2018). The study contributes to our understanding of the phenomenon by exposing the role of the state in facilitating enclosures of community land and fostering foreign private capital accumulation in Uganda. As of 2017, several foreign companies were acquiring concessions to run private wildlife conservancies in Uganda, an act that has increased marginalisation by severing the poor from their primary means of production-land.

Serwajja tells us how UWA, in collaboration with Adjumani District Local Government (ADLG), gazetted Apaa village as part of East Madi Game Reserve in 2002. In 2009, two government entities - UWA and ADLG - signed a 20-year management concession with Lake Albert Safaris Limited (LASL), a Ugandan registered company owned by two South African nationals. By 2017 LASL was managing East Madi Game Reserve, which according to the UWA and ADLG, includes Apaa village and the adjacent areas. Both UWA and LASL justify their role in the East Madi Game Reserve on efficiency of modern sport hunting. Serwajja informs us that while UWA has persistently evicted Apaa people from the land they claim as their 'ancestral and customary, a South African national was allocated that same land to operate a privately-run sport tourist facility.

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<sup>1</sup> In this paper the term 'customary' is used knowing fully well that 'custom' was itself redefined during colonial period in order to suit colonial interests.

An aerial photograph of a rural landscape. The terrain is hilly and covered in green vegetation. A dirt road winds through the hills. In the middle ground, there is a small settlement with several simple, rectangular buildings. The sky is overcast with grey clouds.

An official in the Ministry of Wild Life and Tourism explains that government targets 'high end tourists'; 'people with a lot of money' who hunt for pleasure. After all, adds Bruce Martin, one of the owners of LASL, 'for every animal taken [killed] we generate about 6,000 USD but the local hunters obtain only 30,000 Uganda shillings [\$12] from the sale of meat after hunting an animal for the whole day.'

Invoking their right to the land, their own sense of authentic autochthony, one evicted family member says: 'My father, an old man called Olensia, led his family to Apaa in 1972. He was not the first to go there, he just followed and joined other relatives many of whom already lived there like my fore-fathers, grandfathers and great grand fathers who lived, died and were buried there. We lived there until we were forced into the camp by [Joseph] Kony in 1996.

We obtained a land title on our land in Apaa village. Serwajja's indictment: there is increasing appropriation of community land for nature's sake, or rather the expectation that nature could co-exist with profit motivation, and not with peasants.

This, however, is direct accumulation by dispossession, the conversion of community land into a private business, through violent expulsion of peasants with the full weight of the state. Meanwhile, indirect processes involve the use of state policies to accentuate the privatisation of community land. In both processes, it is the local people who are affected.

### 3. DEVELOPMENT

'Development' relates to improved and morally just ways of managing natural resources for the benefit of humans and the environment (Schuurman, 2001). The meaning of 'morally just' is contested by various actors which is why development should always be approached critically. The Global North, beginning with Europe, has historically dominated the moral duty of spreading human advancement.

Wolfgang Sachs (1992) from the 'post-development' school, suggests that 'development' was first ushered into political discourse by former US President Harry Truman who in his January 1949 inaugural speech declared regions in the southern hemisphere as 'underdeveloped.'

Sachs goes on to argue that the rich and 'arrogant' northerners claim the moral duty to end poverty in the south where, with time, people had become not only 'self-pitying' but also dependant on interventions from the north. Sachs' argument about Truman's edict is that development was not permanent since it was born at a certain point in time, it can also die at a later point.

Amartya Sen (1999), the Nobel Prize Winner for Economics for 1998 does not object to the historical problems of development. He acknowledges its 'narrower' views like identifying it with gross national product, the rise in personal incomes, industrialization, technological advance, or even social modernisation. Instead, he calls for efforts to remove major sources of 'unfreedom' which include poverty, tyranny, poor economic opportunities, systematic social deprivation, neglect of public facilities, intolerance or intensive state repression.

Sen's 'unfreedom' further includes denial of political and civil liberties by authoritarian regimes, and restrictions on the freedom to participate in social, political and economic life of a community. Thus, he seeks to define development from a 'radical' perspective of 'development as freedom.'

It involves 'evaluative' and 'effective' functions. The former ensures freedoms constantly improve people's lives while the latter reflects unhindered interactions of various freedoms – people from different spheres of freedom exerting their 'free agency.'

Sen's theory notwithstanding, there are state-driven forms of development, especially from the World Bank, IMF and bilateral institutions which apply Truman's formula. Pax Americana, a concept that defines US's forced peace in the world since WWII, is the other side of a sweeping notion of an underdeveloped global south.

It works with the assumption that the hemisphere, including Africa, is still a traditional society, and that the global north has a moral duty to continually shift the continent towards modernity. This is what Sachs calls the ideology of 'arrogance,' which in actual fact is a mechanism for exploitation.

Rekha Kumar (undated) argues that Europe expresses its exploitation of Africa by opposing tradition to modernity; that the African was stuck in the 'distant past'; was childlike and incapable of self-development and therefore needed a 'fatherly hand.' This fatherly hand comes in form of Pax Americana and allied financial institutions which perpetuate the myth that attributes absolute adulthood to the global north and absolute childhood to Africa.

One of The NewAfrica Magazine readers,<sup>2</sup> writes: 'Actually [even] what you call modernity is nothing but western tradition. The problem is power of Western tradition over African tradition.' This power is therefore the driver of historical and current land grabs in Africa. Modernity as Western tradition is the historical force that gave birth to the logic of accumulation and the logic of enclosure starting with Europe itself.

Simon Fairlie (2009) shows how the enclosure of the commons that took between the thirteenth to nineteenth century in Britain, gradually so deprived most of the British people of access to agricultural land that by 1872 only 0.6 percent of the population owned 98.5 percent of the country's agricultural land. The author sarcastically calls this state of affairs 'our property-owning democracy.'

Fairlie, in support of the commons, further insists that this accumulation and enclosure had less to do with the 'tragedy of the commons' theory, but more with enabling indispensable innovation for large scale 'progressive farmers' who in time pioneered capitalist agriculture.

Dani Nabudere (1977), following in the footsteps of Karl Marx, describes the mechanisms of capitalist acquisitive expansionism that characterise the transition from feudalism to capitalism in Europe starting with England, the cradle of capitalism.

In Nabudere's words: 'This robbery, deprivation, and expropriation of the peasantry intensified with the alienation of Crown estates and the enclosure of communal pastures.'

Then he quotes Marx: 'The spoliation of the Church's property [Church as a feudal institution], the fraudulent alienation of the [feudal] state domains, the robbery of the common lands, the usurpation of feudal and clan property, and its transformation into modern private property under circumstances of reckless terrorism, were just so many [...] methods of primitive accumulation.'

Thus, the capitalist farmer grew rich at the expense of impoverished masses whom the said farmer paid low wages on the land they used to own while the merchant manufacturer accumulated part of his wealth from employing the displaced masses of peasants who had now become proletariats.

It is clear from Fairlie, Nabudere and Marx that the state has played and continues to play an instrumental role in expropriating lands belonging to the peasantry in order to implement capitalist agricultural revolutions nowadays disguised as 'green revolution.' Just like feudalism in Europe, subsistence traditions in Africa were forced to give way, with not so much success, to modern agriculture.

Following on its previous role in destroying feudalism, when it came to Africa, the state used the law and the gun to destroy traditional institutions and integrate their lands into modern capitalist farming and manufacturing. This tradition/modernity/progress triangle, according to Kumar (undated), comes from 'the assumed superiority of European modernity' and African intellectuals, mainly those in charge of the independent state, have 'tried to distance themselves from African traditions in order to make their society [look] progressive.'

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2 A one Japhet Mweya wrote in the New Africa Magazine thus: '...Actually what you call modernity is nothing but western tradition. The problem is superiority of Western tradition over African tradition. We need to reverse the trend. We need to value our traditions. There is no such a thing as modernity, only western tradition. If we value our traditions, they will also be modern.' Accessed at Tradition versus modernity - New African Magazine.

Progress became the moral responsibility of the state, both colonial and post-colonial. Capitalist development, as it emerged out of Europe three centuries arguably came to an end with the 2008/2009 financial crisis. Wolfgang Sachs' end of development theory might well have been closer to the point.

The series of crises after 2009 fit Michael Hudson's (2021) argument that capitalism has mutated into a 'neo-feudalism' with property owners now extracting rent (which by nature is arbitrary) out of their capital instead of furthering economic democracy by investing in industrial production as Karl Marx had expected.

A version of Michael Hudson's notion of a rentier economy is Yanis Varoufakis' (2023) 'techno-feudalism' which has 'killed' capitalism but left behind 'cloud capitalism,' a collection of digital 'fiefdoms' monopolized by Chinese and US 'lords' who collect rent worldwide without paying tax.

Nabudere (2011)<sup>3</sup> too asserts, 'we are now fully enmeshed in the struggles of a post-capitalist world' (his emphasis), and thus calls upon the Africans to build bigger national entities for 'restorative horizontal [and] localized economies' that are inclusive of small farmers' cultural values.



**Modernity as Western tradition is the historical force that gave birth to the logic of accumulation and the logic of enclosure starting with Europe itself.**

<sup>3</sup> In an email to this author on the transition from Marxism to his notion of Afrikology as an epistemology of knowledge production

## 4. COMPENSATION

### Compensation and sovereignty

By way of background to traditional tenure systems in pre-colonial Uganda, there were always collective and individual rights in the same place. 'The 1995 Uganda Constitutional Commission Report' describes the structure of traditional rights as 'semi-feudal' in 'kingdom areas' of Ankole, Bunyoro and Toro but more especially in Buganda which had Obutaka (ancestry land headed by Abataka clan heads); Obutongole (land given by the Kabaka to his Abakungu and Abatongole chiefs); Obwesengenze (Individual land rights due to 'long and undisputed occupation' or originally granted by the Kabaka); Ekibanja (individual land freely chosen by a peasant under a chief of his choice).

This 'semi-feudal' structure had a large degree of land accessible to individuals with government's (king's and/or chiefs') authority. The rest (non-kingdom areas) was 'egalitarian', also labelled 'customary tenure'. In Acholi, Lango, Kigezi and Sebei individual land rights were recognized but they were subject to the supervision of family, clan and or community to which the concerned individual belonged.

Since the enclosures in Europe, there emerged two broad forms of compensation individual and collective. Land has since been taken away from the commons and awarded to individuals associated with political power. Liberal philosophy always justifies development modernization, food security and efficiency as a moral duty of the state.

The individual in society is the privileged target for this development and, when need arises, for land compensation. In colonial Uganda, the 1900 agreement awarded 'mailo' (miles



of) Buganda land to the Kabaka (King), the Katikiro (Prime Minister) and other Baganda notables while clan heads (Bataka) and ordinary people (Bakopi) were left landless (Nabudere, 1980). The state, by transferring land from communities to individual collaborators and to the British crown, private claims to land rights have since defined land justice. As a consequence, this state of affairs gave rise to the first Bataka Movement in the 1920s seeking to restore collective rights as a legitimate form of compensation.

At independence, notwithstanding the continued private property regime, a 'federation' championed mainly by Buganda entered the 1962 Constitution. The majority of legally landless peasants supported this 'federo' because within it there was also a means of preserving the lived traditions which identified them as Baganda, therefore Africans.

Nabudere's (1980) view that the landless was reduced to a semi-proletarian because s/he subsisted on growing cash crops for global capitalist markets, should bear in mind the complementing duality constituting this 'federo,' namely the fact that attachment to land was not only due to economic factors but also due to the difference in being a national, a Muganda.

Even Marx's understanding of this as total proletarianisation of the peasant is not accurate in the African context. Nabudere quotes Marx: 'What separates the peasant from the proletariat is, therefore, no longer his real interest, but his delusive prejudice.'

For a Muganda, a proletariat's 'prejudice' differentiates nation from class when the two combine in a poor but proud Muganda, a *Muganda-proletariat*.

'Federo' thus returned to public debate as a demand for greater autonomy, and a continued fight for restoration of governance in accordance with the traditions of Buganda. This is a compensation issue; a restoration to relevance, after a century of colonizing traditional customs.

The report, 'The 1995 Uganda Constitutional Commission Report' points to the fact that traditional rulers' relevance was due to 'the uncontested fact that they were the basis of government and organisation of African societies from time immemorial to the advent of colonialism.' The report goes on to attribute the 'history, culture and identity of the various peoples who now make up the Ugandan nation' to those traditional systems of governance.

According to the report, the reconnection at the constitutional moment (1992-1995) was most strongly expressed with much 'love' and 'commitment' in Buganda. An extremely opposite case however was recorded by the same report in the former kingdom of Ankole where there was neither love for nor commitment to Ankole traditions. The report notes:

***...Mbarara and Bushenyi form the two districts of the former kingdom of Ankole. Judging by the seminar reports, our own observation, and the memoranda from these districts, there appears to be a dominant view that [the] kingship has no further role to play in those areas. In the seminars and public debates, we noticed that, when compared to Buganda, there were far less people who supported the restoration of Ankole kingship. Even those few who supported it did not speak with the same love and commitment to it as their Baganda counterparts.***

***The memoranda of the two RC 5s in Ankole did not favour the institution. The majority of the memos of RC 3s and RC 2s were also opposed to it. It is significant that all who opposed the restoration of the monarchy did not even see any role for it as a purely cultural institution.***

What do we make of these extreme positions between the two neighbouring kingdoms? The Commission locates the explanation in the kingdom's internal structures. Ankole society, the Commission writes, is divided into Bahima pastoralists and Bairu cultivators. The Bahima controlled the Kingdom and its public affairs and thus constituted the 'traditional and modern elite class.' The kings were selected or emerged through military victory from the Bahima. Therefore, the Commission explains, the Bairu who formed the majority, were not as much attached to the kings as the Bahima.

A similar relationship, 'but less pronounced,' existed among the other 'semi-federal' kingdoms of Bunyoro and Toro, and Busoga territory. In contrast, the Commission continues, the Kabaka of Buganda who comes from the abalangira clan, takes the clan of his mother who may belong to any Baganda clan, 'an exception to Kiganda patrilineal rule', which ensures that every clan one day would return a king. This is in addition to the fact that every Baganda clan has a traditional role to perform at the king's palace.

Power distribution within Ankole Kingdom as summarized above by the Commission is one explanation, there could be others, but the question is whether there was no methodological bias. The Constitutional Commission, in these Ankole consultations, relied on numerical data.

The Commission accepted as true the numerically dominant claims that the kingdom was irrelevant in the governance and cultural future of Ankole; that its rulers, as the stereotype goes, must have been a self-imposed group of foreign tyrants who had now become irrelevant. 'The law is like sausages; it is made out of the worst meat,' goes the adage.

Having submitted to the tyranny of numbers, the Commission was satisfied with this extreme attitude towards the kingdom. It is true that strong emotions relating to impacts such as power on an individual and groups are valuable in researching indigenous people's experiences but the Commission was satisfied that the privilege of quantity over quality, or rather the tyranny of democracy, in determining the truth, was enough and there was no need to explore different views on Ankole kingdom.

A methodological problem that may affect both Buganda and Ankole, indeed any pre-colonial African nation, is the Commission's unquestioning acceptance of liberal philosophy which locates the individual at the centre of the socio-world; s/he is expected to be progressing from tradition to modernity, which is the desired normal.

African traditions and customs therefore come in as 'compromise,' which is a principle of good constitution-making (even then) if such traditions and customs are not suspected of repugnancy, a doctrine that remains controversial to this day according to Taiwo, 2009; Lwanga 2022. Bendix (1967) notes that the term 'modern' is constituted by European democratisation of societies, 'especially the destruction of inherited privilege [feudalism, that is] and declaration of equal rights of citizenship.'

However, Bendix continues, 'there are indications that this perspective gave an oversimplified view of traditional societies, of modern societies, and of the transition from the one to the other.' Bendix makes an attempt at a 'balanced analysis' of 'modernization' as will be discussed further below.

Despite the critiques of simplifications of the tradition-modernity dichotomy as early as the 1960s, official development philosophy remains simplistic to this day. Even when in 1966 the UN was legalising the International Convention on Economic Social and Cultural Rights (ICESCR), which constituted part of the International Bill of Rights, that same year saw the 'Buganda crisis' in form of military bombardment of the kingdom's palace and later the abolition of federalism, which was considered to be the same as 'feudalism', in Uganda's governance.

To the 'arrogant' ideology, the violence was justifiable because 'inherited privilege' in Uganda was backward. Where the modern clashes with the traditional, the former is supposed to prevail because it is the privileged norm, its methodology may be forged or faulty and in need of interrogation but it will pass without question.

Violence has characterized modern Uganda's governance since independence yet it has never hindered development cooperation with Uganda from multilateral, bilateral, and regional development partners.

Furthermore, the Commission report confirmed the above conceptual limitations, which is why the Commission heard that 'over-centralization' or too much power at the centre was responsible for the failure of national development in the rural areas.

Secondly, state agents including District Administrators (DAs), Resistance Councils (RCs), chiefs, local police and security organisations committed excessive violence including human rights abuse. Thirdly, Commission heard that since the pre-colonial period up to the early 1990s, people have had few opportunities to choose leaders at the local level. This top-down style of governance, for example, is the context in which Uganda's far-reaching agricultural sector reform was initiated in 1983.

An Agricultural Policy Committee was set up to review agricultural policies in conjunction with the Agricultural Secretariat at Bank of Uganda. Some of the recommendations from this work included re-examining Idi Amin's Land Decree of 1975, formulating a 'sound' national land tenure 'conducive for agricultural development,' and reforming the land registry.

This process continued in 1990 with a team from the Land Tenure Centre, University of Wisconsin in collaboration with Makerere Institute of Social Research (MISR). The goal was to study Uganda's land tenure with special focus on mailo and customary systems in relation to agricultural development.

They worked in select districts of Buganda, Ankole, Bugisu and the eastern border region. They concluded that a good land tenure should, (a) support agricultural development through the functioning of a land market which permits rights holders to voluntarily sell their land to those who want to extend or enter agriculture or undertake any other form of development; (b) not allow forced evictions, particularly those that would cause economic, social and cultural hardships and shocks; (c) be uniform throughout the country, which would be achieved over a period of time.

These conclusions imply privileging marketable land rights such as freehold and leasehold that facilitate commercialisation. The 'land market' would gradually eliminate customary rights without eviction violence.

The Commission's recommendations attempt an improbable balancing act. Primarily it recognizes the need to 'encourage' foreign investment in order to cause 'socio-economic development' without rendering large numbers of Ugandans landless. The Commission seems unaware of what the market does to people in a weak economy.

The ignorance granted, the Commission recommends that: (i) all people who are legally occupying land should be guaranteed security of tenure and enabled to register their interests and obtain certificates of title; (ii) there should be maximum utilisation of land, while at the same time ensuring that land is equitably distributed among the people; (iii) division of Land into uneconomic units should be avoided.

These recommendations are aligned to the two earlier studies in a sense that they seek maximum commercialization of all Uganda land, which should be individually owned, must be sold and bought for intensive utilization. It is interesting how a Constitutional Commission recommends that ALL land should be put to economic use, leaving no space for cultural purposes.

This question can be answered in accordance with the role of the Commission as part of the state. That the British had no intentions of leaving after independence, is confirmed by the Constitutional Commission itself when it notes that Britain was the 'honest broker' in the negotiations for the newly independent federal state of Uganda.

This colonial relationship has also been described by Nederveen Pieterse (2010) as 'intellectual division of labour' in which "'theory" is generated in the west and data are supplied by the south.' In addition to this, citing Kothari (1988), Nederveen Pieterse points out that 'development is also a neo-colonial discourse' because 'where colonialism left off, development took over.'

This relationship should be traced in the Agricultural Policy Committee, the Agricultural Secretariat in Bank of Uganda, the University of Wisconsin-Makerere University study on land tenure and the Constitutional Commission, all of which are part of the powerful neo-colonial infrastructure that supports past and continuing dominant discourse on Uganda's land tenure.

### **Limitations of individual compensation**

A study by Namaganda et al (2021), on land compensation in Uganda and South Africa found that communities affected by land acquisition did not like displacement and resettlement. The respondents thought that if in inevitable circumstances people had to move, there must be fair and just compensation.

'Fair and just,' it was thought, should be joint ventures with benefit/profit sharing with investors. It also meant jointly-designed resettlement agreements that must be made with affected communities. Furthermore, fair compensation and resettlement included provision of finance to develop the newly resettled land. Respondents emphasized the fact that national investors, like foreign investors, were substantial contributors to displacement and should play a part in resettlement.

Global Rights Alert (2019) however, writing on *Understanding the 2017 Land Acquisition Bill*, has clarified that 'resettlement and rehabilitation' was not an option, it was only dispensed at government discretion.

In 2012 the United Nation's Food Agricultural Organization (FAO) published the Voluntary Guidelines on Responsible Governance of Tenure of Land (VGGT) as normative standards for responsible land governance and in acknowledgement of land tenure as a human right. This initiative was a result of corporations' knee-jerk reaction, or the global farms race, towards Africa's land acquisition in the wake of the global 2008-2009 economic crisis.

The guidelines require states to recognize and respect all legitimate tenure right holders, whether formally recorded or not; safeguard such rights against arbitrary loss, threats and infringements including forced evictions that are inconsistent with obligations under national and international law; promote and facilitate the enjoyment of such rights; afford access to justice to deal with infringements on them; provide effective and accessible means for everyone to resolve disputes over them; and to provide prompt, just compensation on acquisition of those rights for public purposes. The UN agencies expected the guidelines to be integrated into mainstream international standards.

Furthermore, the Uganda Constitution (1995 as amended) starts off with recalling a history of political and constitutional instability, and recognising the country's 'struggles against the forces of tyranny and exploitation...' The Commission too had reported a history of state agents committing human rights abuse against civilian populations.

Article 50, in addition, recognizes the inalienable nature of human rights and charges the state in Objective (V) with guaranteeing and respecting state and civil society institutions that work to protect and promote human rights. Article 26 protects the right to property either individually owned or in association with others. It reads, 'No person shall be compulsorily deprived of property or any interest in or right over property of any description.'

The exception to this rule is when central or a local government takes possession of the property in the public interest, safety, morality, health...' There will however be 'prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property' and the right of access to a court of law by those interested in that property.

Neither the above UN guidelines nor the constitutional safeguards however could deter the long-term plans. The decision to create a mechanism for marketable land tenure system in the interest of foreign 'investors' was made earlier than 1990. The constitution did not change this planned eventuality. Its compliance with Uganda's democratic provisions therefore, are equally matched with claws-backs that undermine the stated freedoms.

The Constitutional Objective of State XXIV provides for cultural and customary values but on condition that such values 'are consistent with fundamental rights and freedoms, human dignity, democracy, and with the Constitution.' Article 237 (1) asserts that 'Land in Uganda belongs to the citizens of Uganda,' but 'shall vest in them in accordance with the constitutional land tenure systems

(a) customary; (b) freehold; (c) mailo; and (d) leasehold.' The persistent efforts to force custom to comply with a modern constitution is rooted in the modernist apprehension of a parallel political order inherent in traditional customs. It is for this reason too that customary tenure must be phased out

Considering the current violent land evictions in Uganda, it is fair to conclude that the constitutional concern about the history of instability in Uganda is a persistent problem. The connection between Uganda's elite military dictators and their commitment to long-term neo-colonial projects in Uganda needs further interrogation in a different project.

Despite the good objectives of state on sustainable development, the country now experiences numerous ethnic divisions, economic chaos and a tyrannical market imposed by Bretton Woods Institutions. Examples of Apaa and Kaweri are clear cases of uncompensated, hence illegal and violent acquisitions.



**This bill means that central government or a local government can take possession of a piece of land before compensation whether the value is disputed or not.**

The former has been termed a classic 'green land grab,' while the latter, as 'legal but unjust' and 'accumulation by ambiguity,' all typically pointing to the fate of customary tenure in Uganda. We have already seen that the plan to eliminate this particular tenure was conceived well before 1990. All this, happening in the context of Uganda's oil deposits, large-scale agricultural land, and forest reserves, are but a result of accelerated implementation of a long-term plan to eliminate the 'informal' land tenure.

An amendment bill to the 1995 Constitution is before parliament at the time of writing this paper. Its short title is 'The Constitution (Amendment) Bill, 2017 [No.13 of 2017]' and the long title is 'An Act to amend article 26 of the Constitution in accordance with articles 259 and 262 of the Constitution; to enable Government or a local government to deposit with court, compensation awarded by the Government for property declared for compulsory acquisition; to empower Government or a local government to take possession of the property upon depositing the compensation awarded for the property with court, pending determination by the court of the disputed compensation amount; to give the owner of property or person having any interest in or right over the property the right to access the deposited compensation awarded at any time during the dispute resolution process and to empower Parliament to prescribe the time within which disputes arising from the process of compulsory land acquisition shall be determined.'

This bill means that central government or a local government can take possession of a piece of land before compensation whether the value is disputed or not.

In case the aggrieved land owner wishes to dispute the value of compensation, they will not have to present their case in court before their money, unilaterally determined by government, is deposited with the court. LEMU - Land and Equity Movement of Uganda (undated) cautions government on the fact that the court is not a bank to deposit disputed money, that instead cases on disputed money should continue to be instituted in the same court according to the Rules of Civil Proceedings; that both government and the aggrieved land owner should continue to be entitled to make their case in court.

LEMU recommends amending existing or enacting new laws that operationalise the implementation of Article 26 instead of amending the article itself. The organisation further warns that if the amendment was to be allowed to pass, state infringement would 'effectively render the protection under Article 26...of no use to the citizens of Uganda.'

ACODE Advocates Coalition on Development and Environment (2017) argues that article 26 is a fundamental right and that is responding to past injustices. ACODE further argues that allowing government to compensate the affected persons at a later date after taking possession of their property not only denies them enjoyment of their right to property, and the internationally acclaimed principle of free, prior and informed consent before taking possession, but also exposes the affected persons to uncertainty of displacement without compensation.

In addition, ACODE recognizes the inefficiency involved in court processes due to delays in implementing government projects, investments, high cost on the tax payer and increased sovereign debt burden due to penalties on delayed projects.

The organization advises government to adopt a human rights-based approach to land and to change a number of laws related to these operational procedures instead of amending Article 26. This intervention by civil society, LEMU, ACODE and others, will only succeed in delaying the plan but will not stop it.

## **5. ANOTHER DEVELOPMENT?**

### **The Crisis**

Development discourse as it stands today cannot support fair compensation. The intended objective for Uganda's agricultural development is to convert all arable land to a land market in the interest of 'international' investment. This ideology supports the global northern economies that have now morphed into what Michael Hudson (2021) terms 'neo-feudalism' characterized by a 'neo-rentier economy.'

Thus, these emerging land markets being engineered by Bretton Woods and other African development partners can no longer equate to a free market capitalism of the bygone industrial era, which Karl Marx, according to Hudson, considered democratic in its prime.

We can talk of the free market era at the advent of industrial capitalism that followed land enclosures in Europe before colonialism; yet the world has since gone through monopoly and post-industrial capitalism. However, Finance, insurance, and real estate (FIRE) sectors of the developed world instrumentalise their governments to form Hudson's notion of neo-rentier economies. His point implies that they no longer make profit nor do they create wages, now they collect rent.

The African state during the post-colonial phase remained under the control of western powers and western transnational corporations. Kothari's point, 'where colonialism left off, development took over,' also speaks to the frustrated anti-colonial demands for self-determination, including land for the natives. Instead, development ideology occupied the space and reduced everything to welfare comprised of infrastructure, agriculture, schools and hospitals. These were given meaning by the knowledge produced by the World Bank and Africa's bilateral partners.

Africa's technocrats were initiated into the dominant system of western models of land surveys, enclosures and private property ownership. Escobar (1985) outlines a similar integration system in which nursing and nutrition programs were designed and applied by the World Bank in the South American state of Columbia. All this was to be reduced to a trickle by the 'stagflation' or rather the crisis of the 1970s when the oil-rich nations imposed an embargo on US due to deteriorating Arab-Israeli relations, impacting energy prices for a long time.

Throughout the 1970s many African states experienced military dictatorships, albeit ones that remained entangled in the east-west 'cold war'. Tanzania's Ujamaa, a version of 'African socialism' also nationalised land and introduced collective farming in that country. Idi Amin introduced the 1975 Land Decree that brought all Uganda's land under government control. Uganda's Kingdoms which had been condemned as 'feudalism' remained banned although Idi Amin returned the body of the late Kabaka of Buganda from exile and accorded him a state funeral much to the enchantment of the Baganda.

The 1980s saw Margaret Thatcher and Ronald Regan roll out onto the world the 'Washington Consensus,' a revision of liberal philosophy that glorified private property and the role of transnational corporations, and went on to claim capitalism's triumph over socialism when the Soviet Union collapsed by the end of the 1980s. The ensuing 'neoliberal' ideology stripped states of their welfare character, which was in shreds anyway, and turned most public wealth, including land, into private hands and transnational corporations.

However, this capitalist triumphalism was shadowed by a new economic crisis throughout the 1990s. For example, Callen and Ostry (2003) writing for IMF report that the bubble in Japan's 'lost decade' stock prices went burst in 1990, equity prices too fell by 'about 60 percent' in 1992, and land prices nose-dived a year after the stock prices. Currencies, according to 'The Joint Economic Committee of the United States Congress' (2003), suffered in the East Asian countries between 1997-1998; Russia in August 1998; and Brazil in January 1999. Argentina, according to the same Committee, experienced high unemployment between 1989 and 1998, and a fully blown depression by late 2001.

Clearly, the storm was gathering long before 2008 when it hit US shores. Although President Museveni thought Uganda's economy would be safe, it was actually to be affected through reduced remittances from workers abroad, declining Uganda's exports to those countries suffering recession, decrease in tourist earnings and increased protectionism in developed countries to protect home products (Nabudere, 2009).

Underlying this extensive globalisation crisis, Nabudere (2009) argues, is the capitalist 'dematerialisation' and 'deindustrialisation,' the terms he uses to explain the business of creating fictitious money-making money by buying and selling currencies-and abandoning unprofitable industrial production, which proves Hudson's point about the declining wages and profits. Thus, Nabudere (2009) observes, the capitalist class has lost its place in the world as a producer of value. 'The existing global [governance] system can no longer justify itself on the basis of existing power relations, which are in deep crisis,' he writes.

The current post-colonial state, the market and the corresponding state-market relations have all proved that they are not suited for Africa's development. He predicts that this state will 'collapse along with the collapsing global governance systems,' and that currently 'the key to political rejuvenation will lie in the deepening democracy right from the family level, to the clan or local neighbourhoods and on to the traditional or new non-formal institutions of power' (Nabudere, 2009).

### **A new society on the rise**

Meaningful compensation has to be located in Indigenous forms of land justice. The commons are a growing field that belongs to the past as well as to the future. In 2008, at the advent of global economic crisis, Eleanor Ostrom, a political scientist, won the Nobel Prize for economics for her life-long study of governance of the commons, see for example, Ostrom (1990). Her work is contrary to Garrett Hardin (1967) who dominated development discourse with the myth on 'tragedy of the commons.' We already know that Buganda and other 'kingdom areas' managed land as commons which also allowed individual rights.

Businge (2008), note the timing again, suggests that the ideal land tenure scenario for policy in Uganda should be the common pool resource system that existed without conflict before 1900. He classifies the other land policy scenarios since 1900 as Moribund, Slumber and Bleak. All these have 'neglected,' actually undermined, customary tenure and created a marked 'paradigm shift' from a very ideal scenario to a private property rights regime enjoyed by a few at the cost of the masses and the environment.

In pre-enclosure Europe too, particularly England, Daniel Defoe, cited by Fairlie (2009), observes the private-public interaction on the cattle commons in the Somerset town of Cheddar. The private included cows being owned and lodged by individual families who milked them in the morning and provided whatever medicinal care they saw fit. The public took over in the morning when a communally appointed cowherd passed through the village and the cows filed out to make their way to the common pasture. 'There are clear economies of scale to be gained from grazing all the cows together,'

Fairlie writes. In the evening the herd returned and cows peeled off one by one to their individual sheds to be milked again. Surplus milk after domestic needs were met, was taken to the creamery and made into cheese, a public process that benefited from economies of scale. Families were then paid with entire cheeses, weighing a hundredweight or more, which they could consume or market as they saw fit. Fairlie suggests that the elements of the Somerset commons can be found throughout Europe.

Meaningful compensation has to be built around these basics in the traditions of the commons, not only in Uganda but possibly globally. Suffice to re-affirm here 'the uncontested fact,' discovered by the Uganda Constitutional Commission (1995), that traditions in pre-colonial Uganda 'were the basis of government and organisation of African societies from time immemorial...'

The skewed tradition-modernity relations imply a democracy that is entitled to destroy 'feudalism' everywhere. According to Bendix (1967), most nineteenth century thinkers shared a 'profound intuition' of disappearing historic values, and the 'age-old tyrannies and inequalities.'

These thinkers however were equally aware of modernity with its 'coming new powers, new insecurities and new tyrannies.' The notion of disappearing and coming of civilizational values, Bendix writes, was an over-simplification from the undue generalizations of the European experience. Indeed, they ignore the possibility of 'the modernity of tradition' or 'the tradition of the new' (Bendix, 1967) or, as we have seen already, modernity in one place being tradition in another.

Those debates on oversimplified tradition-modernity relations took place at the time of Africa's political independence when such critique found fertile ground on the continent. Bendix (1967) cautions us on the 'real possibility that modernization may never arrive at modernity' in which case terms like "development" and "transition" become misnomers when applied to societies whose future condition may not be markedly different from the present'; for example, abolishing traditional land rights may create more poverty.

Nabudere (2001) appreciates this complexity, by tracing transitions in Africa's tradition from the earliest traditional mythos, to neo-tradition (this modernity will probably never be better than this), a phase when modernization colonizes Africa's traditions; and on to a future, post-tradition, in which Africans re-construct economies based on their cultural resources. Post-tradition is not about returning to the caves; it is a democratic future in which every local is recognized in building federations or confederations as part of a global/local, glocal, society (Nabudere, 2009).

The face-off between Uganda government and Buganda Kingdom today is due to the latter's demand for a more federated autonomy within Uganda. It would include the right to manage the land in Buganda according to its customs. Serunkuma, writing in The Observer newspaper, articulates Buganda scholar and activist Robert Kalundi Serumaga's position on the current land problem. To Serumaga, the security of tenure creates immense pressure on Buganda land resulting in forced sale by Baganda, majority of whom are in abject poverty. 'Victim sellers' are pushed to the market by their impoverishment under the Museveni's reign.

This is because up to 99 percent of Buganda land is registered, either as freehold (including mailo) or as leasehold which are considered secure. The market in its modern form is oblivious of the victims of colonised traditions or modernisation across Africa. Equally oblivious, Agatha Atuhairwe the online radio presenter who interviewed Serumaga asked him: 'What is the problem with that?'

The problem in Atuhairwe's question today lies in Museveni's politics and economy, which nevertheless originates in a century or so of modernisation.

In the political sphere, Rolls (2021) uses terms like 'aristocracy,' 'dynasty,' and 'monarchy' to describe a Museveni presidency that runs a two-pronged formal and 'shadow' state system with the help of family, 'Bahima sub-clan' and other carefully selected actors while at the same time aspiring to modernity. Uganda's economy has also been described by Wigratz (2010) as 'fake capitalism,' meaning the defective, 'institutionalised corruption and reckless profit-making' at public and private sector levels.

The World Bank and other development partners work closely with the Uganda government to broaden the integration of land into a thoroughly discredited political system.

For Baganda like Serunkuma and Serumaga, Atuhaire's 'problem' is Buganda problem because the region is the epicentre of modernisation and its pathology hit them first. Other former nations in the Uganda Protectorate will certainly follow as the land market is broadened beyond Buganda's borders.

## **6. CONCLUSION**

Can we require an African government to respect customary land tenure even when it does not respect customary institutions? In terms of managing the commons, the pre-colonial customary tenure remains the most ideal for land justice in an African country. European conquerors configured African land tenure to solve European economic problems. The state in Africa has its history in European conquest, while development and its related discourse are heirs to that history. That state therefore owes nothing to African traditional institutions and their customs. If we give in to the lure of the market, it is possible that an individual or a small collection of big business can claim half of a country's arable land.

Growth of biofuel plantations can occupy land previously used to produce community livelihoods. The notion of 'green land grabs' transfers land from peasant farmers and gives it to foreign companies in the name of conservation. In this context land acquisition whether by force, by law or through the 'market forces' amounts to 'land grabbing' because of the adverse effects on impoverished people's ways of life and their livelihoods.

Sovereignty is the ultimate form of compensation in Africa, for there would be no sovereignty without land. The fortune, or fate, of development and the state that implements it is bound with the current crises bedevilling global economic systems. Africa's future on the other hand lies in memorizing and rehabilitating traditions that promote egalitarianism. In the context of Uganda, this applies to re-invigorating customs of both kingdoms and 'non-kingdoms' into federations. In terms of land management this means the management of natural resources in accordance with the egalitarianisms of the relevant customs.


For customary tenure to work effectively, it should comply with the traditional understanding of land use within a given federation. Markets should be organized to promote values and freedoms that are meaningful to people's lives. Confederations can then broaden the territory covered by common market to include more neighbouring federated states. This network of federated states can multiply to incorporate more federations to cover as much of the region as possible.

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**THE QUESTION OF “IDLE  
LAND” AND THE DYNAMICS  
OF DISPLACEMENT  
FOR LARGE-SCALE  
LAND ACQUISITIONS IN  
THE GLOBAL SOUTH:  
PRELIMINARY OBSERVATIONS  
FROM UGANDA**

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## ABSTRACT

This chapter thinks through the idea of “idle land” – an idea so pervasive in large-scale agricultural investment circles and state discourses on land acquisition for development in the global South. The idea that Africa and much of the global South is home to unrivalled ‘idle’ but otherwise highly ‘productive’ land continues to inspire numerous investors who are intent at putting so-defined idle land to some ‘productive purposes’.

Such land is often defined as ‘wasteland’, ‘idle land’, ‘unused land’, and other similar descriptive markers. Well-documented cases of forced physical displacement of communities by state security agencies make it obvious that such lands have never been ‘idle’ – at least not in the literal sense of the term.

What is not so obvious, and core interest of this chapter, is why states, agricultural corporations and their international financiers continue to front the discourse of idle land in reference to most arable lands in the global South. I make three core arguments in the chapter.

First, I argue that idlization of land is a historical phenomenon, and has been articulated to different politico-economic objectives under conditions of modern political power at different historical moments. We should thus think of it as political idlization of land, and from a postcolonial vantage point, I argue, colonialism provided the defining moment for its articulation.

Second, I argue that in our contemporary neoliberal moment, political idlization of land functions to justify and legitimise neoliberal operations on land. With the alliance between the postcolonial state and neoliberal forces in fronting it, idle land talk thus reveals and functions to cement the neoliberal character of our postcolonial state.

This state allies itself with global neoliberal forces not just in drawing even the remotest piece of land into the market: it embodies the neoliberal logic itself. Finally, to understand its condition of possibility under neoliberalism, I argue that contemporary political idlization of land embody, and is a culmination of, an epistemic operation: a neoliberal critique of the historically diverse, dynamic, context-specific and generally none-marketizable modes of knowing, conceptions and practices concerning land use in the targeted areas of the Global South.

With this, drawing from decolonial scholarship, I propose a rethinking of the dominant conceptualisation of displacement as only physical, to now consider it as a double-edged operation: both physical and epistemic.

**Keywords:** Large-scale land acquisitions; Neo-liberal Political Idlization; epistemic displacement; postcolonial state

## INTRODUCTION

Contemporary mega land-based projects in Africa and much of the Global South, involving big agricultural corporations, states, finance capital, and other actors, are justified through a now familiar shibboleth, one which discursively presents the land in question as “idle”, “empty”, “unused”, and similar descriptive markers<sup>1</sup>.

As many well-documented cases indicate, such as those from Uganda upon which this chapter draws (more on this later), irrefutable evidence of physical displacement of communities by state security agencies to pave way for large-scale land-based projects makes it obvious that the issue is not whether such lands were occupied or not prior to such projects. What is not so obvious, and the core interest of this chapter, is why states and agricultural corporations continue to front the discourse of idle land in reference to most arable lands in the Global South.

The engagement that follows embodies three core arguments. *First*, I argue that idlization of land is a historical phenomenon, and has been articulated to different politico-economic objectives under conditions of modern political power at different historical moments. We should thus think of it as *political idlization* of land, and from a postcolonial vantage point, I argue, colonialism provided the definitive moment for its articulation.

*Second*, I argue that in our contemporary moment, the form political idlization takes is undoubtedly peculiar to the contemporary political and economic conjuncture, one marked by multiple crises of food, energy, finance, environment, and, above all, the postcolonial political under neoliberalism (see Borras et al. 2011: 9; Moyo and Yeros 2005; Manzo and Padfield 2016).

Here, political idlization, I argue, functions to justify and legitimize neoliberal operations on land. With the alliance between the postcolonial state and neoliberal forces in fronting it, idle land talk thus reveals, and functions to cement, the neoliberal character of our postcolonial state.

This state allies itself with global neoliberal forces not just in drawing even the remotest piece of land into the market: it embodies the neoliberal logic itself.

*Finally*, to understand its condition of possibility under neoliberalism, I argue that contemporary political idlization of land embodies, and is a culmination of, an epistemic operation: a sustained neoliberal critique<sup>2</sup> of historically diverse, dynamic, context-specific and generally none-marketizable modes of knowing, conceptions and practices concerning land use in the targeted areas of the Global South.

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1. I am grateful to Muhamed Lunyago, a colleague of mine at MISR, for his persistent encouragement to turn my thoughts on this subject into a text, and for his feedback and suggestions along the way. I am equally grateful to Rosa Luxemburg Stiftung (RLS) and NAPE for an important opportunity I was granted to present my draft ideas in a session of the NAPE-RLS Intellectual Study Group on Land and Natural Resources, held in Kampala on June 24, 2023. I am greatly indebted to Professor Samwiri Lwanga-Lunyigo for his elaborate comments during the session, and the helpful feedback and suggestions I received from all participants.

2. On this, see also Borras's (2006) critical reflection on what he calls the pro-market critique of conventional land policies (Borras 2006; also Borras et al. 2011).

These insights force us to rethink the dominant conceptualization of displacement. Reports documenting forced *physical displacement* of people from their historical places of existence and dwelling<sup>3</sup>, and the human cost involved as a result of the destruction of people's means of survival, are quite numerous<sup>4</sup>.

Yet these reports cannot explain why, despite obvious cases of forced evictions, idle land talk thrives in official and (agricultural) investment discourses. In other words, from such accounts, we do not get a sense of that which seems to render forced evictions possible in the first place which, as I have hinted above, is best described as the sustained neoliberal critique of socially-acceptable conceptions and forms of land use. This speaks to the epistemic dimension of displacement.

Through a state-enforced displacement solely based on a one-dimensional capitalist conception of what constitutes land use, one that conceives "productivity" only in terms of high mass agricultural production for the (global) market, I argue that physical displacement operates alongside another, even more insidious because more hidden, form of displacement: the discursive displacement of the different socially-legitimate modes of knowing, conceptions and practices concerning land use.

The concept of epistemic violence emerging out of critical decolonial scholarship becomes useful in this regard (Ndlovu-Gatsheni 2021, 2018, 2013; Santos 2017; Gill 2016).

What is clear is that the epistemological and ontological assumptions that underpin the contemporary notion of "idle land" are exclusively rooted in neoliberal economics. The whole idea is to further entrench capitalist social relations in postcolonial societies, now regarding land (Amin 2012; Akram-Lodhi 2007; Haller 2019).

This explains the general obsession in these circles with increasing "agricultural productivity", and the unmistakable economic reductionism embedded in their conceptions of productivity and productive land use. This is the reality with which targeted communities in the Global South are confronted. To think beyond it is to take seriously perspectives from those whose views and conceptions of land use it silences and displaces.

With that brief introduction, the rest of the chapter is divided into three core sections. The next section offers a brief historical and conceptual overview on the contemporary problem of political idlization of land from a Ugandan/Africa vantage point. After that, I briefly present the three cases from Uganda, through which I discuss the politics of the contemporary political idlization of land.

The last section frames displacement in the context of large-scale land-based projects as also encompassing an epistemic dimension, after which I end the chapter with concluding remarks. This chapter is based on a critical engagement with existing literature, and it draws together primary and secondary source material in its critical endeavor.

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3. I am using 'dwelling' in its original Illichian sense: as a dynamic, culturally-specific art of human existence on land (Illich 1991).

4. In the case of Uganda, see Zeemeijer, I., 2011. "Who Gets What, When and How? New Corporate Land Acquisitions and the Impact on Local Livelihoods in Uganda." Masters diss., Utrecht University, p.99. See also Banjwa (2022: 69-71).

## Political Idlization of Land in Africa: A Historical and Conceptual Overview

It is possible to consider global histories of modern dispossession of landed communities as also histories of modern political idlization of land. One may reflect on the 18th and 19th century enclosure movement in England, which involved the transmogrification of formerly common lands into private farms, as enabled by a particular form of idlization, one which disregarded the commonality with which such lands were being used historically. Commenting on this historical development Vandana Shiva (2010) writes that:



**The commons, which the Crown in England had called wastelands, were not really waste. They were productive lands, providing extensive common pastures for animals of established peasant communities, timber and stone for building, reeds for thatch and baskets, wood and fuel, wild animals and birds, fish and fowl, berries and nuts for food. (Shiva 2010: 254)**

By defining land as “wastelands”, such lands were thus rendered “idle”, which in effect displaced communities’ context-specific conceptions on the constitution of productive use of land, and the resultant invisibilisation of their diverse forms of relating to and living upon land.

The effects were devastating. Writing in *The Rise of Cheap Nature*, Jason W. Moore (2016) writes thus:



**Sometimes peasants who were forced off their land found their way to the towns. Sometimes they were dispossessed and kept on the land reduced to cottagers and forced into agricultural wagework – or neo-serfdom [as] in Poland – to acquire what their small plots could provide” (Moore 2016: 85; see also van Meijl et al. 2006).**

The above were developments in what would later emerge as metropolises for territories of late colonialism. The colonial context came with its own peculiarities on the question of land. No doubt, the massive land dispossession of natives that took place in late colonial Africa, more glaring in settler colonial contexts, and the whole setup of colonial governmentality, so well theorised by Mahmood Mamdani (2017) as *decentralized despotism*, were all preceded by colonial *political idlization* of land – that is, politically rendering huge chunks of land as “wastelands”, “unused lands”, and so on. This was the seminal moment for political idlization of land in territories of late colonialism. Interestingly, these so-defined “wastelands” were the very lands that the colonial state took over.

In Uganda for example, as I will indicate later, these so-called “wastelands” officially became colonial (Crown) lands as per the Buganda Agreement of 1900. What interest did colonialists have in lands they themselves had designated as wastelands, if the lands in question were indeed wastelands? Such a question takes us beyond colonialist discourse itself, to ask more fundamental questions concerning the function of such discourse in the colonial project.

No doubt, modern colonial dispossession of colonized natives, especially of the natives’ land, was always backed up by systemic physical violence directed at and on the bodies of the natives. However, perhaps even more devastatingly, this dispossession was preceded and propelled by colonialist knowledge production, rooted as it was in colonial racism. Aimé Césaire, in his *Discourse on Colonialism*, quotes certain colonialist writers arguing for the need and responsibility of “civilised peoples” to put to proper use the resources God gifted “humanity” that were lying “idle” in the hands of “uncivilised” colonised natives.

He quotes, for instance, Albert M. Sarraut, an ex-Governor-General of French Indochina, as insisting to his students at Ecole Coloniale “that it would be puerile to object to the colonial enterprises in the name of ‘an alleged right to possess the land one occupies, and some sort of right to remain in fierce isolation, *which would leave unutilised resources to lie forever idle in hands of incompetents*’.” (Césaire 1972: 17, emphasis added; see also Rönnbäck 2014).

In *The Coloniser’s Model of the World: Geographical Diffusionism and Eurocentric History*, Blaut (1993) calls this belief “the diffusionist myth of emptiness”, which he

insists was crafted by colonialist thinkers and administrators to serve purely “colonialist functions” (Blaut 1993: 25). As Aimé Césaire observed, such blatant dispossession was justified, apparently, in the “common interest of all humanity”, because the “lazy natives” were not putting resources like land to proper use (Césaire 1972: 17). *Colonial* interest was projected as common interest! This explains the history of colonial forced removals, massive land dispossessions, and genocide of native populations, a process that led to the total reordering of social relations on land under colonialism, a reordering that became the basis for the construction of the colonial state and colonial governmentality (Mamdani 2001, 2017, 2020).

Diverse and dynamic precolonial modalities of relating to and being on land, and the epistemological and ontological views that made them possible, embodied in the notion of “custom”, were not exempted from the colonial discursive and political reconfiguration of reality in colonized territories. Mamdani (2017:21) emphasizes how, for instance, British colonialism in Africa was “the first to marshal authoritarian possibilities in native culture. In the process, it defined a world of the customary from which there was no escape.” Mamdani (2017:21f) adds that:



**Key to this was the definition of land as a customary possession, for in non-settler Africa, the Africa administered through Native Authorities, the general rule was that land could not be a private possession, of either landlords**

**or peasants. It was defined as a customary communal holding, to which every peasant household had a customary access, defined by state-appointed customary authorities.** 🍵🍵

Where colonial authorities were confronted with realities that did not fit into its communal straightjacket, such as the system of githaka<sup>5</sup> among the Gikuyu, or that of *Obwesengeze*<sup>6</sup> among the Baganda, the colonial response was either to dismiss them, or corrupt them through mis/re-interpretation (Sorrenson 1963).

To some African observers during colonialism, the colonial great transformation (to use Karl Polanyi's iconic phrase) in relation to the subject of land was unmistakable. In *Facing Mount Kenya: The Tribal Life of the Gikuyu*, Jomo Kenyatta, later to be independent Kenya's first president, wrote that among the Gikuyu agriculturalists, land was the basis around which the entire society, its systems of knowledge and politics, were organized. He writes that land "supplied [the Gikuyu with] the material needs of life, through which spiritual and mental commitment is achieved.

Communion with the ancestral spirits is perpetuated through contact with the soil in which the ancestors of the tribe lie buried" (Kenyatta 1959: 21).

In such a context, land draws together two worlds in perpetuity: the world of the living and the world of the dead. Both the dead and the living equally had valid claims on the same land, with the implication that the interests of both had to be taken into account if anything was to be done on the land. Kenyatta notes that because of this pre-colonial reality "among the Gikuyu, the soil is especially honored, and an everlasting oath is to swear by the earth (koiruga)." (Kenyatta 1959: 21).

Another interesting case is that of the pre-colonial Buganda Kingdom. The colonial regime, in 1900, imposed a new land order in total disregard of what one historian of pre-colonial Buganda has termed landed obligation, that is, a political and social system through which "people in Buganda used reciprocal obligation, pledged in land but understood as an expression of affection, to create connections, to incorporate strangers, and to vanquish competitors in an ongoing struggle for followers and prestige" (Hanson 2003: 3).

Hanson (2003:12) insists that the colonial turn in Buganda, cemented through the 1900 Buganda Agreement, was "an affront to [Buganda's pre-colonial] meaning of things, like ripping a wall off of the comfortable house of ideas people inhabit, and the result was an outpouring of statements to remember the house as it had been". Thus, according to Hanson (2003), the two decades following the 1900 colonial land order in Buganda was a period involving "the erosion of reciprocal obligation" (see also Lwanga-Lunyiigo 2013: 18ff).

5. Individual land holding "acquired...either by purchase or through inheritance or by acquiring first hunting rights" (Kenyatta 1959). See also Barlow (1932).

6. Though rare and on small holdings, these were inheritable individual land holdings granted to some individuals by the Kabaka of Buganda before colonial rule (Lwanga-Lunyiigo 2022).

It is widely accepted that the 1900 Buganda Agreement was the foundation upon which colonial capitalist relations on land were built.

What is rarely recognised is the fact that, through this "Agreement", the colonial power successfully defined over half of the then estimated total land in Buganda<sup>7</sup> as lying idle, by virtue of which it was confiscated and vested in "Her Majesty's Government ... to be controlled by the Uganda [colonial] Administration"<sup>8</sup>.

This became the (British) Crown Land in Buganda, outlined in Article 15 of the Agreement as consisting of 'forests' (1,500 square miles) and "9,000 square miles of waste or cultivated, or uncultivated land [sic], or land occupied without prior gift of the Kabaka or chiefs by the Bakopi ['peasants'] or strangers..."<sup>9</sup>. As Mamdani (2015:188) succinctly observes, with the 1900 Agreement, "all uncultivated community land" was brought under the direct control of the colonial state.

Formal colonial rule may have ended in Uganda as elsewhere, but the colonial conceptual terrain still functions in many postcolonial discourses on land. However, what the contemporary debate on customary and public lands (as the primary target of mega land-grabs in recent times) tells us, in part, is that not everything is absorbed into the mainstream neoliberal economic understanding of land, and relations to and on land, in a postcolonial setting.

The realities that underpin the postcolonial "customary" mode of land ownership, in its varying and contested forms, forcefully portray the fact that here, the complex and contested modes of relating to and on land render alien the central verities that underpin contemporary neoliberal conceptions of "idle land", to which the World Bank has provided the discursive resources (Manji 2006; Amanor 2012).

The temptation is to view contemporary idlization of land as an 'objective' process by which states in the global South, together with their 'development partners' in the global North and other actors (including new powers in the global South such as China, India, Brazil, among others), search and designate truly unoccupied yet cultivable land with the sole purpose of putting this land to 'productive purposes'. This is the mainstream neoliberal economic perspective with respect to the so-called "idle land" in the Global South.

It is often packaged in neo-Malthusian terms, as a necessary step if global food production is to match an ever-growing world population. According to this view, the world cannot put up with the contradictory simultaneity with which the existence of plenty of "idle" and/or "under-utilized" land in some countries co-exist with global shortages especially in food and energy supply. Studies that embrace this perspective have for long been arguing for the expansion of land under cultivation, as well as increasing the productivity per given piece of land under cultivation (Cai et al. 2011; Eicher 1994).

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7. 10,500 out of the then estimated 19,600 square miles.

8. A full text of the 1900 Buganda Agreement is reproduced in Lwanga-Lunyiigo (2013: 262-281).

9. See Lwanga-Lunyiigo (2013: 276)

The economic reductionism in this view is quite telling. All the complexity that is known when it comes to context-specific conceptions and practices apropos of land use, and the corresponding conceptions of what constitutes "productive use of land", are flattened and reduced to one and one thing only: economic productivity.

Nowhere, unsurprisingly, is the mainstream neoliberal economic understanding of idle land as well-articulated as it is by the World Bank. Published in the wake of the 2008 food crisis, the Bank's 2011 study titled *Rising global interest in farmland: can it yield sustainable and equitable benefits?* (Deininger and Byerlee 2011. See also Byerlee and Deininger 2013. cf. Lunyago, this volume, p.3f for a critique) is widely cited especially among those who espouse the Bank's views on land and agricultural production.

The problem, according to the Bank, is twofold: first, the existence of large chunks of arable land especially in Africa, Asia and Latin America that is not put to "productive use"; and second, the low yield productivity on land under smallholder cultivation. Where land exists in plenty (in so-called "land abundant countries" – see Byerlee and Deininger 2013), the Bank recommended "largescale acquisition", while at the same time recommending modalities to close "yield gaps" by increasing yield productivity (Deininger and Byerlee 2011: 76).

The World Bank put sub-Saharan Africa in the spotlight as the geographical entity with "the largest amount of land potentially suitable for rainfed agriculture" (Deininger and Byerlee 2011:76).

Unsurprisingly, cases of what is today described as land-grabs skyrocketed in the aftermaths of these interventions by the World Bank. In this study, the Bank's notion of "idle land" is threefold: (i) "land not cultivated, not forested, and not protected with low levels of population density that could potentially be suitable for rainfed agricultural production"; (ii) "land currently cultivated where comparing potential actual yield provides a basis for estimating the 'yield gap'..."; and (iii) "land currently forested in unprotected areas with low density that are potentially suitable for rainfed crop production" (Deininger and Byerlee 2011).

Using this broader net to capture what it considers "idle" elements on land, the World Bank estimated "the availability of some 445 million hectares (ha) of currently uncultivated, non-forested land that would be ecologically suitable for rainfed cultivation in areas with less than 25 persons per square kilometer (km<sup>2</sup>)." (Deininger and Byerlee 2011: 77, 79). Most of this land was said to be in Africa, sub-Saharan Africa in particular (Martin and Palat 2014: 136ff).

It has been argued that the designation of land as "idle", if anything, is "a convenient, though inappropriate, way of disposing of a troublesome problem associated with the identification and classification of land uses" (Anderson 1962: 16), and that it can only be possible with total negation and rejection of what Amin (2012:8) calls the "other forms of land-use", that is, the multiple ways through which people think of and relate to and on land (see also Margulis et al. 2013: 2).

The assumption underlying the designation of such lands as “idle” has been widely queried by critical scholarship on the subject (Hall 2011: 196; see also Martin and Palat 2014: 135f; Baglioni and Gibbon 2013: 95; Nyong’o 2013: 23ff; White et al. 2013; Broughton 2013: 1f). As Martin and Palat (2014:136) indicate, the mainstream portrayal of land in the global South as “idle” “reflected ... a capitalist and administrative definition of these terms, rather than an assessment of actual use or cultivation practices”. Yet, more than anything else, at the heart of this conception of land is a stubborn Eurocentrism which, as Martiniello (2013:15) notes, “does not take into account the multiple patterns of land use articulated in African land ... systems”.

Martiniello (2013:15) argues that, in these multiple patterns, “land is not considered as a property nor is it entirely utilised for agricultural purposes”, and that these systems “provide land for present and future generations”. Thus, “whereas land might appear empty, it is, in fact, preserved for allocation for future generations” (Ibid). Here Martiniello (2013) recognizes two constituencies with more or less equal claims to the land, encompassing two temporal considerations of presence on the land: the present and future. But he forgot an equally important constituency, encompassing a different temporality, that of the ‘past’: the dead/ancestors (Chambati and Mazwi 2022: 20; Mkodzongi 2016).

Their claims on the soil are reinforced by their visible, unmistakable presence on and in it. And it is their presence on and in the soil that has always rendered possible different meaning-making processes by the living, different modes of history-telling.

From this, it is possible to map out the contours of the irreducible context-specific complexities on matters of land, the complexities flattened in the contemporary state-backed neo-liberal discourse of “idle land”.

### **The politics of contemporary idlization of land: The Case of Uganda**

One can find numerous examples through which to demonstrate how exactly the discourse on idle land plays out on actually existing large-scale agricultural projects in the global South. To make my point, I engage with three examples derived from Uganda. Two of these are Chinese private agricultural companies: Hanhe Farm and Kehong China Uganda Agricultural Industrial Park (KCUAIP). Both are located in central Uganda. The third is a Scandinavian plantation forests company, Green Resources’ Kachung forest project in Northern Uganda.

Located on 162 hectares of land in Nakaseke district, Hanhe Farm, a subsidiary of Hanhe International Company, was launched and began operations in 2011. However, it had been in existence since 2009 (Ggoobi and Barungi 2016: 15; Maiyo 2014: 3; Luwaga 2021; Ford 2019). The land on which Hanhe Farm is located was public land, with communities on it before the company took it over. The second Chinese agricultural investment company, the Kehong China Uganda Agricultural Industrial Park (KCUAIP), was commissioned by president Museveni in 2016. It occupies 375 hectares of Lubenge wetland between Luweero and Nakasongola districts, for which company has a 99-year lease (Wandera 2021; Luwaga 2021; Ford 2019; Xiangyi and Blair 2018; Daily Monitor 2016).

The company planned to employ over 25,000 people as a result of a US\$220 million investment in an integrated agricultural industrial park model – including rice, poultry and livestock farms on top of establishing processing plants and an agricultural training facility for the local communities (Luwaga 2021; Wandera 2021; Oluka 2016; Daily Monitor 2016). The third case is a Scandinavian plantation forests company, Green Resources' Kachung Forest project in Northern Uganda. The project is funded by the Swedish public energy agency (SEA) through a carbon credits programme (Mousseau and Teare 2019: 7; Ziedorn and Machula 2015).

In a curious convergence of interests, both government officials and investors in these cases make the same claim – that the lands in question were “idle” prior to their agricultural projects. For instance, in the case of the KCUAIP, Uganda’s president, Yoweri Museveni, confidently argued that before leasing the land to a Chinese agricultural company, it “was a forest”: “What was a forest is going to turn into a city for agricultural produce and factories” (see Oluka 2016).

Here, the existence of “a forest” is an indisputable marker of “emptiness”. This so-defined “emptiness” is then used to justify giving away such lands to an agricultural investor, in whom the mission of undoing “emptiness”, of aligning land to a particular conception of “productive use”, is entrusted. When people in the local community protested against their forced removal and the encirclement of their land for Chinese agricultural purposes, the Secretary General of the China-Africa Friendship Association-Uganda (CAFAU), a Ugandan entity that

coordinates Chinese investments in Uganda, angrily responded: “Much of the land we have has been idle. Now we have got people to make use of it and we are still complaining.” (see Oluka 2016, emphasis added). In the case of Green Resources' Kachung forest project in Northern Uganda, a 2019 report by the Oakland Institute documents how the company, and its funder (the publicly owned Swedish Energy Agency – SEA), claimed that the land they obtained in Kachung (in Northern Uganda) for a carbon forests business was an “unused bushland” (see Mousseau and Teare 2019: 7). In actual sense, the land in question only became “free” (unused) after state security agencies evicted villagers off this land (Ibid).

These claims have been refuted by people whose places of dwelling were dismantled to pave way for the agricultural projects in question. In the case of Hanhe Farm in Nakaseke district, one researcher learnt that actually, what Hanhe Farm owners and government officials call “idle land” constituted the commons for people living in this area. Before Hanhe Farm took it over, he writes,



**all this land was accessible to the community for grazing, fishing, harvesting of reeds for making mats and roofing houses and harvesting clay soil for brick making (Maiyo 2014: 4).**

One can look at such land as an epicenter on which people's lives in this community rotated: they could not only count on the proteins obtained from the different life forms in the swamp; their animals also depended on this land for grass and water. In short, their entire art of dwelling, as Ivan Illich would call it (Illich 1991), was weaved on the basis of this land: from obtaining materials and tools to construct their homes, to burying dead members of their communities, and to obtaining food for themselves and their animals.

For these communities, idle land talk is indeed idle talk: they have no idle land in their midst. If one is looking for these communities' understanding of what constitutes "land use" and "productive use of land", it surely cannot be defined outside the broader web of their engagements with and on this land.

What is interesting in the case of Hanhe Farm, as indeed is the case with the KCUAIP, is that to people in the communities in concerned, idlization of land only happened when the agricultural companies in question took over the land. With people forced off the land, most of it remained a fenced-off bush, a no-go zone for those who, not so long ago, had daily mapped the same land with bare foot stamps.

Only after the company took over the land did it become an "unused bushland". In fact, Hanhe Farm in particular abandoned the land after a few years. Yet even after that, the land remained a no-go zone for people in the area. When asked why they abandoned the land after only a few years, the owners argued that they "failed to make [their] money back" (Ford 2019).

Never mind that conventional economic wisdom suggests that, for any serious long-term investment (such as these claimed to be), less than ten years is a very short time to start clamoring for profit. Hanhe Farm owners dreamt of a miracle in Uganda!

While the community had devised sound ecological ways of subsisting on this wetland without dismembering the eco-system, our new agricultural investors, after five years of operation, claimed that their failure arose because the land was "a wetland and suffers from floods.

We were not aware of that because we came to the place in the dry season when there was no water. But floods destroyed our crops and our gardens.", adding that "[s]ometimes we could not even get to the farm" (Ford 2019). Yet Hanhe Farm, just like its counterpart, the KCUAIP, had huge ambitions of educating poor locals on effective, modern, and productive forms of land use.

Given the reasons Hanhe Farm owners gave for abandoning the land, one can tell clearly who of the two, between the community and Hanhe Farm owners, needed lessons from the other regarding effective, productive and ecologically-viable forms of land use in this particular case!

The discourse of "idle land" was more prominent in the case of the KCUAIP, again fomenting the talk of high-ranking government officials and Chinese investors. Besides the President's claim that KCUAIP was transforming a forest into a productive farm, there were others who traded similar claims.

For example, Mr. Alex Kakooza, “whose organisation scouts for Chinese investors”, argued that community members complaining about displacement and eviction from their land “should look at the value the investors add to previously idle land” (see Oluka 2016, emphasis added). Here, one notices what may appear a contradiction in terms: how can one, in the same statement, confirm both the forced eviction of communities and the idea of the same land being idle?

However, such seemingly contradictory statements actually speak to the broader issue at hand, which is the neoliberal disqualification of every conception of land use that does not conform to the market logic.

It seems to me that in these cases, the issue is not whether land is literally idle or not; rather, the issue is how communities use such land. Thus, even in Chinese media, KCUAIP was represented as “turning a section of Ugandan wasteland into an agricultural powerhouse that is changing people’s lives” (Xiangyi and Blair 2018, emphasis added). These views in Chinese media were reinforced by the General Manager of the company, Yang Hong Ping, who proudly reminded his listeners thus: “The land you are standing on used to consist of bushes, weeds, or forest” (see Xiangyi and Blair 2018).

What Yang Hong Ping called “bushes, weeds, or forest” was to the communities “a refuge for ... farmers in the dry season” (Ford 2019), broadly constituting “communal land and water dams that were in place before the land was taken over by the investors” as one resident, Enock Ssentongo, told a reporter in 2021 (Wandera 2021).

A local leader narrated to one journalist how, because of the new agricultural venture, their water sources were fenced off with promises of piped water as a compensatory measure. He says the company simply inserted a single water tap inside a fenced-off space, and expected the whole community to collect water for themselves and their animals with jerrycans passing under a barbwire fence!

As if this was not bad enough, the company had disconnected the water from the tap ever since (Luwaga 2021; Ford 2019). To residents like Ssentongo, therefore, there was no such a thing as “idle land” before the coming of the KCUAIP. Like in the case of Hanhe Farm, people claim that it is the company that took their land and turned a huge chunk of it into an empty bush, that is, rendering it literally idle (Wandera 2021).

Perhaps the case of Scandinavian plantation forests company, Green Resources, and its Kachung Forest Project in Northern Uganda, offers the most interesting example of how contemporary political idlization of land plays out in actually existing large-scale agricultural projects. A 2019 report by the Oakland Institute documents how Green Resources, and its funder, the (publicly owned) Swedish Energy Agency (SEA), claimed that the land they obtained in Kachung (in Northern Uganda) for a carbon forests business was an “unused bushland” (Mousseau and Teare 2019: 7).

In actual fact, the land in question only became “free” (unused) after forced mass eviction by state security agencies. In 2015, TV4 Sweden Reporter, Camilla Ziedorn, interviewed SEA’s Ulrika Raab, the Project Manager of Kachung Forest (Ziedorn and Machula 2015). Here is a part of that interview:

**Camilla Ziedorn (CZ):** You write that [the land] was unused bushland before the project came in. But in your due diligence report, the risk assessment, you write that the community has used the land for many years. How does that work?

**Ulrika Raab (UR):** The one document is a brochure...

**CZ:** But that's the information the public gets...

**UR:** No matter what land project you look at with people in the vicinity, you have to deal responsibly with the issue of land use. That's not just the right...

**CZ:** You are not answering the question. You write that the [carbon credits] forest is being planted in what was an unused bushland. But you know that there had been farmers using that land all along. So why do you write that it was unused?

**UR:** [Does not respond to the question, stares at the interviewer confusedly]

**CZ:** Outwardly you describe the project as planting a forest where there was once only unused bushland. But you know that farmers have used that land all along.

**UR:** And they still use it.

**CZ:** Why then do you write unused bushland?

**UR:** [Does not respond to the question, just stares at the interviewer confusedly]

**CZ:** Why do you write that in public information?

**UR:** If you let me speak, I can tell you about Kaching...

**CZ:** I want you to answer the question.

**UR:** How we describe the project in the brochure...that you're reading now..., I do not even know what you're reading.

**CZ:** It is what you sent me. It is on your website, which you continuously refer to. [...]

**CZ:** Is it unused?

**UR:** There is a meticulous plan for how to work with the local community. They are still allowed to be there and herd their cattle through the forest. I am not familiar with the land-use conflict you are trying to portray here.

The exchange continued, as Camilla Ziedorn presented one piece of evidence after another all to prove to her interviewee that the land on which Green Resources established its lucrative carbon farming business was not an "unused bushland" as the company publicly claims, but that it was emptied of people at the barrel of a gun, aided by the Ugandan state (see Ziedorn and Machula 2015).

Yet, and the interviewer seems to have known given the framing of her questions, it was not the case that the interviewee and her company did not know that people lived on this land before the company took it over. They were aware of that, and the interview proves just that.

The fact that the company continued to present the land as an “unused bushland” should have signaled to the interviewer that perhaps what the company was and is contesting relates to the very question of what constitutes land use. Perhaps by calling it an “unused bushland” the company is not making reference to the prior physical presence of communities on the land, which it doesn’t contest; perhaps in so thinking, it is projecting its carbon forests business as the example of an acceptable mode and conception of land use. I develop this line further in the section below.

### **Displacement as Epistemic Violence**

Popular critiques of large-scale land-based projects in the Global South, the most prominent coming from NGOs, generally give primacy to physical displacement of communities from their places of dwelling and sustenance of life. This is an important critique, and it targets all major land-based investments whose establishment was a result of the forced removal of people and communities from their land.

By drawing on recent critical decolonial scholarship (see Ndlovu-Gatsheni 2013, 2018; Santos 2017; Dotson 2011), it is possible to expand the notion of displacement (i.e., what is displaced) from its general limitation to physicality (that is, the physical displacement of people from land on which they live) to include also the epistemic dimension, namely, the displacement of people’s ways of knowing, conceptions and imaginations (Ndlovu-Gatsheni 2018: 72, 2013: 264) in relation to land. In this sense, we can think of displacement as epistemic violence.

It seems to me that at the heart of the contemporary political idlization of land is a contestation on the constitution of “land use” in general, and of “productive use of land” in particular. In the context of this study, the contest is between two broadly conceived groups. On the one hand, there is the postcolonial neoliberal state allied with ‘private’ agricultural capital.

On the other hand, are the communities in society subjected to the demands of agricultural capital. In short, this is, in an important sense, a contest between the state and private agricultural capital on the one hand, and, on the other hand, communities in our society.

The state and private agricultural capital are intent on defining “productive use of land”, or “land use” more generally, in purely economic terms, based on the number of (preferably global) market-destined products that can be obtained from the land. Here, the insistence on labelling land, on which people live and subsist, as “idle” is based on pure economism: it is idle because production based on it is not externalisable.

In other words, it does not directly translate into products on their way to national and global markets, and thus does not contribute directly to national income and related forms of national economic statistics, as well as to socio-political visions such as, in the case of Uganda, “Vision 2040” (Banjwa 2016).

To put the matter more crudely, land must make money, and any land use to be validated must contribute to this objective.

In this understanding, it matters less whether people in these communities know no hunger because they can produce enough food to feed themselves year after year, or that there is no such a thing as “homelessness” among these communities because every adult person can construct their dwelling place with tools commonly derived from what economic experts call “wastelands”, “bushes”, and “forests”. What matters is that all land must be exploited to make different forms of products on their way to the market – whether agricultural products such as rice and maize, or apartment complexes to house labourers. This is the idea of “productive use of land” based purely on the market logic.

Simultaneously, in the communities in areas targeted by massive private agricultural investments, such as those considered here, a different understanding of productive use of land can be discerned. Here, the common frontier, what economic experts call “a wasteland”, is inter alia a buffer zone to ensure that certain basic necessities of life are accessible for all people living in these areas, especially during times of unfriendly weather conditions, such as draughts.

Beyond the living (present and future, born and yet-to-be-born), land is also a final resting place for dead members of the community, who equally have valid claims on this land (Lwanga-Lunyiigo 2022). To be buried on the kiggya (a Luganda term for a family burial site), for instance, constitutes an important aspect of productive use of land. Such a proposition, that burying the dead constitutes “productive use of land”, would no doubt send our typical economic expert into a mental paralysis: the dead are not a consumptible product.

Yet these communities attach such great value to the dead, to the extent that even when people face tough economic circumstances, the one thing that generally remains outside exposure to the market are family burial sites – I am here thinking of cases where there is a semblance of choice, under the so-called “willing seller willing buyer” basis. We may refer to this societal view of land use and productive use of land as one predominantly based on sustainable community subsistence.

The claim is not that there exists today any community in Uganda that is totally insulated from the onslaught of market forces aided by state violence. Rather, the point is that the latest investments target landed communities whose sustenance is primarily based on their land and, further, that this sustenance, in its broadest and dynamic sense, defines the parameters of their modes of knowing, their epistemological and ontological understanding of what constitutes “productive use of land”.

The mainstream attack on “subsistence life” (myopically understood via the market logic to mean “producing for the stomach” and almost nothing for the market), and the open declaration, through state policy, of converting communities from “subsistence agriculture” to “commercial agriculture”, tells it all (*Daily Monitor* 2019).

Why should it be a concern if communities can fill their stomachs with good things, especially those they themselves can produce? Why should their primary direct sustenance through production on land be replaced with mediated sustenance through the market?

The contest between these two conceptions of what constitutes “productive use of land”, and of land use more generally, have also involved the question of environmental protection. What is at stake is the question of how “conservation” is understood in a postcolonial neoliberal political setting, vis-à-vis how local communities understand and practice conservation.

For instance, the KCUAIP and Hanhe Farm, like many other large-scale land-based investments in Uganda, are located in water catchment areas, or wetlands, protected in national laws from any major human developments. These state laws, of course, deploy the statist discourse of conservation contrary to people’s understanding of a peaceful co-existence between humans and other lifeforms in nature (Lwanga-Lunyiigo 2013: 240; Sachs 2015: 34).

However, limited as these laws are, they are consistently violated by the very state that enacts them. Save for the public rhetoric and laws no one cares about, we find, in these cases, not a single pretension of addressing climate change as in some cases elsewhere (see e.g., Lunyago, this volume). What we are confronted with are endless ironies.

For instance, the president of Uganda routinely utters anti-wetland destruction rhetoric at events where he is a guest of honor in launching Chinese and other investments in wetlands! As well, the minister of environment and the National Environmental Management Authority (NEMA) authorities evict citizens subsisting through small-scale activities (such as growing yams for consumption) carefully

done in wetlands (these activities do not destabilize the ecosystem in any significant way!), apparently not because of some grand humanistic idea of conserving for all present and future members of society.

Rather, akin to settler colonial attitudes, the intention is to clear the wetlands of local human presence for massive destruction by large-scale land-based investments. As Lunyago (2023) has shown, even formerly protected forests are being degazetted to give land to investors! One commentator noted thus:



**Almost in panic mode, the Minister of State for Environment, Beatrice Anywar, is daily seen threatening to evict ordinary Ugandans who occupy wetlands. She recently embarked on a tour of Kalungu District, under heavy police escort, ordering peasants on tiny half acre patches to vacate wetlands or else they will be forcefully evicted (Habati 2020).**

While (the then) minister Anywar may have wanted to be seen as fighting wars on behalf of the environment<sup>10</sup>, her real war as a minister in this postcolonial neoliberal setting was against local subsistence in wetlands and other nature spaces such as national parks – for a simple reason that subsistence life is seen as the antithesis to the state-backed project of commodifying all aspects of nature. This is why an environmental minister, such as Anywar at the time, will never be seen launching a similar campaign in wetland areas housing large-scale projects of private agricultural capital.

This is also why all those concerned with pro-people environmental conservation approaches, including civil society organisations, must rethink the whole state discourse on conservation and environmental protection. The question worth asking is the following: conserving for whom and protection from what? As Alkhalili et al. (2023a, 2023b) have shown in cases from the Middle East and North Africa, the common tendency is to sacrifice “territories and populations” in the name of addressing climate change (2023a: 2).

In their cases, (the Occupied Syrian Goran Heights and Occupied Western Sahara) wind energy as a climate change mitigation intervention function to reinforce and give credence to preexisting colonial power structures. In our cases, the projects in wetlands, such as Hanhe Farm and KCUAIP, do not (and cannot!) even claim to be concerned with environmental conservation. For how can they when their projects are operating in such areas?

It seems to me that in Uganda’s postcolonial neoliberal context, by “environmental protection” it is meant, by state officials, the protection of the environment (wetlands and all aspects of nature) for private capital investment and consumption (on this, see Nakangu 2019; Lunyago 2023). In such an endeavor, in a typical colonial fashion, communities living in such areas are designated as so-many threats, as so many stumbling blocks. They must be removed from these areas; the environment has to be protected from them. Only in approaching contemporary state environmental conservation discourse in this way does the seemingly ironical co-existence of official environmental conservation laws and rhetoric and private capital investments in wetlands begin to make sense.

The notion of “idle land”, which is discursively used to justify large-scale agricultural investments in Uganda and elsewhere in the global South, presents a paradox. Yet, approached from the vantage point of the current global neoliberal conjuncture, this paradox is thinkable. In a postcolonial setting like Uganda, if those claiming that particular lands were “unused bushlands” before the arrival of agricultural companies also, ironically, demonstrate awareness of the prior presence of communities on the lands in question (as in the cases I have explored); then it seems to be the case that the terrain of contestation is the very conception of the constitution of (productive) land use. In defining land as “idle”, it seems to me, the state and agricultural investment companies (together with their financiers in the IMF and World Bank) are questioning local conceptions and practices concerning land use.

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10. Before she was appointed a minister, she became famous for her part in the Save Mabira Forest campaign against the government’s plans to give away this natural rainforest to a local sugarcane growing conglomerate, Mehta Group.

They are questioning all none-marketizable (because not pro-market) conceptions of (productive) land use. I have argued throughout this chapter, learning from critical decolonial scholarship, that physical displacement be viewed as an embodiment, and a culmination, of an epistemic operation: the neoliberal critique of the diverse, dynamic, context-specific and generally none-marketizable modes of knowing, conceptions and practices concerning land use.

## CONCLUSION

In this chapter, I have engaged the idea of “idle land” – an idea so pervasive in large-scale agricultural investment circles and state discourses on land acquisition for development in the Global South. The idea that Africa and much of the Global South is home to unrivalled ‘idle’ but otherwise highly ‘productive’ land continues to inspire numerous investors who are intent at putting so-defined ‘idle land’ to some ‘productive purposes’.

Such land is often defined as ‘wasteland’, ‘idle land’, ‘unused land’, and other similar descriptive markers. Well-documented cases of forced physical displacement of communities by state security agencies to pave way for large-scale land-based projects make it obvious that such lands have never been ‘idle’ – at least not in the literal sense of the term.

What is not so obvious, what has been the core interest of this chapter, is why states, agricultural corporations and their international financiers continue to front the discourse of idle land in reference to most arable lands in the global South. I have made three core arguments in this chapter.

First, I have argued that idlization of land is a historical phenomenon, and has been articulated to different politico-economic objectives under conditions of modern political power at different historical moments. I have argued that to better understand it, we should think of it as political idlization of land, and from a postcolonial vantage point, colonialism provided the defining moment for its articulation. Reflecting on its seminal articulation during colonialism, Blaut (1993) called it the colonial “diffusionist myth of emptiness”, a key element in colonialist discourse that served purely “colonialist functions” (Blaut 1993: 25).

Second, I have argued that in our contemporary neoliberal moment, political idlization of land functions to justify and legitimize neoliberal operations on land. With the alliance between the postcolonial state and neoliberal forces in fronting it, idle land talk thus reveals and functions to cement the neoliberal character of our postcolonial state. This state allies itself with global neoliberal forces not just in drawing even the remotest piece of land into the sphere of the market: it embodies the neoliberal logic itself. For this reason, I have argued that we better think of this state as a postcolonial neoliberal state – and engage it as such.

Finally, to understand its condition of possibility under neoliberalism, I have argued that contemporary political idlization of land embodies, and is a culmination of, an epistemic operation: a neoliberal critique of the historically diverse, dynamic, context-specific and generally none-marketizable modes of knowing, conceptions and practices concerning land use in the targeted areas of the global South.

With this, drawing from decolonial scholarship, I propose a rethinking of the dominant conceptualisation of displacement as only physical, to now consider it as a double-edged operation: both physical and epistemic. These insights force us not only to reframe our critical discourse against the contemporary phenomenon of land grabbing, but also to reimagine how we organise and engage in society-based resistance against this phenomenon.

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**GENDER AND THE LAND  
QUESTION IN UGANDA:  
BEYOND THE RHETORIC OF  
CUSTOMARY-PATRIARCHAL  
DISCRIMINATION  
AGAINST WOMEN**

*Theresa Auma*

## ABSTRACT

Since 1995 when the Constitution of the Republic of Uganda recognized customary land tenure as one of its land tenure systems besides; Mailo, Freehold and Leasehold, the Women's Movement in Uganda has been involved in a heated debate against customary practices and customary land tenure which they argue does not allow women to own land.

This argument started during the writing of the 1998 Land Act and has been going on during the subsequent Amendments in 2000, 2004 and even 2010. As their contribution towards ensuring that the legal frameworks in Uganda protect the land rights of women, the Women's Movement working within the context of Civil Society Organizations (CSOs) called for abolition of customary land tenure and proposed that the 1998 Land Act includes clauses that allow women to co-own land with their husbands and/or own land individually.

Despite the opportunity provided by the 1998 Land reform process, which gave the women's movement the zeal to argue for women's land rights, it also became the turning point for commodification of land (through promotion of individual land holding, promotion of markets and investments) which this paper argues has had far more consequences in limiting women's access to land, compared to the rhetoric of the women's movement around customary-patriarchal discrimination. The paper therefore calls for an examination of the extent to which the emergence of market forces has come to hinder women's land rights.

**Key words:** Women's Movement, Customary, Market Forces, Large-scale Land Acquisitions, Women.

## INTRODUCTION

The Women's Movement has been very vibrant in Uganda, since 1986 when the NRM government came to power and created laws that recognize women, and also gave women access to political positions of power in unprecedented trends in the history of Uganda (Tripp, 2000). It is within this vibrancy of the women's movement that the question of women's land rights came to be one of their main focus.

Since 1995 when the Constitution of the Republic of Uganda recognized customary land tenure as one of the land tenure systems besides Mailo, Freehold and Leasehold, the Women's Movement in Uganda has been involved in a heated debate against customary-patriarchal practices which they argue does not allow women to own land. This argument started during the writing of the 1998 Land Act and has been going on during the subsequent Amendments in 2000, 2004 and even 2010.

As their contribution towards ensuring that the legal frameworks protect the land rights of women, the Women's Movement called for abolition of customary land tenure and proposed that the 1998 Land Act includes clauses that allow women to co-own land with their husbands. They argued that customary practices enforced through the patriarchal institutions of the clan (dominated by men) are discriminatory against women's right to (own) land.

The women movement's proposal to abolish customary land tenure and include co-ownership clauses into the Land Act was rejected by the politicians, and only a diluted proposal on spousal consent when family land is sold was included into the 1998 Land Act.

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As a critique to the position of the women's movement, another discourse developed within the Civil Society, supporting customary land tenure and calling for the preservation of its institutions – the clans - whom they argued had the social mandate to protect women's land rights. Both sides of this debate have offered approaches they advanced as more feasible for the realization of the women's land rights.

On one side, the women's movement adopted a rights based approach focusing on individualization of land in the name of women who should access land through buying and titling, they propose a top-down approach. Those whose perspectives were contrary to that of the women's movement on the other hand proposed a bottom-up approach, through recognition and documentation of the customary laws that provide different rights for women to land within the family, clan and community and working with the customary institutions to ensure these rights are protected.

At the center of the debate about how best to protect women's land rights, one side viewed custom as an obstacle while another looked to it for solutions. Both sides of the debate however excluded the analysis of how the neo-liberal market forces that infiltrated the land sector since the 1990s have negatively impacted the possibility of women's land rights.

This essay presents some case studies showing how the land market and especially the growth of large-scale land acquisition has led to mass dispossession of women and their families, leading to worse situations of landlessness and increased poverty.

The essay argues that discriminatory customary-patriarchal practices that the debate within the women's movement focused on as the main limitation to women's land rights has shifted to become secondary sources of limitation, and market forces have become the main obstacle to women's land rights in Uganda.

The essay identifies market forces as the "invisible hindrance" to women's land rights due to its two pronged effect of; 1) eroding customary and state institutions of justice and preventing them to deliver justice for underprivileged women who seek justice, and 2) the market is the main driver for mass displacements carried out to pave way for large-scale investments.

The essay concludes that contemporary analysis on gender and the land question cannot continue to reproduce the rhetoric of customary-patriarchal forces as the main (and only) cause of limitation for women's land rights, while ignoring how the emerging capitalist modes of production and land tenure relations is shifting customary-patriarchal power around and limiting how women access and own land.



**It is within this vibrancy of the women's movement that the question of women's land rights came to be one of their main focus.**

## METHODOLOGY

The essay is based on an analysis of recent studies on land and the gender question on Uganda. The paper takes a political economy analysis in order to show the contradictions that are arising from the emergence of capitalist land tenure relations in rural Uganda, specifically the rise of demand for land for investment projects. The essay is prepared and submitted to National Association of Professional Environmentalists (NAPE), as a contribution to the compendium for the Intellectual Study Group on the "Dynamics of land acquisition for Development", under the auspices of Rosa Luxemburg Foundation (and partners in Uganda), as well as other CSOs, academicians, journalists and opinion leaders. This essay contribution focused on the theme "Gender and the Land Question", and is among other related themes being prepared for discussion by the compendium such as; the state and customary land relations ; corporate capture and myth of idle land in the global south; land, development and alternatives to compensation; land, climate change and the environment.

### **The origin of ideological rift about how to protect women's land rights**

The ideological difference over the best approach to protect women's land rights emerged in Uganda in the 1990s, shaped by both foreign and local ideologies. The foreign origin of the individual rights based approach came from the World Bank and it was locally advanced by the Uganda women's movement, the foreign origin of the communal-customary (groups) approach to land rights for women also has roots within the World Bank and was locally advanced by political leaders, customary institutions and civil society organizations that are against the conventional ideas of the women's movement.

Tripp (2014) has shown that before the emergence of the rights based approach, customary practices governed how land was held in most parts of Uganda (even though customary land tenure was not legally recognized). She shows that the colonial government "left family and community" concerns such as land under the jurisdiction of "customary law" and customary courts adjudicated all disputes over land. Decentralization of customary matters, handled by colonially appointed chiefs is what Mamdani (1996) called *decentralized despotism*.

He explains that the colonial state only decentralized its political force over the natives through the creation of "native courts" headed by chiefs to administer customary justice including the adjudication of land matters. Mamdani (2015) explains that "*customary was the name the colonial state gave to rules, regulations and authorities by which colonized societies had over time regulated social processes and arbitrated conflicts*" (p'158). Since Uganda was ruled as a British protectorate in which indirect rule was applied, Mamdani (2015) shows that chiefs appointed by the colonial state became the custodians of these customary laws not only in Uganda but other British colonies in Africa such as Sudan, Nigeria and Tanganyika, adding that these "*authorities were clan-based, especially when it came to land use and regulation of conflicts arising from it*" (p'161).

It can therefore be deduced that during the entire period of colonialism in Uganda and until 1990s when the women's movement adopted the individual rights based approach to women's land rights, customary practices were preserved and dominated how land was held in Uganda.

But this statement should not be used to create an assumption that there was no private land in Uganda during colonialism, Tripp (2014) shows that the colonial state through the 1900 Buganda Agreement issued private mailo titles to the Kabaka, Buganda Royal family members and the loyal Baganda chiefs who collaborated with the British to subjugate the rest of Uganda under colonialism. Tripp (2014) has further shown that due to the need to raise a commercial agricultural economy in Uganda, the colonial government began issuing private land titles to individuals, two colonial tragedies affected women's land rights in this initial process of privatization; 1) women were excluded from either receiving these private land titles or even allowed to be involved in land transactions that gave them individual rights to land without a connection with a male relative, 2) colonial emphasis on cash crops undermined the value attached to women's labour on land because their subsistence farming was not accorded any tangible economic outcome at the household level.

As opposed to the assertion of the women's movement that only customary-patriarchal practices stood in the way of women's ability to own land, this analysis shows that the history of capitalist agricultural development beginning from the colonial period has been a hindrance to women's access to (and control) of land. Articulation of land rights from a rights based approach begun generally throughout Africa in the 1970s due to the Post War of the World Bank which *"pushed for land reforms with a strong emphasis on the individual ownership through registered freehold titled land", "the aim was to promote development, eliminating communal tenure systems through more efficient land use and more secure land ownership"* (Tripp, 2014:9).

The writing of Uganda's Constitution in 1995 happened at the peak of the World Bank and IMF neo-liberal structural adjustment policies of privatization and this influence over Uganda's constitution cannot be wished away. By recognizing freehold titles, mailo tiles and leasehold titles which were all means of registering private interests over land, Uganda yielded to the full interests of neo-liberal influence of the World Bank and other international financial institutions, which opened up communal-customary land to the market forces in the name of economic development (Manji, 2006).

Besides the capitalist push for individualization of land rights within the World Bank, there existed a conflicting view which called for communal – customary rights to land, Tripp (2014) shows that a World Bank study in 1994 had showed that land titling and privatization projects the World Bank had funded in many African countries since the 1970s was not sufficient for protecting land rights of certain sections of the society such as pastoralists, who were being dispossessed during the process of private land registration.

After this finding, the World Bank began to push for co-existence of customary-communally held land alongside other arrangements that lead to privatize rights over land. Again, this land mark finding of the World Bank in 1994 could not have failed to influence Uganda's 1995 Constitution which recognized Customary Land Tenure for the first time since the arrival of colonialism in Uganda. These two conflicting ideologies from the World Bank over the type of land ownership (whether private individuals or communal-group rights) influenced the thinking in Uganda, both the state –policy makers and the Women's movement with regards to land rights, and specifically the land rights of women.

Tripp (2014) argues that the conflicting ideologies (pro and against custom) shaped the experiences of women's movement in their campaign for women's land rights in Uganda. She further shows that the dual gender analysis within the World bank led to emergence of two contradicting ideologies fighting over the best strategies to protect women's land rights in Uganda; the Women's Movement dominated by the educated class of women, mainly urban based would follow the individualistic rights based approach of the World Bank's "Gender and Law in Africa" department while those against the individualistic rights based approach – in favour of protecting women's group land rights through customary arrangements would follow yet another department of the World bank – the Gender, growth and poverty department. The former would open the door for neoliberal influence which led to growth of a private land market in Uganda, the latter would work to counter the neo-liberal forces and try to keep land within the customary authorities through collective rights vested in the family and clans.

### **Contradictory perspectives on how to protect women's land rights in Uganda**

Tripp (2014) shows that 1995 Constitution of Uganda, which made major land reforms already described above stimulated the vibrancy of the Women's Movement, leading to formation of Women's organizations such as the Uganda Land Alliance (ULA) and Uganda Women's Network (UWONET) which were led by women activists who spearheaded the fight for women's land rights. She notes that the Women's Movement in Uganda did not work in isolation but within broader networks within East Africa, African regional networks and even at the Global level through participation in the 1995 UN Women's conference in

Beijing. These women's movements in Africa all fronted a rights based approach which sought to eliminate patriarchal customary practices that subordinate women in Africa. Despite the fact that the majority of women's movements in Africa adopted a hard stand against "custom" and customary practices and institutions, Tripp (2014) posits that an isolated case where a women's organization sought to preserve these customary institutions existed in Zambia. She cites one organization, Women for Change in Zambia which fought for women's land rights using an approach rejected by the Conventional Women's Movement.

They were "fighting for women's rights by seeking to preserve and at the same time encourage traditional authorities to adopt more pro-women policies" (Tripp 2014:3). In Uganda, Mamdani (2015) identified a similar alternative view against the individual rights based approach advanced by conventional women's movement as advanced by another civil society organization called the Land and Equity Movement in Uganda (LEMU).

Tripp (2014) and Mamdani (2015) both show that the climax of the women's movement campaign for individual land rights for women was during the co-ownership campaign which called for equal rights over ownership of land between husbands and wives, during the writing of the 1998 Land Act. They drew on the fact that Uganda was already a signatory to CEDAW and the 1995 Constitution of the Republic of Uganda had also passed legal provisions which outlawed practices that discriminate against women.

Besides the rights based approach stipulated by CEDAW and the 1995 Constitution, the women's movement argued that women in Uganda should be granted autonomous and individual rights to land because land is

a development issue, lack of ownership of land by women retards development and contributes to poverty” and giving women rights to land was also justified as a means for rewarding the labour women spend in their marital homes; in agricultural production, child care and generally taking care of the household (Tripp 2014:11).

The Uganda Land Alliance and Uganda Women’s Network (UWONET) led the Co-ownership campaign to ensure that the Land Act Amendment in 2000 includes clauses that allows women co-ownership of land with their husbands as they argued for; “1) the individual bringing land into the marriage can continue to own that land after marriage”, 2) co-ownership of home and land held by a couple in a monogamous marriage, 3) in polygamous marriage where each woman holds a separate home, each wife should co-own the home with her husband and children, 4) wives living in the same house with their husband would co-own the single home together with the man” (Tripp, 2014:16).

The clauses fronted by the women’s movement above can be criticized for its elitist orientation as well as for its urbanized view that does not take into consideration the realities of the majority of rural women. It defines all marriages and family in nuclear terms composed of husband, wife and children – neglecting the possibilities that most rural families could still bound within the larger extended families and kinship ties. Another glaring gap in the co-ownership clauses fronted by the women’s movement above is that it seeks to protect only married women and excludes a huge population of women whose existence and access to land rights is not articulated in their relation to men; unmarried women, the divorced women, the separated women and widows.

Because the women’s movement chose to articulate the co-ownership clauses in a way that viewed the women’s access to and ownership to land mainly through the (male) husband, it entrenched instead of breaking the very patriarchal customary practice which it sought to eliminate. Such feminist arguments which normalizes heterosexual relationships while neglecting possibilities of other sexual relationships has been criticized by Butler (1990), who warns that feminism has to be careful not to reproduce new forms of hierarchy and exclusion.

Tripp (2014) has vehemently argued in support of the view held by the Women’s Movement in Uganda that customary law and customary practices in Uganda does not allow women to own land, because patriarchal societies predominant in Uganda does not allow fathers to bequeath land to their daughters but only to a male relative, due to the fear that the daughter will marry and get land from another clan; that husbands do not bequeath land to their wives in fear that she will remarry a man from another clan and therefore transfer land from the husband’s clan to another clan.

The women’s movement then offered a perspective that to solve this problem, women need to be given access to individual land rights primarily through; courts of law, titling land in their individual names and buying land through the market. Not to deny the possibility that these options can deliver the dreams of women owning land, there is need to ask whether these options can be available for all categories of women. But it appears that these are options easily accessible to the educated, urban and employed women, because rural uneducated and unemployed women are more likely to be excluded from these formalized and market oriented means of accessing land.

In the context of the analysis therefore, it is important to take seriously the argument made by Yuval-Davis (2006), that feminist analysis of women should take into consideration the intersectional social divisions that exist among women and not homogenize women who in reality carry multiple identities.

Because of the elitist nature of mobilization of the women's movement and the perspectives of individual rights based approach drawing of feminist perspectives based on Western Lenses (Oyeronke Oyewumi,1997), the co-ownership clauses advanced by the women's movement in Uganda were rejected by the general public, policy makers and political leaders in Uganda and never found its way into the 1998 Land Act, the 2000 Land Act Amendment or any subsequent land laws in Uganda to-date - the women's movement had failed in this respect.

Tripp (2014) shows four main incidences which led to the failure of the co-ownership clause -it's exclusion from the 1998 Land Act and 2000 Land Act Amendment; 1) a focus group discussion with communities in Eastern Uganda gave sort of an opinion poll that the co-ownership debate was not debatable, that it was un popular among rural communities in Palisa and Kapchowa because it stood against the patriarchal structures in society. 2) Parliamentarians also refused to pass the co-ownership clauses during the passing of the 1998 Land Act because they argued that it contravened custom and the order of society, they sought to maintain the status quo and let land management be in the hands of clans. 3)

During the passing of 2000 Land Act Amendment in parliament, Miria Matembe the then Minister of Ethics and Integrity was tricked not to read the clause loud for capture by the Hansard, this became grounds for

excluding it from the Land Act amended in 2000, Mamdani (2015) adds that this failure "later came to be known as the Matembe Lost Clause" (p'175). 4) Finally, Tripp (2014) shows that when the Minister of lands presented the 2000 Land Act Bill to the Cabinet, Museveni - the President of Uganda "pulled out the co-ownership clauses" and is quoted to have said "when I learnt the Bill was empowering the newly-married women to share the properties of their husbands, I smelt a disaster and advised for slow and careful analysis of the property sharing issue", he advised that the co-ownership clause should be taken to the Domestic Relations Bill which has been pending in parliament since the 1960s (Tripp, 2014: 7).

The women's movement tried to bring back the co-ownership clause during the 2004 Land Act amendment but this was again rejected by parliament, from the four separate clauses calling for co-ownership of land between husband and wife that had been presented by the women's movement, only one clause on spousal consent during sale of family land was approved (Mamdani, 2015). This consent clause, just like the co-ownership clauses also excludes many categories of women who are not married such as; the un married, widows and divorced. It also excludes the non-literate women who cannot read or write, in any case it makes her more vulnerable for example, during a land sale, as she may hardly differentiate between whether she is signing on a land sale as a witness or giving consent.

Despite its weaknesses, the co-ownership campaign and its individual rights based approach had the potential of leveraging the rights of women in other land tenure systems such as leasehold, freehold and mailo where land registration by its nature limits the influence of the extended family

over allocation of land. In other words, the question of land ownership for women cannot be reduced to a single problem – customary practices and the answer cannot be reduced again to a single strategy – eradication of the customary practices. There is need to understand the dynamics of each of the land tenure systems, combing out the risks and vulnerabilities women’s face under each tenure system and identify potential strategies for leveraging land rights of women, whether individually or within the groups of families, clans and communities.

### **Does the customary regime protect women’s land rights or not?**

The debate about customary tenure regimes and especially through the discourse on women’s land rights in Africa has limited discussions to a binary perspective which sets the customary to be against rights. Osome (2014) explains that this is the trend of the discourse on women’s land rights in most African countries that most discussions are within a binary perspective which sets customary law against rights. This discourse has been limited within the dichotomy which sets customary against state systems; the customary is seen as a part of tradition, society, as backward and static while its opponent the legal-state system is seen as modern and progressive; customary in this discourse is pushed by relativists who believe in culture while the legal-state system is pushed by (human rights) universalists who believe in the idea of individual rights to be above culture. The debate misses to see a possibility of the intersection between the customary and rights, the fact that in real life, people and especially women draw from both customs and rights (Classens and Sindiso, 2009) – from legal pluralism - to negotiate a better position that protects their rights in society.

In this light, Mamdani (2015) has shown that the concept “customary” is a colonial construction which referred to social structures through which the colonized governed themselves, and that during colonization the customary was both a part of the state (through state appointed chiefs) and as a part of the society (through the clans) but the “state-wing” sought to control the “social-wing”. Several case studies; Classens and Sindiso (2009) writing on South Africa, Mamdani (2015) writing on Uganda and Berry (2022) writing on Nigeria show how British colonialists through their indirect policy of “preserving the customary” treated (and distorted) the customary tenure regimes in Africa.

It is against such a colonial origin of the customary that Mamdani (2015) criticizes the 1998 Uganda Land Act which recognized customary tenure as one of the legal land tenure systems by arguing that the recognition sought to enable the state to colonize and subordinate the social authorities that govern the customary system and bring it under the control of the state for elimination. Mamdani (2015) criticizes the NGOs in Uganda for writing about the customary from the binary perspective that the customary is associated with tradition (non-changing pre-colonial) and statutory as modern and progressive.

Following the passing of the 1998 Land Act in Uganda, he shows the debate in favour of titling which argued that titling would bring about land tenure security and increase agricultural productivity, and another which argues against titling citing it to be a source of land dispossession of the poor. He does not see titling as a means for guaranteeing security of tenure and increasing productivity, considering the agrarian history of Uganda.

He shows that a secure relationship between the land owning class (land lords) and land using class (tenants-peasants) was how the British ensured security of tenure for the peasants and this increased productivity. In Uganda this was achieved through making the tenant to pay affordable land tax and the state protected the producers from eviction by the land owners (Mamdani 2015). This sense of security is similar with what Berry (2022) has described about the landowner-tenant relationship under the customary tenure regimes in Nigeria, it was not through titling but through a negotiated form of tax that the security of tenure was guaranteed under Yoruba customary land tenure regimes.

For the legal reforms such as the one cited in Uganda to argue for titling in the name of securing land tenure is therefore not to offer anything new, the same security can be offered by the customary systems. Gleaning from Mamdani's (2015) analysis, it necessary to always distinguish between the customary as constructed by the colonialists (static version) and the customary as a way of life (flexible version). Classens and Sindiso (2009) have argued that the static version of custom is distorted and leads to abuse of women's land rights while the flexible version protects women's land rights because it is constantly changing to meet the realities of the people who live under them.

With regards to how the discourse on women's land rights which came to be seen as opposition to customary tenure regimes in the case of Uganda (Mamdani 2015) and in the case of South Africa Classens and Sindiso (2009) , it is clear that the legal discourse on which the women's movement drew from sought to undermine the customary tenure regimes. In Uganda, Mamdani (2015) shows that one section saw the customary as a backward

system with patriarchal systems which led to abuse of women's land rights and therefore called for its abolition, while another section of women's movement saw the customary as a means through which women's land rights can be protected and called for preservation of the customary. Mamdani (2015) highlights that both sides to the debate missed a political economy perspective, by failing to see how the market forces have affected and transformed the customary regime.

The markets forces, as shown in the work of Berry (2022) in Western Nigeria has the capability of transforming the customary and the customary also has the potential of adapting to the changes brought about by the market forces. Berry's (1992) examples of how the introduction of cocoa in Yoruba communities transformed the customary tenure regime through changing landlord-tenant relationships from social to economic, through the development of a land market when cocoa farms became acquired through sales and not freely as was done previously is a testimony to the fact that the customary has the ability to change-with time- and meet the demands of the people who live under it. It rules out the assertion that rules under customary tenure regimes are static and cannot be changed.

The flexibility with which customary tenure regimes allow women to negotiate their rights and use rights of gender equality made available through legal democratic instruments of the state is what Classens and Sindiso (2009) argue that the women's movement needs to pay attention to. They show that rather than put customary against rights, the local women in South Africa used the rights provided in the constitution to make claims from customary tenure – and change practices that in the past denied women access and rights to own land.

Customary tenure regimes as shown by Classens and Sindiso (2009) has therefore tended to be more flexible and adaptable to protecting the land rights of a broader category of women in South Africa including widows remaining on their husband's land, unmarried girls becoming heirs, unmarried women with children being allocated land for housing and in the case of Valoyi community the enthronement of a female chief for the first time.

The legal system, which the women's movements in Africa (and specifically Uganda) have blindly followed, has actually proved, as shown by Mamdani (2015) in the case of Uganda to be more rigid with respect to the category of women it protects because after a long battle to have married women co-own land with their husbands; the parliament of Uganda denied this provision on technical grounds and instead passed a provision which requires spousal consent when family land is sold (Mamdani 2015).

The "social embeddedness" which Ossome (2014) has shown to be the main characteristic of how many women hold land rights within customary law was totally ignored by the women's movement in Uganda without interrogating other non-patriarchal sources of these inequalities. Literature has already shown that customary law used to protect women's land rights in Uganda but the institutions that administer custom are being eroded by the market forces.

Customary law, rather than state law has therefore been shown to be more flexible towards protection of women's land rights in many parts of Africa for example in South Africa (Ossome, 2014), Classens and Sindiso (2009) but this analysis was missed during the co-ownership campaign in Uganda.

Classens and Sindiso (2009) have argued that there is a possibility for women to draw from the State democratic provisions on gender equality to claim and negotiate for more rights under customary law and in the process this will change some of the old practices that discriminated against women.

In a context like Uganda where Tripp (2014) shows that the 1995 Constitution had already outlawed practices that discriminate women, specifically it provided for "*legal equality and protection in the political, economic, social and cultural spheres along with the prohibition of laws, cultures, customs or traditions that violate the dignity, welfare and interest of women*" (p'5), the women's movement should have designed a campaign which allows women to make incremental gains based on these democratic provisions.

It is clear that the women's movement in Uganda failed to distinguish between the static version of customary law which was distorted during colonialism and the more flexible customary law which is a way of life, but it is the latter which Ossome (2014) and Classens and Sindiso (2009) have argued offers protection for women's land rights because it is constantly changing to meet the realities of the people who live under them.

### **Beyond the rhetoric of patriarchal discrimination against women**

The reason why customary institutions no longer protect women as was the case during the pre-colonial period therefore deserves to be interrogated, beyond patriarchy. Literature shows that the erosion of the customary systems has been a result of the market forces which eroded some of the core values within which this system operated.

Tripp (2014) acknowledges that customary structures of the pre-colonial period protected women's rights to land, but the contemporary customary practices are no longer authentic, they have been eroded due to colonial neglect and the market forces. She argues that men in some societies are re-organizing to redefine the clan-based relationships that supported women's rights to land *"but the clan system they are seeking to preserve is no longer one that affords women the support it is once said to have guaranteed"* (Tripp,2014:2).

Mamdani (2015) and Branch (2011) also confer with the argument that market forces is the main reason behind the changes taking place within the institutions of customary land tenure, especially the weakening of the clan's role over land management.

Mamdani (2015) shows how the market forces have eroded the institution of customary marriages – from paying dowry using cattle to payment in cash, and the introduction of a land market economy in which most people now buy land and treat it as private property not subject to control of the clan. Branch (2011) on the other hand shows that urbanization caused by LRA insurgency which displaced people from their villages into urban towns such as Gulu is the main reason for the weakening of the clan system in Acholi, this is because unlike village life which was regulated by the clan, town life is regulated by the market as people needed to work for money for their livelihoods.

While acknowledging the emergence of market forces and its effect on clan-customary control over land as advanced by the above scholars, Auma (2023) has challenged the idea that market forces have completely eroded the clan-customary power to control land sales.

She has instead shown that the emergence of the market has resulted to more contestations and conflict over the regulation of land sales and clans are devising various means to increase their power to regulate the expansion of land market relations within the realm of customary land tenure.

Besides the rising clan regulation of emerging land markets under customary tenure in northern Uganda(Auma, 2023), other studies focused on the question of gender and large-scale land acquisitions have shown that women have themselves developed agency to contest their displacement from land by large-scale investments. In the context of large-scale land investments therefore, women have emerged as a social force of their own, and not relying on the social force of the male dominated customary-clan system to resist displacement from their land. Women have developed their own agency to challenge the takeover of their land, in their own right as women without any reliance on men for protection.

A study conducted by CBR (2016) shows that large scale land acquisition, which is rather a recent development in Uganda, has become one of the primary causes of vulnerabilities for women's land rights. By 2012, there were only seven (7) foreign large-scale land deals in Uganda but by 2016 the number had increased to twenty two (22), from 121,512 hectares to 153,449 hectares (CBR, 2016). According to CBR (2016), these figures representing large-scale land acquisition in Uganda should not be taken as authentic because much more acquisitions are not registered with government, especially those belonging to national individuals and companies because there is no requirement for them to register their transactions with Uganda Investment Authority from which the records on large-scale land acquisition was drawn.

Citing several examples, Ebila and Tripp (2017) showed that in defense of their land rights, women in many societies in Uganda employed naked protests to resist the grabbing of their land by state agencies and foreign investors including; in 2012 women of Lakang sub-county in Amuru district undressed before the district resident commissioner who had led a delegation wanting to take land for a sugar cane plantation, in 2014 women in Soroti resisted government effort to give away their land for the expansion of Soroti University, in 2015 women in Bukedea also engaged in a naked protest to resist a Chinese investor grabbing their land, in 2015 women from Apaa sub-county in Amuru district also staged a naked protest to stop further evictions (after 6,000 people were evicted in 2012) to allow government allocate their land to a South African investor to establish wildlife hunting grounds.

Although the responsibility for defending land rights was predominantly a male responsibility in pre-colonial and early colonial Acholi periods such as the 1911 Lamogi rebellion in which the Acholi male warriors killed three British soldiers, the contemporary trend of land grabbing in Acholi has transformed this gender role, with the women taking up the role of defending land rights more than men (Ebila and Tripp 2017).

In the case of Apaa in Amuru district the gun wielding soldiers representing the government instilled fear in the unarmed Acholi men for years and rendered them helpless, and instead of fighting to protect the land rights of their community and women in particular, the Acholi men resorted to "crying like women" because the force (state force and foreign investor force) was overwhelming (ibid). It was because the men's ability to protect land rights had been destroyed that

the women took to the naked protest to repel what they interpreted as foreign invasion into their land. In a contemporary neo-liberal economic context where the growth of the land market is targeting to weaken clan control over land, women are therefore mobilizing (spontaneous) efforts to resist displacement by large-scale investment project, instead of relying on male dominated institutions for protection. The rise of the neoliberal land market system is therefore shifting power from the very customary-patriarchal institutions at family, clan and community levels and providing women with new avenues to mobilize as a social force against large-scale land displacements.

This essay argues that the debate within the women's movement therefore, which saw custom either as an enemy or as the protector of women's land rights, missed to diagnose the real contemporary enemy. It contends that rather than custom, it is the emergence of neoliberal land markets and the prioritization of foreign direct investments by the state, against the interest of local populations that puts the land rights of most women at the risk of being lost.

Analyzing issues around gender and the land question should therefore move beyond the boundary of patriarchy to show how capitalist land relations shifts patriarchal power to entrench alienation of women's land rights, or actually acts as a spring board upon which women stand to contest capitalist-patriarchal domination.

The land reform processes which started in Uganda in the 1990s have promoted the growth of land market in Uganda. The growth of this land market has subsequently led to the emergence of large-scale investments since the mid-2000s (CBR 2016).

Mamdani (2015) shows that the development of a land market in Uganda has brought to reality Marx's formulation of primitive accumulation, a process through which primary producers are dispossessed of their means of production under what is currently known as Land Grabbing. He argues that this process of accumulation is now coming from above - mediated by state institutions and from below - mediated customary - clan institutions, all for private accumulation of capital.

He shows that land grabbing from below (especially from women and children) are widespread across Lango, Teso and Acholi where the local customary leaders instead of performing their expected role of protection collude with private interest of the rich land buyers leading to dispossession. Branch (2011) on the other hand shows that as poverty rages in most parts of Acholi due to effects of the LRA war, poor people are selling their land to national elites who buy large chunks of land in speculation of the coming foreign agricultural investors. In this context, poor people, majority women are involved in "self-inflicted dispossession" through selling their land as a means of survival (ibid).

For the case of accumulation from above - land grabbing mediated by the state -, different studies show that the central government through its Uganda Investment Authority (and sometimes local governments) enables foreign or national multi-million companies to acquire vast chunks of land for agricultural related investments that have left thousands of people, mainly women and children homeless, desperate and destitute. The most popular case, just an example of a large scale land take over in Acholi in which women's land rights were most affected is the case of the Madhvani group led by the government of

Uganda to acquire 10,000 hectares of land for a sugarcane plantation and processing factory (Branch 2011, CBR 2016, Ebila and Tripp 2017).

CBR (2016) shows that the government based its choice for the land on the excuse that it is public, not customary land but the women argued that this was customary land that only fell vacant during the LRA war which had displaced its occupants. Thinking of the argument made by the Amuru women that "they owned the land Madhvani wanted" as highlighted by the CBR (2016) study in relation to the argument made by the women's movement that "custom does not allow women to own land" highlights a misrepresentation. If indeed customs accorded no land rights to women as asserted by the women's movement, why would the rural women of Amuru strip naked to defend rights which they do not have?

The fact that Ebila and Tripp (2017) show the naked protest of women in Amuru district was a resistance initiated only by the women without any influence from the men or the women's movement actually means that custom provided for these rights, only difference is that these rights may not be articulated on individual but on family-communal terms.

Out of Acholi, research showed the same trend of "accumulation from above", the central government through its Uganda Investment Authority identified land and allocated it to foreign investors in the name of economic development. For example, CBR (2016) showed that in Mubende district, a German company called Neuman Kaffee Grupe (NKG) through its subsidiary company operating in Uganda called Kaweri Coffee Plantation Ltd acquired 2,512 hectares which became the largest commercial coffee farm for robusta coffee in Uganda.

The company got 99 years lease for the coffee plantation in 2000 from Uganda Investment Authority, and through the state armed forces evicted thousands of people (on the basis that they were encroachers on a private mailo land) from the four villages of Kijjunga, Kiryamakoobe, Kitemba and Luwunga – destroying homes, crops and businesses, causing mass displacement which led to high death rates among children who were exposed to malaria and pneumonia – the ultimate bearer of all this suffering being the woman.

In yet another similar scenario, a research concluded by OXFAM International in 2011 showed how a British company - New Forest Company - through Uganda Investment Authority and National Forestry Authority in 2005 acquired 20,000 hectares of land in three districts of Kiboga, Mubende and Bugiri where people had settled, for development of a private company. Like in all the cases of large-scale land acquisition brokered by the central government discussed above, the government claimed that the land allocated to the investor were forest reserves and the people residing in them had illegitimate claims.

Following this, OXFAM (2011) shows that the government evicted 22,500 people from these locations to pave way for the development of a commercial timber plantation. In describing the fate of these victims of large scale land acquisition, OXFAM (2011) has this to say “today, the people evicted from the land are desperate, having been driven into poverty and landlessness. In some instances they say they were subjected to violence and their property, crops, and livestock destroyed. They say they were not properly consulted, have been offered no adequate compensation and have received no alternative land” (p’3).


## **CONCLUSION**

This essay has shown that debate within the context of the women’s movement in Uganda, on the question of how to protect women’s land rights, was limited to a narrow identification of the problem (and a solution) as singly anchored on customary-patriarchal practices. The debate did not diagnose how the emergence of neoliberal land markets (and specifically investment projects) had become the new phenomenon limiting the majority of women from accessing and using land.

In conclusion this essay has argued that the invisible force of emerging capitalist land relations in the rural areas of Uganda has more devastating effects for women’s access and utilization of land resources, because it enhances patriarchal dominance over women at the household (as men sell of family land without the consent of women for personal interests) while also exposing the rural women to elite and state dispossession of the communally shared lands from which women derive livelihoods for their families. Analysis interested in gender and the land question should therefore move beyond the rhetoric of patriarchy and embrace the political economy dimensions of dispossession existent within society.

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# **THE LAND QUESTION IN SOUTH AFRICA; TIME FOR DIFFERENT APPROACHES.**

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## ABSTRACT

South Africa is one of the most unequal countries in the world, and this is the consequence of colonial and apartheid-era race-based property laws that transferred 80% of the land to whites who make up only 10% of the population, while blacks who make up 90% of the population had to make do with the remaining 20% (Presidential Advisory Panel, 2019).

After winning the country's first democratic elections in 1994, the African National Congress vowed to quickly correct the injustice of unequal land ownership as well as the legacy of poverty, inequality and unemployment among black South Africans. A plethora of programmes has since been implemented to advance the transformation agenda with moderate success.

The slow pace of reform is due mainly to underinvestment, constant chopping and changing of programmes between presidential terms and an overly-narrow focus on creating a class of black large-scale commercial farmers while neglecting millions of food-insecure blacks – especially women, many of whom already farm for subsistence - and as long as this persists, the clamour for land by blacks will only grow louder.

The urgency of climate change has further complicated this picture with unprecedented droughts, rainfall and sweltering heat affecting parts of the country in the last few years. In this essay, we posit that it is time to review what land and development, especially in the context of climate change.

We posit that the urgency of a South African social contract based on access to universal basic services (land, roads, hospitals, schools, internet, community leisure facilities, mass transit, etc.) requires quick action on the part of the government.

**Keywords:** Land reform, agrarian reform, apartheid, transformation, large-scale commercial farmers, smallholders.

### 1. Introduction: A legacy of race-based laws.

South Africa's total land surface is 122 million hectares according to the Department of Rural Development and Land Reform (DRDLR), of which 82 million hectares is prime agricultural land (DRDLR, 2019). Prior to the arrival of Europeans, land was held under customary tenure by a number of tribes, notably the Khoi, San, Xhosa, Sotho, Zulu, Venda and Tsonga among others.

Land dispossession began when a disparate assortment of settler colony interests including the Dutch East India Company and what were decidedly the nuclei of future white republics established their presence in various parts of the country. The first piece of land confiscated from Africans was taken by Johan Anthoniszoon van Reinbeck's Dutch East India Company in 1652 to establish a trading post in the Cape territory (Presidential Advisory Panel, 2019: 23). This signalled his and other settler groups' intention to establish a long-term presence in the territory.

Over the next three centuries, deliberate race-based dispossession policies were enacted to replace African commonage customary tenure arrangements with European-style freehold tenure. Following the consolidation of settler South Africa into one republic, i.e. the Union of South Africa, in 1910, the Natives Land Act Number 27 of 1913 was passed to push five million Africans onto only 7% of the territory. Following the release of the Beaumont Commission's report in 1916 which showed that blacks could not survive on just 7% of the land, a second Land Act, the *Native Trust and Land Act Number 18 of 1936* expanded the so-called 'black areas' from 8% to 13% in 1936 and placed them under a management organ known as the Southern African Development Trust.

Race-based laws intensified after 1948 when Prime Minister Daniel Francois Malan's *Herenigde Nasionale Party* won power on a platform of separate development (known as apartness or apartheid in Afrikaans). Laws such as the *Group Areas Act (1950)*, *Population Registration Act (1950)*, *Prohibition of Mixed Marriages Act (1949)* and the *Black Homeland Citizenship Act (1970)* would compartmentalise the races (whites, blacks, Indians and coloured, i.e. mixed-race individuals) into separate communities around the country. The cumulative effect of these policies was ultimately to limit opportunities for Africans in general and African smallholders in particular, while white communities prospered (Amoateng & Richter, 2007: 3).

Apartheid era agriculture was dualistic. In white South Africa, there was a sophisticated base of more than 100,000 white commercial farmers working sprawling large-scale farms averaging about 1000 hectares each or more, i.e. 86% of the prime agricultural land or 68% of the country's total surface area (Lahiff, 2007).

Their operations were highly mechanised, well-funded, had proper irrigation schemes, cheap black labour and supply contracts with major local and international buyers (Kassier & Groenewald, 1992; DRDLR, 2015). Riparian rights based on Roman-Dutch law gave white owner access to most of the country's water resources for many years.

In the African homelands, farmers worked small plots with rudimentary tools, often only with own capital, own inputs, own financing and little or no connection with any commercial off-takers of note (STATSSA, 2007). Production was usually destined for household consumption. Despite being confined to only 13% of the land, some black farmers still managed to create thriving farming operations in Bantustans (Presidential Advisory Panel, 2019: 15).

Statistics South Africa (STATSSA, 2007) reports that by the end of the apartheid era, there were 943,000 farming operations in the overcrowded Bantustans. However, Apartheid policies had wiped out the class of prosperous black farmers and industrialists everywhere else.

## **2. Failed attempts at land reform.**

Land reform is "the redistribution of property rights in agricultural land" (Bernstein, 2010: 27). When President Nelson Mandela took his oath of office on May 10th 1994 to become the first democratically elected president of South Africa, he inherited a country where black property ownership was mainly concentrated in former Bantustan areas.

Land reform was absolutely imperative for a number of reasons. Firstly, Apartheid-era laws had transferred the entire economy to whites and transformed Bantustans and black reservation areas into pools of cheap labour.

These laws “implied the strangulation of the commercial farming activities of black populations and their increasing exodus towards reserves and Bantustans” (Anseeuw, 2006: 78). Confined to tiny plots, they could not do much farming or business activities either and so, ironically and by design, they were forced to go back to South Africa as labourers. Many households were headed by single parents (i.e. women) because the men spent the majority of their time in mines, factories and farms in South Africa. They only travelled home at Easter, Christmas or on other special circumstances. There therefore existed in the first instance, a legal imperative to correct the consequences of these discriminatory practices.

Secondly, Apartheid-era exclusionary laws had explicitly prevented blacks from owning landed property or businesses in South Africa, i.e. the parts of the country that were not under Bantustan classification. Black presence was only allowed in this South Africa for the purposes of selling cheap labour. For long-term right of residence, one required a pass, which could only be issued following approval by a white property or business owner. If the job was terminated, the worker could suddenly be labelled a squatter and face quick eviction. Following the advent of democracy in 1994, white property owners fearful of attacks by black people were prepared to release their workers in order to protect their land. The threat of eviction therefore hung over the heads of more than one million black workers and their dependents and so the ANC had to move swiftly.

The 1994 constitution gave blacks the right to finally own their own land anywhere in South Africa or to use the courts to go after the white individuals and concerns that had pushed them off their family land after 19 June 1913.

Land is not just a locus of residence and a means of production. It is also an anchor for families and a place where present generations meet and commune with departed ones. For too many black families, this opportunity for bonding and communion was missing and the government had to help fill that void. Promoting equity and restorative justice was important to help the country heal. Without this agenda, too many wounds would be allowed to fester with the potential to explode into open conflict down the road.

The African National Congress (ANC) had participated in the 1955 Congress of the People which adopted the Freedom Charter calling for land to be shared among all those who worked it, regardless of race and gender, but it was really in the 1994 *Reconstruction and Development* (RDP) programme document and the 1997 *White Paper on Land Reform* that it articulated just how it was going to roll out land reform in a democratic South Africa.

The RDP policy was a comprehensive all-encompassing programme targeting reforms in all aspects of South African society with a view to creating a more financially, racially and gender-balanced country while growing an economy crumbling under the weight of sanctions and Apartheid policies. Its five key priorities were: 1) meeting basic needs; 2) developing human resources; 3) building the economy; 4) democratising the state and society; and 5) implementing RDP (Parliament of South Africa, 1994: 9). RDP identified land as a basic need and demanded more access to blacks for both residential and production purposes (DLA, 1997). It further called for the elimination of apartheid geography, the phenomenon of black rural Bantustans and urban shantytowns existing on the outskirts of major cities or adjacent to affluent white farming communities (Ntsebeza, 2013: 62).

Within its mandate of transforming rural economies and the agriculture sector, RDP invested R282.7 million (1994-1997) to revamp rural water boards, R315.7 million (1994-1997) for land reform pilots (one pilot district per province), R62.4 million (1994-1997) for land restitution, R32.85 million for redistribution and R4 million for small-scale farmer development (Parliament of South Africa, 1994: 45). These were meant to be pilot projects in the build-up to more comprehensive, nationwide land and agrarian reform programmes.

The 1996 Constitution of the new democratic republic repealed most race-based laws. Section 25, i.e. the property clause, called on the Government to ensure equitable access to land for all, including for people and communities with insecure tenure and people or communities dispossessed of their land after 19 June 1913. The first paragraph of Section 25 of the Constitution also stated that *"[N]o one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property"*.

In other words, white-owned land could not simply be expropriated without compensation for the purposes of transformation. It had to be done within the confines of the law. The property clause only permitted expropriation "for a public purpose", "in the public interest" and "subject to compensation". A land/agrarian reform policy therefore had to be crafted either with all those criteria or something amending the constitution to craft a bolder plan.

The following year, in 1997, President Nelson Mandela's government adopted a three-pronged approach to land reform, i.e. restitution, redistribution and tenure reform, and set itself the ambition of transferring 30% of the land (i.e. 24.6 million hectares) to blacks by 2001 (DLA, 1997).

These three pillars of land reform reflected the three categories outlined in Sections 5-7 of the property clause of the Constitution: restitution would restore land which had been seized from title holders back to their rightful owners; redistribution would acquire land from whites and transfer it to blacks for residential and/or agricultural production; and tenure reform was meant to review South Africa's land ownership policy, administration and legislation in order to expand security to diverse groups of people, notably longstanding farm dwellers as well as previously-disadvantaged people living in areas where customary tenure was still the norm.

The first major land reform programme was the Settlement and Land Acquisition Grant (SLAG) which was launched by President Nelson Mandela's government in 1997 and administered at national level by the Department of Land Affairs (DLA) in Pretoria. SLAG was built around a R15,000 grant which households could use to purchase land both for residential and agricultural purposes. Land was acquired from whites on a market-based 'willing buyer-willing seller' arrangement. The SLAG grant package was offered on the following terms and conditions:

- A R15,000 capital grant to acquire land;
- The capital grant could also be spent on fencing, livestock and machinery; or home and infrastructure improvements;
- To qualify for the grant, households were required to submit a feasibility study with their applications.

The R15,000 amount was insufficient even for the economy of the 90s. For this reason, a majority of SLAG beneficiaries were likely to spend all their money on land acquisition and cautioned them against taking loans from financial institutions which could ultimately lead to default and the loss of their land (DLA, 1997).

Soon after the SLAG launch, research by the Department of Agriculture revealed that after acquiring land, the average black South African household could not afford extra money beyond their initial contribution for any agricultural activity or home improvement projects. The grant amount was later raised to R16,000, but increase had little effect on post-settlement support.

The Land Redistribution for Agricultural Development (LRAD) programme was introduced in 2001 under President Mbeki to replace the faltering SLAG. It was a major departure from SLAG in a couple of ways. Firstly, LRAD focused on acquiring land specifically for production purposes. Land for settlement was managed under a different component known as the Land Redistribution for Settlement Grant (Bannister, 2003: 3). The Mbeki government also launched an aggressive social housing programme through which five million houses were built and transferred to blacks by 2010.

Thabo Mbeki was re-elected on April 27th 2004 and in 2005, a major *Land Conference* was held at the Nasrec Conference centre in Soweto from the 27th to the 31st of July to brainstorm on how to accelerate land reform. Delegates identified the market-led 'willing buyer-willing seller' approach as a major impediment to accelerated reform and called on Mbeki's government to ditch it in favour of a more proactive solution with reluctant sellers.

The government's answer to these calls was the Proactive Land Acquisition Strategy (PLAS), developed between 2005 and 2006 and launched in 2007 to acquire "strategically located and well-resourced land" in 'nodal areas' and agricultural corridors (DRDLR, 2015: 2). The main priorities of PLAS were to:

- Fast-track land redistribution, especially in nodal areas and agricultural corridors.
- Improve identification, screening and selection of land reform beneficiaries in order to ensure maximum productive use of land acquired.
- Hedge against escalating land prices through proactive acquisition
- Acquire land for agricultural production and not for residential purposes.
- Lease acquired land to an emerging black farmer for a three-year period at a fixed rate of 6% of the value of the arable land, after which period the land could be sold to the same beneficiary.

(DRDLR, 2015: 2).

Although it was not explicitly stated, PLAS land was specifically purchased for agricultural purposes. It is still the main vehicle for transferring land to blacks under the redistribution agenda, pending the announcement of a new approach by the government. At the same time, restitution has been fought through the courts.

In 2019, the DRDLR (2019: 3) acknowledged that all land reform programmes had transferred just over 8.3 million hectares to blacks, i.e. 4.8 million through land distribution and 3.5 million through restitution. In other words, the government still has a lot more to do in order to transfer 16 million hectares of the initial target to black beneficiaries.

Tenure reform has facilitates the acquisition of a further 3.9 million hectares by blacks. Unfortunately, some restored land has been transferred under the management of traditional rulers. This is not necessarily a good move because traditional authorities still tend to distribute or manage farm plots using patriarchal biases.

### **3. Explaining the slow pace of land reform**

Black South Africans have achieved some significant, albeit insufficient gains since 1994. Blacks now represent the majority of the middle class, although challenges such as Covid-19 and the 2008 economic downturn has forced many people into debt. Blacks also represent the majority of matriculants (GCE 'O' level) in the country, the biggest share of new homes, new businesses and a growing ownership in the major businesses in the country. That said, there is still a long way to go.

Recent events, especially the Covid-19 pandemic, have had a devastating impact on the black employment. The official unemployment rate now stands at 39%. Youth unemployment is even higher, in the mid-fifties. It has become fairly common to see young graduates holding up billboards at intersections for any kind of work. The painfully slow process of land reform prompted Lungisile Ntsebeza to write a decade ago (2013): "the more things change, the more they remain the same".

Apartheid continues to cast its long shadow over the country's present socioeconomic reality. This explains why land is still an emotive subject in the country and why political parties like the Economic Freedom Fighters (EFF) and Black First Land First are able to ratchet up public anxiety with slogans such as '*expropriation without compensation from white monopoly capital*' around election time.

The first major impediment to accelerated land reform on the scope and scale that the ANC dreamed of when it took office in 1994 is the market-based "*willing buyer-willing seller*" approach. The decision to adopt this approach championed by the World Bank shelved the more radical state-led approach which some members of the ANC party, notably the Youth League, were calling for. State-led land reform gives national or state governments the power to expropriate land with or without compensation in the national interest. Market led approaches necessarily mean that land transactions are contingent on the owner of the land accepting to sell it and the buyer having the wherewithal to acquire it. If these two conditions do not align, the process cannot go on.

Secondly, political will has often been lacking because the ANC has pursued a neoliberal trickle-down agenda for much of the last quarter century. Progress in land reform programmes have generally coincided with changes at the helm of the ruling African National Congress party or as a prelude to national elections campaigns. Under President Mandela, investments in land reform within RDP were insignificant because the ANC did not have the financial resources to move with any urgency on this priority due to the collapsing economy that they had inherited. International partners were not eager to invest in this agenda either.

The private sector has also been very unhelpful since the advent of democracy. Vested interests view land reform as a threat (de Villiers 2003). Agriculture South Africa (Agri-SA), the major farmers' lobby group in the country, argued in 1994 that any attempts at land reform would be unconstitutional. After the Constitution was amended to give the government powers to reform property rights, it switched the argument to say that giving land to blacks could lead to food insecurity in the country, even as the number of white-owned large-scale commercial farms dropped with an uptick in consolidation within the farming sector. Agri-SA often points to failed government-sponsored projects on black-owned land as proof that land reform has to move even slower.

The government's enthusiasm to use land reform as a vehicle to create a class of successful black-owned large-scale commercial farms gives Agri-SA the fodder it needs for its negative messaging. Large-scale agriculture requires many skills such as managing farm mechanisation, accounting, irrigation and marketing which new black landowners often lack. Retail supply chains are still dominated by members of Agri-SA, further making it difficult for a sudden big influx of black commercial farmers to compete with or replace white ones.

Provincial governments have so far showed themselves incapable of providing the kind of support that is required to help black project owners stand on their own feet or connect with markets and so the national government needs to think seriously about reopening land reform for more purposes than just agriculture.

Two important events that occurred in 2017 will probably have a major impact on economic transformation going forward.

In the build-up to the 54th ANC elective conference, the EFF political party announced that it would adopt land expropriation without compensation if elected into office. They argued that blacks had been poor for too long and they were no longer prepared to wait for promises. This move forced the ANC's hand on transformation and not to be outdone, it officially adopted a policy backing expropriation without compensation at the elective conference (Ntsebeza, 2018).

When Cyril Ramaphosa became acting president in 2018, he appointed a Presidential Advisory Panel to brainstorm new ideas on how to accelerate land reform. The panel submitted its report in May 2019. The report made clear that the ANC government needed to prioritise land and agrarian reform. Noting that 41.6% of rural South Africans have inadequate access to food, the panel (2019) suggested the following solutions:

1. Women should constitute 50% of all land reform beneficiaries.
2. The "willing buyer-willing seller" approach to land acquisition should be abandoned for a more "proactive and targeted commodity and area-based" approach.
3. Section 25 of the Constitution (the property clause) should be amended to offer expropriation with zero compensation in some cases.
4. Spaces should be identified in urban areas to resettle landless people.
5. Land reform beneficiaries should participate intensively in the financing, planning, and implementation of their projects.

6. Joint ventures between emerging black farmers and experienced white ones should be encouraged. Subsidised capital should be made available to such partnerships and the experienced partner should be awarded a certificate.
7. The Government of South Africa should compile a data portal for all land in the country and who it belongs to. This platform will then build into the e-cadastre.
8. The Government should adopt best practices for a consolidated approach to planning, funding and rolling out land reform programmes.
9. Different tenure systems should be approved and restitution claims should be fast-tracked.
10. A full range of financial and technical support should be offered to beneficiaries of land.
11. There should be a structural transformation and diversification of household and commercial food production in the country
12. Smallholder farmers need to receive greater support and rural-urban commodity chain linkages need to be strengthened.

The Presidential Advisory Panel's recommendations highlight the importance of greater investments, more attention to women and prioritising of already food-insecure smallholders in urban and rural areas as a pathway to better reform.

Without these fixes, it is impossible to eradicate the sources of poverty, inequality and unemployment. This makes it all the more urgent to focus land reform on smallholders and poorer communities rather than on wealthy blacks who can manage large farms.

#### **4. Climate Change further complicates South Africa's development agenda**

The world around us has changed dramatically due to anthropogenic action. We can now see ecological collapse everywhere. Scientists, indigenous people and activists have long warned about the devastating consequences of the productivist logic that mankind has adopted in a world of finite resources. Since the beginning of industrial times, we have witnessed a sharp increase of the following Greenhouse Gases in the atmosphere: carbon dioxide (75%), methane gas (17%) nitrous oxide (7%) and fluorinated gases (2%). Ocean heat content and acidification has reached record-setting highs with an average ocean heat anomaly of 228 zettajoules (Cheng et al, 2020: 137). For illustration purposes, just one zettajoule of energy can power 25 billion homes for a year (Kahn, 2015). Scientists estimate that the heat we are putting into the oceans is the equivalent of five atomic bombs every second (John Abraham, 2020). About 93% of the heat trapped by Greenhouse Gases is stored in the oceans (Kahn, 2015; Cheng et al, 2020).

Southern Africa is particularly vulnerable to extreme weather events. The region is prone to multi-year droughts that tend to have devastating impacts on communities and jobs. Cape Town became the global focus of South Africa's water crisis in 2018. The world watched with great suspense as the city of four million people grappled with a drought episode on a magnitude last seen over half a millennium ago.

Cape Town's water challenges later improved, but other parts of the Cape region soon had to deal with similar challenges. Many municipalities in the Eastern Cape Province have issued "day zero" declarations since 2018. The number keeps rising.

Drought challenges are not confined to South Africa. According to the Intergovernmental Panel on Climate Change (IPCC, 2019) we are currently living the effects of a human-induced 1.1o increase in global temperatures with an increase in the frequency and intensity of extreme weather events. Other countries in the sub-region, including Angola, Namibia, Botswana and Zimbabwe have witnessed rises in severe acute malnutrition due to low rainfall that caused crop failures over several years.

With climate change comes ecosystem degeneration, malnutrition, pandemics and an increase in communicable diseases and other health conditions. Ecosystem degeneration is a factor on forced migration. It is pushing rural populations into urban areas - considered 'safer havens' - and sometimes to different continents. Many farms have shuttered in the Northern Cape due to low rainfall. Bankruptcies are also increasing as farmers fall back on loan repayments. In 2020, a series of farmer suicides in the Cape region prompted the government of the Western Cape to develop a support package to help distressed farmers. Low-skilled farm workers are finding it harder to get work, and so they are migrating to urban areas.

In January 2022, Professor Andrew Green, head of the Marine Geology Research Unit at the University of KwaZulu Natal's School of Agricultural, Earth and Environmental Sciences and a team of scientists published an article in the Nature Geoscience journal which stated that: "at present, tropical storms are

usually confined to central Mozambique but renewed ocean warming because of climate change could once again allow them to travel south, with potentially disastrous implications for cities like Maputo, Durban and Richard's Bay."

In what seems to confirm this theory by Professor Green and his team, the Mozambican channel and the South West Indian Ocean islands witnessed a particularly active and bruising storm season in 2022. In January 2022, Tropical Storm Ana flooded coastal communities in Mozambique, Malawi, Zimbabwe and Madagascar, causing major damage.

A few weeks later, from 5-6 February 2022, Tropical Cyclone Batsirai tore through Madagascar and parts of Malawi, Mozambique and Zimbabwe, destroying or damaging over 100,000 homes and claiming over 150 lives. It downed power lines in many parts of Réunion and Madagascar and almost wiped out the entire city of Mananjary in Madagascar. Batsirai was quickly followed by Tropical Storm Dumako (16 February) and Tropical Cyclone Emnati (23 February).

All of this occurred before massive storms in Durban. When the rain came to Durban in April 2022, Tropical Storm Issa had moved just off the coast of KwaZulu Natal, and it is likely that it exacerbated the rainfall. At least 600,000 people were permanently or temporarily displaced as a result of tropical storms and cyclones in 2022, and over 1000 lives were lost in Southern Africa. After the rainfall, South Africa's Finance Minister Enoch Godongwana rightly pointed out in an interview granted to the SABC that it is rather difficult to tell a desperate person not to build a shack in the only place where they can find available land.

This highlights the need to fast-track housing and land reform projects in order to ensure that desperate people do not resort to building in disaster-prone areas. Political and social actors have to adjust quickly to this new reality.

Africa contributes only 4% of global emissions and yet it is the continent most affected by climate change (Afdb, 2012: 6). The continent's ten warmest years have all occurred since 2005. According to the United Nations Environmental Programme, climate change will put up to 50% of Africa's population at risk of undernourishment and the region will lose between two to four percent GDP by 2040. Precipitation rates in Southern Africa are trending downwards and the onset, duration and intensity of rain is also changing (Pereira, 2017: 9).

When we consider that 50% of Sub-Saharan Africans depend on rain-fed agriculture for their food, and so climate change is a clear and present emergency. Going forward, the largest declines in agricultural yields on the planet are anticipated in Southern Africa (Afdb, 2012: 5). Food availability is also projected to be constrained in the Sahel, the Mediterranean, central Europe and the Amazon (IPCC, 2019 35-39).

Although South Africa suffers a lot from climate change events, the country's agriculture and manufacturing sectors are still powered by carbon-intensive energy sources and very little has been done to change this. South Africa's energy sector is responsible for up to 80% of the country's emissions. This is a big deal because South Africa is the 12th biggest emitter of Greenhouse Gases in the world. With an average of 436 million tonnes of carbon emitted annually, South Africa is the biggest emitter of CO<sub>2</sub> on the African continent.

The agriculture, forestry and other land use sectors (AFOLU) contribute just under 8% of the country's emissions, behind transport. This means that the country is not owed a climate debt on the same level as other African countries. That however is not necessarily to say that this statement holds true for every South African. The majority of black South Africans, who lived and continue to live predominantly in former Bantustan areas today still own less than 5% of the country's wealth. They do not own the big polluting coal mines, large-scale commercial farms, manufacturing sites, cement plants and steel plants that are contributing to climate change.

On the contrary, they are victims of the country's hegemonic economic model. Those who live along the Vaal River system have to watch helplessly as manufacturing plants dump untreated waste into the river every day. In rural areas, large-scale commercial farms deplete aquifers much faster than they are being replenished. Dysfunctional municipalities are also depriving people of potable water and access to basic services.

South Africa has submitted its Nationally Determined Contribution to the Conference of the Parties showing that it intends to maintain emissions within the 420-350 megatons range. This effort has attracted US\$8.5 million worth of investments from a group of countries and regions (France, Germany, England, USA, EU and recently, Denmark) to kick-start the national power utility ESKOM's transition to green energy sources. ESKOM intends to use part of the money to set up a 270MW solar farm in Komati, a 3000MW gas-to-power plant in Richard's Bay and a project to extend the country's power lines to allow solar and wind independent power producer plants to be connected to the grid.

## 5. Laying the Foundations of a Green Economy that Delivers for All

South Africa is still a nation of two economies, as former President Thabo Mbeki described it to the South African parliament on May 29 1998:

We therefore make bold to say that South Africa is a country of two nations. One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. It has ready access to a developed economic, physical, educational, communication and other infrastructure. This enables it to argue that, except for the persistence of gender discrimination against women, all members of this nation have the possibility to exercise their right to equal opportunity, the development opportunities to which the Constitution of '93 committed our country.

The second and larger nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black rural population in general and the disabled. This nation lives under conditions of a grossly underdeveloped economic, physical, educational, communication and other infrastructure. It has virtually no possibility to exercise what in reality amounts to a theoretical right to equal opportunity, with that right being equal within this black nation only to the extent that it is equally incapable of realisation.

This reality of two nations, underwritten by the perpetuation of the racial, gender and spatial disparities born of a very long period of colonial and apartheid white minority domination, constitutes the material base which reinforces the notion that, indeed, we are not one nation, but two nations.

And neither are we becoming one nation. Consequently, also, the objective of national reconciliation is not being realised

Failings at government level, climate change, the Covid-19 pandemic and power-supply issues have created a difficult environment with little job opportunities available to graduates and skilled workers. The private sector as well as the white minority's misguided to create what they view as an almost independent republic in Cape Town (led by the opposition Democratic Alliance party) have not been helpful. This is causing deep-seated anger and anti-foreigner sentiment to surge. The Operation Dudula (drive back, push away) movement says openly that it wants African migrants from other countries to leave so that South Africans can have jobs. This movement has a large following and sympathy on social media and in communities.

South Africa witnesses about 300 protests a year and in July 9 to 18 2021. Rioters used the excuse of former President Jacob Zuma's arrest on contempt of court charges to go on a one-week looting spree. The riots claimed 354 lives and caused significant damage to property.

The epicentre of the riots, i.e. Kwazulu Natal, suffered the biggest natural disaster in South Africa's history, when the province received over 300 millimetres of rain in one day. The rains caused mudslides, swept away roads and bridges and claimed over 435 lives, with at least 60 people still unaccounted for.

Clearly, something needs to be done to improve the country's prospects, especially for the young. South Africa's problems are gargantuan but surmountable. The country must attack the following issues frontally:

- Improving service delivery in municipalities;
- Expanding access to opportunities for youth;
- Dealing with the climate change challenge and accelerating the just energy transition;
- Increasing power supply;
- Improving access to land;

The buck stops with the government and everything has to be done to ensure that municipalities are playing their role in nation building. Recent Auditor General reports show that only about a hundred municipalities have clean audits at the end of every year. Municipalities are not doing enough to provide water, electricity, community resources and opportunities at district level.

They are the weak links of the three tiers of government. Makana municipality where the Unemployed Peoples' Movement sued the local municipality for dereliction of duty in 2019 and won shows just how deep the problems go as well as the growing revolt by communities that want to ditch the liberation party and manage their own affairs.

To deal with the greater challenges of poverty, inequality and unemployment, the land question has to be dealt with swiftly. This can be achieved through a deep democracy green new deal. A deep democracy green agenda will recognise that all South Africans need to have a place that they can call home.

This lodestar, this compass if you will, shall be the inspiration that guides their path and unites them with their fellow community members. It shall be their ancestral home, where they all gather on special occasions, and that they invest in for the happiness and prosperity of future generations. Yes, land reform should not be only about agriculture, but also about homes and prosperous, united communities. The first iteration of land reform within the Reconstruction and Development Programme awarded land for agriculture as well as for houses. It was only after 2000 that policy shifts were made to focus solely on agriculture, and this has helped to prolong apartheid geography in rural areas. It is time to revert to the initial agenda.

A critique of prevailing economic conditions must lead us to the conclusion that land and agrarian reform must also be predicated on the right to food, dignity, and a clean, healthy environment—and it must be enacted swiftly and differently. Betting that outsourcing South Africa's agriculture to a few thousand large-scale commercial farms (LSCF) can help the country achieve autarky neglects to factor in the obvious reality that large-scale commercial farms are businesses that ship their commodities abroad or to supermarkets in the most affluent suburbs. The rest of the country cannot afford what they produce and is too hungry to wait any longer.

Within a democratic green new deal, people will produce food first to meet their own needs before they think about selling anything to supermarkets and factories. They will not necessarily need to meet all their needs from the land that they receive. People should invest their time in personal growth and wellbeing that enriches communities rather than GDP growth that only serves to enrich those who control capital.

The earth is not just a force of production to be plundered and exploited around the clock but rather the foundation of nature and nurture. It needs to be given time to rest and heal so that it can produce rich, nutritive food. Metabolic rift should not deprive it of the by-products (waste, etc.) of the food that it gives us, which it needs back for regeneration.

Looking at the power situation, ESKOM needs to accelerate the push for a just transition. Trade unions are not necessarily sold on the idea of green energy. There is a lot of fear, probably the fear of becoming obsolete above all else, in a context where unemployment challenges are already making life extremely difficult for black people. That is why a lot of time and effort must be dedicated to resolving the doubts of black workers, black towns and townships, women and young people.

The government has to show why and how green energy can unlock more electricity and better opportunities for everybody. Since loadshedding challenges worsened in 2019, private South Africans have installed over 4000MW of electricity.

However, this is predominantly the upper middle class, which forebodes a widening of inequalities in the country. Those who have better access to electricity have more time to study, better nutrition, more entertainment opportunities, better chances to network and so on. The same opportunities that the upper middle class is getting must be afforded to all blacks if inequalities are going to be reduced in any significant way.

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# **LARGE-SCALE LAND ACQUISITION' AND THE POLITICS OF CLIMATE CHANGE: A CASE OF WEST AFRICA**

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## INTRODUCTION

The 2007-2008 crisis is argued to have swept the world and especially the global north and some countries in the middle East (von Braun and Meinzen-Dick, 2009; Cotula 2009; World Bank 2010). von Braun and Meinzen-Dick for instance argue that countries with capital but limited land and those with huge populations but uncertain food futures are at the fore front of looking for alternative places to invest. The authors state that “food-importing countries with land and water constraints but rich in capital, such as the Gulf States, are at the forefront of new investments in farmland abroad” (2009: 1).

These are looking for every opportunity to get land for investment in food production overseas. In a bid to get alternative pathways to food production for their home countries, these countries are forced into what has been termed as *land use displacement*. It should be noted however, that the food crisis did not mark the start of land grabbing or large-scale land acquisition, it just gave it a new dynamic and a sound justification since land grabbing is as old as the present economic system (see Marx 1867).

Land grabbing has to be seen to be part of the larger global capitalist, imperial and colonial project and the need to fulfill the demands of that project have made global powers to put a lot of pressure on African governments to allow large-scale land acquisition against the will of their own people. Fairhead (2015) and Cobera (2017) have shown that grabbing keeps on mutating especially whenever what has to be grabbed faces challenges of reduction and new resources have to be taken on. Here, other formerly un-grabbed resources like green cover and space now become the alternatives.

This is the sense in which Fairhead coined the concept green grabbing to mean that it is not actually just done on the soil but also the forests, and of recent water and air/space. In here, he conceptualizes such grabbing as green grabbing, and perhaps blue grabbing [emphasis mine] (See also Benjaminsen, and Bryceson, 2012). In this chapter, we draw on existing literature to further highlight how land grabbing has equally adopted a language of climate change. Fairhead (2015) argues that often, claims of climate change mitigation and adaptation end up facilitating land grabbing since some mitigation and adaptation strategies like wind farms and bio fuels end up securing land for the capitalists including forest land (see also Carter et al. 2017).

Post-2008, many investors have found themselves on the African continent to engage in large-scale plantation agriculture and industrialization. These are supported and funded by the International Financial Institutions like the IMF and World Bank, and of recent smart agriculture (see Federici et al., 2022). This wave has swept the world including in West Africa. The SOCFIN palm oil company, following this logic and support, found a bearing in many west African countries including Sierra Leone.

Its activities, just like many other investment ventures, have had devastating implications to the communities where they are established and to the environment and climate in general. Attempts that have been established as ways to deal with the impacts of large-scale investments (i.e., in form of mitigation and adaptation climate change measures) have instead ended up fueling land grabbing and the suffering of people in the hands of global capital and the state.

This is because, they have tended to offer a one size fits all solution to what has been considered a global problem. Following from that, this chapter interrogates the link between large-scale land acquisition and the politics of climate change through offering a critical reflection on the ECOWAS Regional Climate strategy. I argue that this strategy falls short of addressing the climate crisis in this neoliberal dispensation if placed within a larger historico-political context.

This can be seen in the fact that the most fundamental factor that has seen the escalation of the climate crisis and environmental degradation has not been given due consideration i.e., the question of large-scale acquisition of land (including forest and wetlands) as a key if not a major cause of the climate crisis in West Africa and the question of the nature and character of the state.

In order to make such an argument the chapter lays ground by engaging the existing theoretical debates on land grabbing and development, and on the link between land grabbing and the politics of climate change. The chapter then proceeds to engage a case study of the SOCFIN palm oil company in Sierra Leone in order to understand how land grabbing and the discourse of development can promote climate change as a way of laying ground for engaging the ECOWAS regional climate change strategy. I then proceed to engaging with the strategy to critically assess its potential in dealing with the climate crisis and to unravel the politics embedded.

Building on already existing literature, I show that strategies aimed at climate mitigation may end up fueling land grabbing than resolving the climate crisis since it is less concerned with dealing with the colonial, neoliberal and capitalist logics embedded in the structures and institutions (which some scholars have called climate coloniality) and focuses on addressing effects.

### **Land grabbing and the Development Discourse: A theoretical debate**

The debate on land grabbing or large-scale land acquisition<sup>12</sup> has been at the center of the land question and has assumed growing urgency in recent years. The preoccupation has been on the drivers, forces, actors nature, form, character and the impact of land grabs.<sup>13</sup> Fundamental to this land grab debate has been the centrality of the discourse of development. There are two contending positions in the discussion on land grabbing vis-à-vis development.

One school of thought contends that large-scale land acquisition presents numerous opportunities for developing countries i.e. can propel development, reduce poverty and increase employment in host countries (see von Braun and Meinzen-Dick 2009; World Bank 2010; Cotula 2013; Deininger et al. 2011; Boamah 2011). Another school of thought argues that the discourse of development in the land grab debate is a tool for justifying land displacements, dispossessions, appropriation and redistribution of landed wealth (Li 2011; Fairbairn 2013; Moyo, Jha and Yeros 2013, 2019, Borrás and Franco 2012; Schoneveld et al. 2011).

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12. Borrás and Franco (2012) argue that international financial institutions especially the World Bank prefer to refer to land grabbing as largescale land acquisitions as a way of depoliticising it. This is because, land grabbing has political connotations thus attempts at depoliticization (2012: 35). For this essay, I will use the terms interchangeably.

13. The early post 2007-8 food crisis scholarship on land grabbing focused on grabs in land (von-Braun and Meinzen-Dick 2009; Borrás et al. 2012a; World Bank 2010). However, Given the diversity of the problem, researchers have extended the focus to include other aspects like green and blue grabbing (Fairhead et al. 2012; Corson et al. 2012; Benjaminsen and Bryceson 2012).

Proponents of the first position are very optimistic that large-scale land acquisition can have greater positive impacts regarding the 'development' of the host countries. The major protagonists of this position are World Bank (2010), Deininger et al. (2011) and Von Braun and Meinzen-Dick (2009). These suggest that other than looking at large-scale land acquisition as a problem, developing countries should be positive and support the process given its benefits including "development", reduced poverty rates, increased employments, increased food and energy supply among others, if the legislation is properly done to regulate the process (see Von Braun and Meinzen-Dick 2009; World Bank 2010; Cotula 2013).

For example, von Braun and Meinzen-Dick argue that developing countries are in dire need of "development" and the national governments have no resources to make investments. As a result, the foreign investing institutions and governments provide an opportunity for increased investment in agriculture and such development would see people get more "on and off-farm jobs, their infrastructures developed and reduction in poverty levels" (ibid.: 2, 4).

Deininger et al. 2011 in their Rising global interest in farmland, where they argue that "new investments in agriculture" are relevant for the creation of "preconditions for sustained, broad-based development" if 'well managed' (xxv). Countries which have large primary sector and high levels of poverty especially in the rural areas despite having huge chunks of land will tap into the opportunities offered by increased agricultural investments (2) as un-utilized land will be put to use. These investments will drive the countries into achieving their development objectives.

How much local populations can benefit will be determined to a large extent by the employment intensity of potential investments. Employment generation is often a key avenue for local people to benefit from outside investment because for bulk commodities, it is at the production, rather than the processing stage that employment is generated. In many developing economies, the ability of the agricultural sector to absorb labor and provide gainful employment provides a key safety net. Labor requirements for production vary greatly among crops and production systems so that crop choice and organization of production will have far-reaching impacts on the scope for agricultural growth to reduce poverty (Deininger et al. 2011: 38)

Besides, they also think of the contracting to out-growers as a potential avenue through which benefits trickle down to societies. Further, beyond employment opportunities and contract farming, Deininger et al. also point to the benefits that come with investment 'taxation'. To them investors pay taxes that enable host governments to invest in their 'infrastructures' and other social services. This argument is derived from "land expectation value" for crops which is "the imputed residual return to land after all other factors [e.g. labour, inputs] have been remunerated" (2011: 40ff). The resultant effect is that there will be a trickle-down effect as financial resources would be brought for developing countries and regions to deal with their development challenges (see World Bank 2010; Cotula et al. 2009).

How can this be possible? This scholarship suggests that there has to be limited government intervention in the process. In other words, this school advances a free market economy (*laissez faire*) in land acquisition. Investors have to be in charge of the decisions that are made in transactions, contracting, regulation etc. for 'effective delivery'. Deininger states that, "...as long as property rights to land and, where necessary water, are well defined and a proper regulatory framework to prevent externalities is in place, productivity-and welfare-enhancing transactions can occur without the need for active intervention by the state" (2011: 34).

A study conducted in Ghana has shown that Ghanaian farmers either acquired fertile land through such practices or got a source of income to sustain a living through working on farms with the establishment of the *Jatropha* biodiesel project in Yendi District. This resulted into improved living conditions, food security and reduced poverty (Boamah 2011). To ask a question, are benefits associated with land only limited to economic benefits? How about the social and cultural attachments and value people have to their land? How does development in large-scale land acquisition take this into consideration? The perspective takes for granted such concerns and depoliticizes the discourse of development and treats land as merely a commodity.

Does this school of thought completely dismiss the possibility of negative impacts of large-scale land acquisition in the name of development? From the literature, World Bank (2010) and Deininger et al. (2011) point to the fact that there are possible negative consequences but these can only occur if regulation is not "*properly done*".

They argue that if this process is managed well, through proper legislation, then there would be no problem with large-scale land acquisition (Deininger et al. 2011: 34). It is not clear though what "*proper regulation*" would entail without effective state intervention and the interests it can serve. To ask a question, how can effective regulation be possible in a system where the state is pushed to the margins while advocating for a free market system? Can regulation conducted and/or influenced by the investors be effective to the benefit of the peasants and poor sections of the community? I think such assumptions take for granted the nature of the (nation) state which is to do the regulation and the power of capitalism that shapes and influences regulations.

I raise this because Cotula et al. (2009) drawing on their research in Ethiopia, Mali, Ghana and Madagascar have shown how governments of recipient countries that would regulate the scale of large-scale land acquisitions make reforms that would only propel grabbing in the name of investment. Borrás et al. (2012b) argue that in the context of Latin America and the Caribbean, the state has been very central when it comes to ensuring foreign and national investments on grabbed land through what has been termed "systemic policy and administrative initiatives" especially in Brazil (858).

And Fairbairn (2013) writes that states influence and shape land grabs through establishment of legal frameworks that allow for dispossession of peasants. He illustrates this by citing an example of how the "Indian company Tata Chemical acquired the South African biofuels company Grown Energy Zambeze along with its 15,000-ha land concession" (341-2).

We can see that regulation in itself is directed towards benefiting the capitalists and the state but not the common person. As Hugo would say, "the contemporary world, including the states that seek to regulate it, are first and foremost capitalist, and that economic activity is intrinsically both national and international" (2000: 13).

As a critique to the above strand of scholarship, another school of thought argues that the discourse of development in the land grab debate is a tool for justifying land displacements, dispossessions, appropriation and redistribution of landed wealth (Li 2011; Fairbairn 2013; Moyo, Jha and Yeros 2013, 2019, Borras and Franco 2012; Schoneveld et al. 2011).

According to them, large-scale land acquisitions have not and will not offer any positive benefits for countries of the global south. The obsession with development as a discourse in the debate, it is claimed, does nothing but ensure loss of land to the so-called investors and politicians in the name of "linear" progress and development.

To begin with, Fairbairn (2013) argues that development is a tool used by the national state to grab peoples' land (349). Citing Ribot and Peluso, he argues that "discourse and the ability to shape discursive terms deeply influence entire frameworks of resource access" (ibid.: 349ff). The need to foster development calls for the state to justify projects that may undermine land rights of the majority. This argument points to not only the centrality of development discourse but also the state being "developmental". Deploying a concept "regimes of dispossession" Levien interrogates the "economic purposes that states...seek to legitimize" i.e. development (2017).

Using a case of India, Levien argues that the state especially starting in the 1990s engaged in dispossession not for state-led projects like industrial and agricultural development but for "productive investment" through the commodification of land (2017: 50). As such, the state turned itself into land brokers who served the interests of private capital. Thus, "the land grabs of the neoliberal period do not represent simply more 'development-induced displacement' or the inexorable march of 'primitive accumulation,' but rather the emergence of a new regime of redistributing landed wealth upwards.

This new regime of dispossessing land for increasingly financialized private purposes is arguably less 'developmental' than its Nehruvian predecessor" (ibid.: 51). White et al. (2012) extend this argument by arguing that land grabbing intensifies the rate at which markets for land developed in countries of the global south. In the end, land which belonged to the peasants becomes no longer accessible to them thus impoverishing people in predominantly farming communities. Moyo et al. (2019) add that "pressures on land can bring about both a substantial reduction in the amount of land under family farm production... and the informal commodification of usage rights..." thus even when we think of using land for investment, peasants get deprived of the "principle means of production" (145).

Is land grabbing a new phenomenon of dispossessing the peasants, in the name of development? As early as mid-19th century, Marx already argued that primitive accumulation [land grabbing] is an old practice and is nothing more than a historical process that divorces the worker from the very means of production i.e. land (Marx 1867: 874-5).

Such a process is driven by the endless desire by capital to accumulate and it is “is written into the annals of mankind in letters of blood and fire” (see 669). Primitive accumulation started with the larger proletariats, who now had become feudal lords, “driving the peasants” off the land.

These evictions were ignited by the growth and expansion of the wool manufacturing industries like in Flanders accompanied by the rise in prices of wool (878-9). This meant that arable land had to be turned into grazing grounds for sheep in order to feed the wool manufacturing industries.

The expropriation, Marx argues, took a new turn in the 16th century with the reformation and the colossal spoliation of church property [extreme destruction]. Here, it took a form of force/violence (ibid.: 881). Marx argues that land grabbing in England became colossal and was profit motivated. We can see that appropriation was intended for large-scale agricultural production, as the basis for driving the proletariat off the land.

Building on Marx’s idea of primitive accumulation, Moyo et al. (2019) argue that we need to think about land grabs historically. This is because, it is not just a land grab, it is also a scramble, and this scramble is historical, “involving primitive accumulation by monopolistic firms and escalating ‘geopolitical’ competition by major states, in a context of a generalized systemic crisis, compounded by energy and ecological crises” (5).

These can be looked at in a way of the historical integration of the precolonial (Africa) into the world (capitalist) economy and colonial subjugation. The purpose here is to serve the continued process of primitive accumulation.

“Imperialism has systematically deployed extra-economic and violent force to commodify both labour and land and to offload the costs of social reproduction onto the working peoples themselves, especially women” (2019: 6).

Today, the “scramble cannot be understood without reference to neoliberal economic and land tenure reforms, which consolidated the position of local and foreign capitalists during the 1990s” (10). Thus, the whole issue of land grabbing, using an African case, should be located in the African integration into the world economy. I argue that land grabbing and its alleged development should be located in the broader historical process of capitalist primitive accumulation. Equally, the notion of development requires critical reflection given its devastating impacts right from the period of enlightenment to colonisation and in the neoliberal moment.

### **The Nexus between Land Grabbing and Climate Change Politics.**

Recent scholarship has not only focused on how land grabbing propels the climate crisis but also the link between climate mitigation strategies and land grabbing. Borras et al. (2020) have argued that there is a huge link between climate change and land and this link is political. For them, “climate change politics intersects with the global land rush in extensive and complex ways” and this happens often to the detriment of society (Borras et al., 2020: 1).

Drawing on examples from Myanmar, Borras et al. have highlighted the three interrelated ways in which climate change causes land grabbing: acting as a trigger for land grabbing; delegitimizing the society based climate change and mitigation practices; and legitimating the process of land grabbing and

process for people's climate change mitigation and adaptation practices (ibid.). To make this argument, these authors suggest that both land grabbing and the crisis of climate share one key driver, that is, global capitalism. In other words, both are driven by global capital. This assumption builds on Moore's theory of capitalocene which is understood as "a system of power, profit and re/production in the web of life". (Moore 2017: 594).

This assumption draws them to making a conclusion that other than solely dealing with climate change, we should strongly focus on climate change politics since this allows us the opportunity to deal with larger dynamics and structures under which climate change operates, including 'social structures, institutions and political agency'.

Climate change policies and programs may have good intentions but this can only be possible if they are contextualized and emerge out of a particular historical experience. Externally generated policies and intentions (by external I also include being part of the state and exclude the immediate affected society) often end up contributing to a land rush either directly or indirectly. The best exemplification of such a scenario can be found with the projects aimed at climate change mitigation and adaptation which require land but end up being used for growing 'flex crops'.

Borras et al. have argued that flex crops are those that have a multiplicity of uses i.e., as food, fuel, raw material for industries, fiber among others and whose use is flexible (than fixed) hence can be switched at any moment in time (Borras et al., 2016: 94). Cobera et al. have shown that in fact the drive to promote land rush through what has been termed as climate change fight has been made a global project especially starting in the 1990s and

it is sweeping the countries of the world with a resultant effect being promoting land grabbing in the global south (2017: 297). This is promoted in very well packaged programs and frameworks like the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. These frameworks and protocols make such projects seem legitimate and all-encompassing. Some of the projects designed through such frameworks include re-afforestation programs (aimed at increasing forest carbon stock), joint implementation and clean development mechanisms, forest conservation and management with a focus on reducing emissions from deforestation and forest degradation (REDD+) and more recently the highly promoted climate smart agriculture (Cobera et al., 2017; Duchelle et al., 2014; Borras et al, 2020; Hunsberger 2017).

These projects however have just promoted the land rush by availing land for growing 'flex crops' including oil palm, sugar cane, soya beans among others. In turn these are not responding to the climate crisis but responding to the "demands of the global food regime and global energy markets" and escalating the climate crisis (Cobera et al., 2017: 297). These have witnessed an increase in "seizing, expanding or transforming land" which has been seen as "idle" (for an extensive discussion on the politics of idlization, see Banjwa's chapter in this compendium on his conceptualization of political idlization) (ibid.; see also Woldford et al., 2013).

This has left many people in societies where these mitigations and adaptation strategies are taking place landless and on the mercy of those in charge of such projects either as laborers (working under precarious conditions) or as beggars, or as begging laborers [emphasis mine] (Cobera et al., ibid.)

That said, Franco and Borrás have shown that the nexus between climate change politics and land grabbing may not easily be seen but this does not discount the fact that they do exist. To them, we can be able to see these through three ways broadly conceived: when flex crops become more popular (either in their material or discursive form); when the scale of land that companies and corporations take on for activities framed in the name of mitigation like agribusiness expand drastically and sometimes lead to the clearing of forests or destroying wetlands due to expansionist tendencies; and lastly, when the “character of production systems in the emerging enterprises in land grab sites” attempts to cancel “out any gains in carbon savings from mitigation and adaptation projects” i.e., when the emission surpass the ability of carbon to conserve (Franco and Borrás, 2019: 194ff).

In this case, climate change politics (or call it mitigation and adaptation strategies) serve to legitimate land grabbing. This is made possible through the tool the state knows using best, that is, regulation. As Franco and Borrás tell us, regulation (especially in the context of land deals) is framed in three ways as well which constitute its political tendencies:

...(i) regulate in order to facilitate land deals, (ii) regulate in order to mitigate adverse impacts and maximize opportunities, and (iii) regulate in order to stop and roll-back land deals. The first two are the most pervasive and dominant tendencies among relevant actors. Part of what we are trying to suggest in this paper is that the first two tendencies in efforts at regulating land deals, despite their popularity, are unlikely to contribute to genuine and effective climate

change mitigation and adaptation because in fact they ultimately facilitate the expansion of global land grabs. Thus, it is even likely that the first two tendencies may further undermine potentially genuine climate change mitigation and adaptation (Franco and Borrás: 197).

I want to add that this regulation is not only done at the international level but the global climate change mitigation and adaptation forces ensure that countries individually or collectively put in place regulation to quicken the implementation of the global agenda (see second last section of this chapter). Parola has coined this whole process very interestingly as “climate grabbing” and innovatively argued that both land grabbing and climate change reinforce each other i.e. “land grabbing exacerbates climate change and climate change mitigation strategies increase land grabbing” (Parola, 2020: 568).

As such, “REDD+ do not reduce global warming” but “create greater incentives and opportunities for the expansion of climate grabbing and of existing inequities” (Parola 2020: 574). This is caused by what I have called climate capitalism and such a coinage hinges on the fact that historically the state(s) have always been behind any capitalist primitive accumulation initiatives just like it is doing in the contemporary climate change politics that serves the interests of capital in the name of mitigation and adaptation.

At times, these climate change interventions, in advancing the cause of global capital, have functioned to legitimize actually-existing colonial structures of power.

Thus, Alkhalili et al. (2023a, 2023b), writing in contexts of occupied Western Sahara and occupied Syrian Golan Heights, speak of 'green energy colonialism' when wind energy development function to reinforce preexisting colonial structures of power. Now with this theoretical background, does the ECOWAS climate change strategy really aim at dealing with the climate crisis and can it lead to a reduction in the impacts of climate change? This shall be explored in the second last section of this chapter

### **SOCFIN Palm Oil Projects in Sierra Leone and the dynamics of land grabbing.**

This section draws on a case from a West African country, Sierra Leone, to illustrate the dilemma of large scale land acquisition, development and climate change. In a bid to promote what has been termed as global development, largescale development initiatives have intensified land grabbing globally.

I highlight a case of SOCFIN agricultural company in Sierra Leone which was established in 2011 and show the politics and dynamics of large-scale land acquisition. This company was not the first of its kind but at least it has so far emerged as one of the biggest and most dangerous largescale plantation company that has unpleasantly changed the social, economic and ecological life of the people in the country (Frederic et al., 2022).

SOCFIN runs numerous palm oil plantations and palm oil factories not only in Sierra Leone but also in many other Central and West African countries like Nigeria, Ecuador, Congo, Cameroon, Liberia, Ghana and Côte d'Ivoire.

The report of Human Rights Defender in Sierra Leone shows that SOCFIN in May 2011 leased 6500 hectares of land in Malen chiefdom for 50 years and this had the option to renew for an additional 25 years (2019: 4). The land was leased by the Minister of Agriculture, Forestry and Food Security (MAFFS) on behalf of the state and signed by the Paramount Chief BVS Kebbie with a few land owners about 28 (ibid.: 4).<sup>14</sup> Existing research shows that by 2022, the oil palm plantation occupies up to 12000 hectares of land in the Sahn Malen Chiefdom in the Southern Province of Sierra Leon (Frederic et al., 2022: 27).

Another report by the Oakland Institute (2019) revealed that in fact the amount of land that SOCFIN plantation has acquired is more than 18000 hectares on which its palm oil industry is seated. There is no way such huge chunks of land would have been unoccupied and out of use by community members. Thus its occupation obviously saw a displacement and eviction of people off those lands.

The establishment of the plantation and industry was premised on the idea that it would generate employment opportunities (at least 10,000 people were promised jobs) for the communities and generate revenue for the state and consequently promote development. For instance, Federici et al have shown that SOCFIN promised to give the about 30 villages and over 120 land owning families' compensation to redevelop themselves, giving them annual lease rents (which are agued not to be paid)<sup>15</sup>, construct a hospital, a road network, schools, housing facilities and offer 75,000 USD per year for social development (Federici et al., 2022: 4).

14. Human Rights Defenders in Sierra Leone, "Report of the fact finding mission on the human rights situation in Malen Chiefdom after the violent incidents in January 2019", January 29, 2019, [https://www.fian.be/IMG/pdf/report\\_on\\_malen\\_incident\\_final\\_version.pdf](https://www.fian.be/IMG/pdf/report_on_malen_incident_final_version.pdf)

15. SOCFIN itself boasts of having spent "a whopping US\$1 Million on Corporate Social Responsibility in Malen Chiefdom and has paid US\$260,000 lease money for 12,000 planted hectares of land" and employing 1,554 permanent staff and up to 2,600 seasonal staff and security contractors of about 940 workers" with a view that it pays way more than the government minimum wage by 24% (SOCFIN, 2021).

This promise of development was meant to convince the people that the project was novel and aimed at helping them but also lure them into surrendering their land in the name of development. Development for this company and the state, so to say, is material, infrastructural and economic. Other society's conceptions of what might constitute development (beyond the economic) would not matter [I have discussed these other modes and conceptions of development, land and land use somewhere else], (see Lunyago, 2023).

When starting its operations, the company signed a memorandum<sup>16</sup> of understanding with the Sierra Leone government and the state gave the company freedom to do whatever it wished with not only the land and other natural resources but also with the people. Federici et al. (2022) have shown that the company would for instance not be restricted on the "volume of water extracted by [SAC] from rivers, other watercourses, wells and boreholes" (ibid., 2022: 27). The resources on which the state was giving a private company a blank cheque (to access and utilize) were being utilized by the local communities before the establishment of the plantation and industry.

For instance, it has been shown that the three major rivers in the Sahn Malen Chiefdom (i.e., the Malen, the Sewa, and the Waanje as well as many small streams, lakes, and swamps) "were used by local communities for fishing, bathing, washing, and drinking" (ibid.). Giving such a blank cheque did not only deprive the communities of their land use rights but also constituted what Bassan et al. (2020) have called land use displacement and what Banjwa (forthcoming in this compendium, n.d.) has called epistemic displacement, in which discourses of land use

that emerge from the affected communities are displaced and new and hegemonic ones deployed and emphasized.

The acquisition of such land by these private multinational companies is done with the support of both the state, local and national elites and the International Financial Institutions (IFI) like the World Bank (which promotes largescale land acquisition not only in Africa but across the globe), justified using (as always) the language of 'development'. The local elites help in either persuading the people (we should bear in mind the logic of coercive persuasion) to leave the land for the investor or deploy all forceful avenues to evict people off the land. These in return are given the money which would allegedly be used to compensate the communities as a reward (Oakland, 2019).

It has been noted that "huge amounts of money, which should be allocated to the land owners as rent payments, were instead provided by SOCFIN to local elites without any transparency on how those funds were used" (ibid.). This means that often, the land is taken without due compensation or payment of rental fees, but even if these were paid, the question of the intension for which the land is taken and the fact that people are left landless renders such compensation and payment meaningless.

The Sierra Leone government supports such acts through licensing the firm and offering it protection. Even the Roundtable on Sustainable Palm Oil (RSPO) which was established in 2004 to ensure that palm oil projects are sustainably implemented is accused of having certified SICFIN despite knowing that there are community grievances about the use of land and other resources by the company.

16. <https://www.openlandcontracts.org/contract/ocds-591adf-9481967561/view#/> and <https://www.openlandcontracts.org/contract/ocds-591adf-9401554361/view#/pdf>

In a letter written to the Minister of political and public affairs by the Malen Affected Land Owners and Users Association, a number of issues were raised which prompted them to call for a private investigation. These included the imposition of a one-off payment for an acre of land as plant compensation (1,000,000 Leones) without negotiations with the land owners, pollution of Malen river, cultivation of all land without leaving some for farmers cultivation as promised by the Environmental Impact Assessment Report, non-payment of compensation, payment of ghost land owners huge amounts of money, improper documentation of land deals, mass sacking of workers (who work under slave-like conditions coupled with poor salaries) and the removal of village chiefs who identified and sided with land owners.<sup>17</sup>

In 2022, Oakland produced a report titled Roundtable on Sustainable Palm Oil: 19 Years is Enough, in which it shows that the RSPO has been used “by the palm oil industry to greenwash environmental destruction, labor and human rights abuses and land grabbing” (Oakland, 2022). This claim was based on the fact that RSPO had failed to “address the numerous grievances of communities whose lands were taken by palm oil companies”.

Thus it concluded that “while the area of land under RSPO-certified oil palm plantations has continued to grow, the RSPO has continued to be a great deception”. (Oakland Institute 2022). In 2022, Green Scenery wrote a press release asking the RSPO to engage the MALOA and other members of the affected communities after failing to engage them earlier.<sup>18</sup>

What we can see perhaps is that this very scheme of certifying was possibly established for the purposes of ensuring that they legitimate the acquisition of land but not necessarily help in ensuring good and sustainable use of the resources. This scheme was not only in Sierra Leone but across West African countries and since 2020, it is argued to have certified “several industrial oil palm concessions in Cameroon, Sierra Leone, Nigeria, Sao Tome, Ghana, DRC, Nigeria and Ivory Coast” all of which belong to the same Luxembourg-based oil company, SOCFIN. (ibid.).

When the affected communities complained, it is argued that the RSPO secretariat sent a “verification mission to assess the allegations” but even then, those who were sent (the RSPO assessment team) are argued to have “avoided talking with people critical of the company, and ignored evidence provided by community leaders” (ibid.). The state (often misconstrued as the government) has supported this whole process through not only licensing these investors but also through seriously criminalizing any peasant attempts at resisting the investments.

For example, those that attempted to resist the investment were brutally beaten and arrested by the state police, tried in court and criminalized. The Oakland 2019 report has shown that “one month after violent incidents in the SOCFIN plantations in Sierra Leone leading to brutal repression by security forces, there was death of two people and 15 people were arrested” (ibid., 2019).

17. Letter from Malen Affected Land Owners and Users Association to The Minister of Political and Public Affairs, July 22, 2016, Available at [https://www.fian.be/IMG/pdf/independent\\_investigation.pdf](https://www.fian.be/IMG/pdf/independent_investigation.pdf)

18. Green Scenery, MALOA's petition to the RSPO Certificator of SOCFIN is not Unfounded, May 24, 2022, [https://www.fian.be/IMG/pdf/green\\_scenery\\_pr\\_maloes\\_petition\\_to\\_the\\_rspos\\_certificator\\_of\\_socfin\\_is\\_not\\_unfounded\\_2022\\_05\\_24.pdf](https://www.fian.be/IMG/pdf/green_scenery_pr_maloes_petition_to_the_rspos_certificator_of_socfin_is_not_unfounded_2022_05_24.pdf)

The report of Human rights defenders in Sierra Leone noted that the Paramount Chief Hon. P.C BVS Kebbie, "instructed the chiefs and land owners to thumbprint documents and repeatedly told them that they will lose their land even if they didn't sign or accept the compensation".

The report further noted that this whole process was done in "the presence of armed police in a public meeting in Sahn where the community members were intimidated by chiefs to thumbprint a document and accept the 'shake hand' and compensation".<sup>19</sup>

The report's findings indicated that following the 2019 protests, there was continued "arbitrary arrest and detention of particularly the members of MALOA, beating of MALOA members resulting to wounding and bodily pains, intimidation of MALOA members, harassment and violence by either government security personnel or loyalists of the Paramount Chief of Malen Chiefdom, use of excessive force by the Military and the Police against civilian protesters and other villagers during raids, extra-judicial killing of two civilians during the standoff between the members of the 'poro society' and the government security personnel, and high securitization to a point of one military officer and one police officer secretly following the (research) team during the visit to communities to identify victims who testified".<sup>20</sup>

But all these should not be surprising because the postcolonial neoliberal modern nation state with all its colonial legacies has always done one thing: serve the interests of capital with the violence of the law and the deployment of force. The World Bank, as it has always done, has intentionally and successfully done so well in ensuring that it provided ill advice based on purely economic consideration to the states of the global south and in this case Sierra Leone since 2004. Based on such advice, there was creation of the Sierra Leone Business Forum established as part of the World Bank neoliberal attempt at Removing Administrative Barriers to Investment (RABI) (Oakland 2014).

Besides, through its Enabling the Business of Agriculture program, the World Bank has ensured that it supports large-scale agriculture but also large-scale land acquisition (what I call land grabbing and what Borras et al call land rush). The Enabling the Business of Agriculture program in 2017 introduced "a set of indicators on land that measured laws and regulations that impact access to land markets for producers and agribusinesses" (Federici et al., 2022: 39).

These indicators had one interest behind them: privatization of land. Federici et al. note: the "introduction of the land indicator represented an unprecedented push to privatize and facilitate private interests' access to public land" (ibid.).<sup>21</sup> The World Bank equally influenced the giving of tax holidays to investment companies.

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19. Human Rights Defenders in Sierra Leone, "Report of the fact finding mission on the human rights situation in Malen Chiefdom after the violent incidents in January 2019", January 29, 2019, [https://www.fian.be/IMG/pdf/report\\_on\\_malen\\_incident\\_final\\_version.pdf](https://www.fian.be/IMG/pdf/report_on_malen_incident_final_version.pdf)

20. Human Rights Defenders in Sierra Leone, "Report of the fact finding mission on the human rights situation in Malen Chiefdom after the violent incidents in January 2019", January 29, 2019, p. 9.

21. "Although the indicator was removed in 2019, following civil society backlash,<sup>254</sup> the damage was already done given the Bank spent years and millions of dollars creating the enabling environment favorable to the privatization of land. As the case studies demonstrate, once investors access land for large-scale projects, favorable water access is often included in the deals at little or no cost" (Federici et al., 2022: 39)

Besides, the World Bank also funded the “Sierra Leone Investment and Export Promotion Agency (SLIEPA) with the mandate of generating investment in key sectors, including agribusiness” (ibid.). SLIEPA was created for one sole purpose: to do research and provide documentation and statistics on available land and opportunities for investment to capitalist companies.

Soon after the creation of SLIEPA in 2007 with help from the World Bank, the agency’s investment leads grew from 4 in 2009 to more than 100 as of June 2010. SLIEPA regularly produces documents about opportunities for investors in oil palm, cocoa, and agribusiness activities in general, and facilitates the process of land acquisitions by negotiating directly with local level stakeholders. However, negotiations often only take place with local chiefs or illegitimate intermediaries, and have failed to involve local communities (ibid.)

This shows that the World Bank does not only support investment but also land grabs.

Now one would ask, to whose benefit is the SOCFIN investment scheme and how does it in turn affect the communities in which it is established? It should be noted that these large-scale land deals and their investments only serve the interests of capital and power (by power I mean the state or ruling government and the IMF and World Bank as a global state).

It should be noted that the more the plantations expand the more profits they make. In 2022, it was reported that “SOCFIN’s profits exploded in 2021 to reach 80.4 million euros, its highest figure since at least 2014 due to increasing prices for palm oil and rubber” (Mittal, 2022).

Now with the Russia-Ukraine war, there has been an increasing global demand for palm oil which in turn has resulted into high prices and thus high profits and this is due to a reduction in the supply of sunflower oil from Ukraine. In 2021, the Bolloré Group, “which owns nearly 40% of SOCFIN, also booked a staggering profit of 6 billion euros”.

The profits are not only due to increase in the amount of land exploited but also labor from the dispossessed and proletarianized communities. This is because, when the people were dispossessed of the land, they were left with no option than offer labor in the plantation and industry, which Marx has called proletarianization. These profits are argued to “come at a high cost for communities living near the plantations. In particular, the **company’s rush to get its plantations certified as “sustainable” is leading to a lot of trouble on the ground” (ibid.)**

It is such profits that motivate such investors to continue their attempts of searching for land wherever it is to meet their unending desire to accumulate. And for that reason, the company takes up land beyond even that which was granted on the lease by government. The report of the technical committee on the Malen chiefdom land dispute in Pujehun District of 2019 found that much as SOCFIN was leased a quantum of 18,473.03 hectares (45,647.29 acres), the company was actually occupying on ground 19,123.9879 hectares (47,256.403252 acres), illegally grabbing 1,609.113252 acres of land. (Government of Sierra Leone, 2019: 3).

Thus it did not engage in legal grabbing through the lease but also illegal grabbing by appropriating more than leased.

This unending desire to accumulate has not only affected people through loss of land and labor but also the environment in which they live. When Oakland Institute organized a conference on Development and Transformation in order to give peasant farmers and community members a platform to voice out their grievances to the concerned authorities in 2012, many issues were raised concerning the problems caused by the SOCFIN plantation and its industries. These argued that their poverty conditions had increased from the time the project was established.

People stated that they could hardly afford taking their children to school despite promises of a school by the company, and this was attributed to their inability to afford school fees since their only source of income, land, had been taken away from them. They also expressed high levels of hunger, "rising food prices and despoiled water supplies". Their social and cultural values had started disappearing due to the activities of investors (Baxter, 2012: 2).

Communities decried the overwhelming "environmental effects of the investors' operations" (ibid.). Federici et al. (2022) have shown that dangers emerging from the companies and factories due to investments include pollution of water sources and air, due to the extensive use of fertilizers and pesticides in agricultural plantations, and emissions from the oil industry.

The intensive use of chemicals and pesticides in industrial agriculture resulted in significant pollution in all cases reviewed. Pollution comes from runoff of fertilizers and pesticides used in industrial plantations, from the residues of processing plants, as well as from the biological effluents from workers.

The consequence of pollution by hazardous chemicals has multiple impacts—on food security through the loss of important livelihood sources such as fish, on crops and drinking water for livestock; on health of the locals with a rise of illnesses; as well as the loss of biodiversity and other negative environmental impacts... The plantation's extensive usage of chemicals and fertilizers has drastically worsened the water quality for local communities (ibid.)

The report of the technical committee of 2019 showed that people complained about emissions, noise, water from oil mills etc. affecting not only the land but also their life. The committee asked Sierra Leone Agricultural Research Institute to conduct a laboratory test on the soil and water samples. The tests were conducted but they were not helpful since, according to the committee, the report was evasive, i.e. it was neither here nor there. This perhaps may speak to the power the company has to a point of affording to influence the decision of the tests (Government of Sierra Leone, 2019: 7).

The emissions that come from the industry end up increasing the climatic conditions. Besides, River Malen, found in the Chiefdom of Malen was in 2015 named as the Worst river bodies in Sierra Leone and this was attributed to its "proximity to oil palm plantations" (Federici, ibid.). Other water logged areas like swamps in the plantation area are no longer suitable for subsistence farming because of contamination (Mittal, 2022). Sources indicate that forest cover in itself has started reducing in Sierra Leone and in West Africa in general and this is attributed to high rate of deforestation (Johnson et al., 2013). This can perhaps today be attributed to one fundamental logic: the logic of capitalism.

It can be thought of as both the expansion of the large-investment initiative like the SOCFIN palm oil plantation and oil industry or the fact that when people have no alternative means of survival after being dispossessed of their land, they resort to engaging in forest supported activities like “logging, slash-and-burn agriculture, and the cutting of trees for use as fuelwood” (Johnson et al, 2013: 329).

Thus, the increase in population when land is finite (and yet one entity, a palm oil company, wants to own almost everything at the expense of all members of the community) coupled with the other activities undertaken as alternatives have seen an increase in the rate of exploitation of the forest resources and their nutrients with a result that it has “outstripped the rate of regeneration by natural means” (ibid.).

In the case of Sierra Leone, the climate crisis can not only be attributed to land but also green and blue grabbing by SOCFIN company. The report of the technical committee on the Malen chiefdom land dispute in Pujehun District has established that despite the Environmental Impact Assessment report recommending having green belts or buffers of 500 meters around the villages and 50 meters along the land valley swamps and river banks, the company violated these provisions which it accented to (Government of Sierra Leone, 2019: 6). In fact, the logic of green and blue grabbing is exemplified in the company’s inclusion of swamps in its concessions despite the fact that swamps, forests and rivers are not supposed to be disposed or occupied by the company or any other person seeking economic/financial benefit out of it (ibid.: 6-7).

Thus it did not only take the land from people but also other ecosystem land like swamps and forests which would absorb the emissions. Even when the state attempts climate change mitigation and conservation measures (despite being minimal), these are argued to have met with weak enforcement thus worsening the situation. In fact, places which are designated as conservation areas are also serving capitalist interests either as tourist parks or land directly given to those who want to set up investment ventures (Johnson et al, 2013: 330).

The communities have not just sat on in these precarious conditions, they tried reporting to the agency in charge of environmental protection about for instance the “large amount of dead fish in the waters” and the reduction in sources of drinking water (which were later confirmed by an investigation as being caused by chemical pollution of the Malen).

In 2016, Malen Affected Land Owners and Users Association wrote a letter to the Minister of Political and Public Affairs asking for an independent investigation for peaceful resolution of land crisis in Malen following “the large-scale land acquisition by SOCFIN Agricultural Company and the maltreatment of land owners and land users by the company the chiefdom authorities.<sup>22</sup> The letter pointed to the arrests, beatings, detainments, trials and imprisonment of land owners and users for speaking and peacefully protesting against the “forceful acquisition of their land”.<sup>23</sup> The investigation report is argued to have initially been withheld.

22. Letter from Malen Affected Land Owners and Users Association to The Minister of Political and Public Affairs, July 22, 2016, Available at [https://www.fian.be/IMG/pdf/independent\\_investigation.pdf](https://www.fian.be/IMG/pdf/independent_investigation.pdf)

23. Letter from Malen Affected Land Owners and Users Association to The Minister of Political and Public Affairs, July 22, 2016.

This happens partly because as mentioned earlier, the state gave the company a blank cheque to do whatever it wanted with resources including water. Besides, being at the center of supporting land grabbing, reporting the investor to a state agency would be reporting a land grabber to a supervisor and/or guarantor of land grabbers.

As Sultana would tell us, the postcolonial neoliberal nation state has been and continues to be very complicit in involving itself in the “continuing colonial patterns in order to economically develop more as they work with the corporations and global institutions” even when this comes at “the expense of futures of their marginalized populations instead of increasing wellbeing and redefining the ‘good life’ beyond only economic growth”.

They are often conditioned by the most fundamental tools the neocolonial masters know how to use best, coercion and violence through loan/aid conditionalities and/or threats of embargos/restrictions/bans and sanctions [emphasis mine] (Sultana, 2022: 8).

### **a. Farmers fight on**

Farmers have not just looked on as their land is being grabbed by the capitalists. Right from the start, they put up a spirited resistance as a way of not only protecting a source of their livelihood, land, but also as a way of protecting themselves and their culture from extinction. Research by the Oakland institute has shown that on January 2019, people protested against the SOCFIN investment scheme (The Oakland Institute 2019).

Federici et al. have shown that earlier in the process of establishing the palm oil industry in Sierra Leone in 2011, people held a peaceful protest against the investment scheme. It is stated that over “a hundred landowners started a blockade in SOCFIN’s area in Malen chiefdom. The peaceful protest came about after several attempts by land owners to renegotiate the lease agreement signed by the government”.<sup>24</sup> This protest was not only about the investor but also against the state which had signed an agreement with the investor and their Paramount chief B.V.S. Kebbie who allowed such an investment.

On May 21, 2017, the Malen Youth Development Union (MaYoDU) held a meeting in the community of Sahn that brought together hundreds of disaffected chiefdom residents in which all SOCFIN workers were instructed “to stay away from work indefinitely from May 22, until the company reviewed their work conditions. This was coupled with other demands”.<sup>25</sup>

The sub-chiefs gave SOCFIN 21 days ultimatum to fulfill the demands. On June 2, 2017, Another group called the Youths Affected by SOCFIN Agricultural Company (YASAC) wrote a petition to president Ernest Bai Koroma supporting the 21 days’ ultimatum but also calling for the review of the land lease agreement. In here, this group demanded that the company should leave their chiefdom if their demands were not met. On June 4, 2017, YASAC is argued to have convened another meeting at Gondama villages in which they re-strategized to demand for the departure of SOCFIN if their demands were not met.

24. See <https://www.openlandcontracts.org/contract/ocds-591adf-1054510190/view#/pdf>

25. Action for Large Scale Acquisition Transparency, Press Statement, June 7, 2017, [https://www.fian.be/IMG/pdf/20170607\\_allat\\_press\\_release\\_on\\_socfin\\_and\\_malen\\_chiefdom.pdf](https://www.fian.be/IMG/pdf/20170607_allat_press_release_on_socfin_and_malen_chiefdom.pdf)

This is argued to have caused “a lot of tension in the chiefdom”.<sup>26</sup> But as is the nature and character of the modern state, violence was often the response to the protests both peaceful and violent.

The state decided to protect the investor than listen to the cries of the local communities. It is argued that by mid-October of 2011, about 40 people had been arrested and taken to prison. But these people had a few allies who offered to help them and one of them was an organization called Green Scenery and this “engaged a lawyer to ensure that the rights of land owners were respected. After three days, 25 people were released but 15 were charged on counts of riotous conduct, conspiracy, and threatening language and were kept behind bars in Pujehun, the district’s capital” (Federici et al., 2022: 4).

The detained were denied bail but their lawyer insisted and later they appealed in the high court which “ruled in favor of the accused and guaranteed them bail. Since the release of the “15” (as they are now regarded) on October 18, 2011, several court hearings have been set up by the Magistrate court, but only two were held”. The cases against them are allegedly forged cases to a point that the Local Unit Commander of the Pujehun District who was the key witness failed to give testimony when a hearing was slated in 2012 on March 3 (Federici et al., 2022: 4).

The arrest of these did not scare away the people completely and perhaps since they had nothing left, they continued with the protests. The farmers’ cries attracted more allies to the struggle against the investment company. In March 2012, it is argued that an organization called Leonean organization MALOA “issued a petition objecting to the certification of SOCFIN’s SAC plantation by RSPO”. The petition was signed by a multitude of 1,475 community members (The Oakland Institute, 2022)<sup>27,28</sup> The RSPO which is ideally meant to protect the people is argued to be disinterested in listening to their cries.

As noted earlier, even those who resist are criminalized including human rights defenders in various non-government organizations. Such kind of resistance against SOCFIN is not only happening in Sierra Leone, they are also happening in other countries in affected communities like in the Community of Marioba near the Okumu oil company in Nigeria in March 2022 (see Mittal 2022) and the Community of Barranquilla de San Javier in Ecuador in 2019 (see Oakland Institute 2022).

The likelihood that the farmers can be successful is possible but very hard. This is because, they are not only fighting the investor and the investment but also other bigger forces like the state and IFIs that seek to see that primitive accumulation does not stop.

26. Action for Large Scale Acquisitoon Transparency, Press Statement, June 7, 2017.

27. See also Malen Affected Land Owners and Users Association (MALOA), Petition Objecting the RSPO certification of SOCFIN Sierra Leon, October 3, 2022, <https://www.fian.be/IMG/pdf/220321-maloe-rspo-petition.pdf> (see the petition on this link).

28. In a petition from the Malen Land Owners Association MALOA in Malen Chiefdom to the District Officer Pujehun District, on October 2, 2011, 12 cases were presented as constituting their grievances against SOCFIN. These included improper consultation, lack of transparency especially hiding land lease information from land owners, pressure applied on chiefs and land owners to thumb print and sign the agreement, inadequate compensation, high level of corruption, destruction of livelihoods of land owners, appalling working conditions equated to near slavery, lack of proper documentation of financial transactions with land owners, non-payment of compensation to land owners, failure to mark boundaries of family lands before clearing, the request for the removal of the welt hunger hlife project from the Malen chiefdom and destruction of biodiversity of ecosystems. Petition from from the Malen Land Owners Association MALOA in Malen Chiefdom to the District Officer Pujehun District, on October 2, 2011, available at [https://www.fian.be/IMG/pdf/maloe\\_grievances\\_of\\_land\\_owners\\_october\\_2011.pdf](https://www.fian.be/IMG/pdf/maloe_grievances_of_land_owners_october_2011.pdf) ; Human Rights Defenders in Sierra Leone, “Report of the fact finding mission on the human rights situation in Malen Chiefdom after the violent incidents in January 2019”, January 29, 2019, [https://www.fian.be/IMG/pdf/report\\_on\\_malen\\_incident\\_final\\_version.pdf](https://www.fian.be/IMG/pdf/report_on_malen_incident_final_version.pdf)

When we draw on Bassan et al's concept of Land Use Displacement (the idea that countries in the global North and of recent middle East increase their land use areas and forest land at the expense of those countries where they import food from like Sierra Leone), we see that the food needs, land reduction and climate crisis in the global north has to be transferred to the global south at any cost—including grabbing land and violence (Bassan et al., 2020: 84).

Whether the farmers in the communities were successful in their fight against dispossession, oppression and exploitation or not, the most fundamental thing that we can take from their struggle is that it sends a message out to the world that they are not passive and just looking on when their land is being taken, when the environment is getting destroyed, when they are suffering the effects of climate change and when under oppression, they are fighting through the means available to them. This challenge to the imperial, colonial, neocolonial and capitalist tendencies speaks to how historically marginalized farmers and other oppressed and marginalized people have been fighting (see for instance Fanon, 1963) and continue to put up a spirited fight.

### **Making sense of the ECOWAS Regional Climate Strategy in the Context of Land Acquisition, Development and the Politics of Climate Change**

In 2022, 15 member states of the Economic Commission of West African States came together to formulate an ECOWAS Regional Climate Strategy in order to address an overarching problem of climate change. These states justified their coming together within a framework of regional solidarity by claiming that they wanted to reduce the region's vulnerability by collectively facing the risks

induced by the impacts of climate change (ECOWAS Press Kit, 2022: 4). It was argued that by "adopting this strategy, ECOWAS is committing itself alongside and in support of its 15 Member States to make climate a priority for political action in the region" (ECOWAS Press Kit, 2022: 15).

It should be noted that the ECOWAS Regional Climate Strategy (here after ECOWAS RCS) emerges as a response to the limitations of the ECOWAS environmental policy (ECOWEP) which was adopted by member states in 2008 with an objective (which was global) of "reversing the far-reaching tendencies of degradation and reduction of natural resources, life environments, in order to ensure the establishment in the region of a healthy environment that is easy to live in and productive, thus improving the living conditions of the populations of the regional areas" (ECOWAS, 2022: 25).

The limitation of ECOWEP was that the question of climate change was not expressly considered and it was limited to only issues to do with the environment (ibid.). The realization of that problem forced the member states to come up with a particular strategic program to deal with climate change and by 2010, it had been adopted. Its aim was on "reducing vulnerability and adapting to climate change" with a goal of ensuring that by 2030, "all West African countries have the human, technical and financial resources to protect their human and natural systems from the adverse effects of climate change" (ibid.).

Many other programs were designed following that, including "Renewable energy policy (2015), Intervention framework for climate-smart agriculture in the Sahel and West Africa (2015), Strategic framework for the 2025 horizon of the ECOWAS Agricultural Policy

(2017), ECOWAS Strategy and Action Plan for Gender-Based Disaster Risk Reduction (2020), etc.” (ibid.). It was this earlier realization that informed the need for a comprehensive framework which would deal with the question of climate change thus the ECOWAS RCS (ibid.: 26).

The ECOWAS RCS feeds into the ECOWAS vision of 2050 and a continental climate strategy of the African Union (AU) 2020-2030 all of which are in line with the Paris Agreement (ibid.: 8). It also was formulated with the aim of contributing to the UN Global Sustainable Development Goals (we should note that sustainable development goals are not meant to sustain anything for the global south especially the poor sections of those communities).

At continental level, the strategy feeds into the African Unions climate change and resilient development strategy and action plan (2022-2032) which derives its mandate from the AU’s agenda 2063 which states: “the Africa we want, resilient to climate change” with an objective of ensuring “the achievement of the Agenda 2063 Vision by building the resilience of the African continent to the impacts of climate change” (ECOWAS, 2022: 56). ECOWAS Regional Climate Strategy (RCS) document shows that it is not only important but also urgent for such efforts to contribute to the “global response initiated with the adoption of the Paris Agreement on climate at the 21st Conference of the Parties (COP21) in the UNFCCC” (ECOWAS, 2022: 20).

Hence the strategy aims to contribute to a global strategy but we should note that these global initiatives are not aimed at dealing with the climate crisis for the sake of Africa or the global south but for the sake of ensuring the capitalist accumulation at a global scale, either

through transferring the burden of dealing with climate challenges through what has been termed as ‘emission trading’ (UN EPA, 2023; Reichle, 2023) and what other climate advocates are calling climate reparations (Taiwo, 2022) but without stopping the emission and destruction by most so called developed countries. The fact that the strategy has to fulfill the internationally designed strategies whose formulation is dominated by the global north can constitute what Walter Mignolo (2012) called ‘global designs’ which are imposed on the different historical experiences of the ‘global south’, and for this case west African experiences.

Such ‘global designs’ homogenize the ways in which different countries and communities experience the climate crisis despite the disparities. This does not only result into ‘coloniality of power’ (Quijano, 2000), but also ‘coloniality of climate’ (Sultana 2022) both of which are very hegemonic relations which often seek to promote “conformity, compliance and are resistant to refusal” to international frameworks (Sultana, 2022: 9).

ECOWAS RCS was established with a vision of ensuring a community that “is resilient to the effects and impacts of climate change and that has managed to seize the associated economic opportunities in favor of long-term, low-carbon, sustainable development” (ECOWAS 2022: 55). To deeply understand the ECOWAS strategy and the potential it provides in terms of dealing with climate change, we need to critically engage with its objectives and the strategies it put in place to achieve those objectives. Its general objective was “to support the Member States in overcoming the challenge of the fight against climate change, in particular for the achievement of their commitments under the Paris Agreement”.

Achieving this objective would require breaking it down into smaller actionable objectives which were termed as strategic objectives. The ECOWAS RCS was thus founded on six strategic objectives:

- 1) Ensure that the regional policy framework is compatible and consistent with the global objectives of the Paris Agreement. By means of systematic evaluation of its compatibility with these objectives;
- 2) Develop the ability to anticipate and to take informed decisions to manage current and future climate risks. In particular, biophysical, socio-economic and macro-economic risks and gender-related differential vulnerabilities;
- 3) Encourage an institutional and organizational paradigm shift regarding climate change. In particular, by means of the holistic integration of the fight against climate change into ECOWAS' *modi operandi*, including by allowing its institutional arrangements to evolve;
- 4) Build the capacities of ECOWAS and its Member States for the implementation of policies and actions to combat climate change. In particular, through education, gender mainstreaming, entrepreneurship, innovation, support for research and technological development, so as to seize economic opportunities and develop sectors of the future, the blue and green economy;

5) Strengthen cooperation and solidarity among Member States vis-à-vis climate change. Particularly in the development of urgent response coordination mechanisms, the rebalancing of climate financing flows, the promotion of concerted and collaborative actions tackling cross-border issues and cohesion of national positions in international negotiations on climate;

6) Promote new approaches to mobilizing internal and external financial resources

(ECOWAS, 2022: 57; Kebba, 2022).

Now these objectives were to be achieved through three fields, i.e., in terms of the organization, the areas of competence and lastly the political dialogue with the Member States. The most important of these three is the last field especially because it's partly being hinged on the idea that it "involves making arrangements to enable ECOWAS and its Member States to speak with one voice" (ECOWAS 2022: 58). I want to suggest that the coming together was not necessarily about having a collective voice but what I call "The Voice".

Here when states come together, the sub-continental/regional State's Voice becomes a core fundamental voice whose violation may lead to retaliations from other member states. Here, the states indeed acted like the State, the violent hegemonic state which assumes that what the state says has to be the most legitimate mode of mitigation and adaptation.

Other unique alternative voices would least matter when 'The Voce' is fronted. Other voices especially voices from the ordinary people who are affected are less reflected in the midst of the dominant voice. As such, the strategy does not in any way think of rethinking the nature and character of the states (which form the voice) themselves in postcolonial West Africa.

The strategy touches the question of land in its approaches to dealing with the climate crisis and it comes in its mitigation measures which number up to 280. The strategy under its Agriculture, Forestry and Other Land Uses (AFOLU) framework shows that it intends to "reabsorb the loss of forest cover", to sustainably manage forest resources and to "fight against land degradation in the ECOWAS countries" (ECOWAS 2022: 96-97). The last point on the fight against land grabbing is intriguing because the actions proposed to ensure this is achieved beg questions.

The actions include: "encourage and support Member States in the implementation of plans and programmes to combat land degradation; Define a regulatory framework for the fight against land degradation at regional level; and encourage the development of a region-wide innovative financing mechanism for sustainable land management" (ECOWAS 2022: 142).

The bigger question as to why climate crisis is happening is partly due to the unending desire by capital to accumulate which forces capitalists (that come in the name of investors) to emit a lot of Green House Gases (GHG), to grab people's land (thereby forcing them into encroaching on other ecosystem land like forests and wetlands) and the green and blue grabbing by these very companies and factories.

It is interesting to note that the ECOWAS RCS does not put the question of dealing with these accumulation initiatives by capitalists as core and instead is focused on dealing with the effects of such. But this is not surprising because the strategy is just building on and promoting the globally designed frameworks like the UNFCCC and the Kyoto protocol which are designed and funded by the very institutions which support primitive capital accumulation like the World Bank.

This puts to question the potential this strategy offers in emancipating the people from climate change colonialism which is perpetuated by capitalist individuals, institutions and companies. The idea that we can deal with climate change when we do not reduce the rate at which capitalists emit, destroy green cover and water puts to question the very logic of this strategy.

This is not because the global capitalist framers of the climate fight frameworks are ignorant about its limitations but because they have decided to commit a "climate apartheid" through a "socio-spatial differentiation in who pays the disproportionate price" (Sultana, 2022: 5).

They do not only extend the colonial logic but also continue to put the climate burden on the poor sections of the global south in new and multiple ways. This is done in a way that they continue to shield "luxury emission" from the global north and condemn "survival emission" (ibid.) from the global south and yet those who are condemned and asked to stop emitting are burdened with dealing with the crisis through initiatives like the ECOWAS CRS. They have done this through establishing what Sultana has called "sacrifice zones" and "international climate change negotiations and targets" (ibid.).

Secondly, much as the strategy speaks about supporting partner states to fight the crisis of climate change especially by availing them with funds and other technical support, it does not put to question the very states that it seeks to support. Most postcolonial neoliberal states have historically been behind promoting any attempts which contribute to climate change and land grabbing.

So coming up with a strategy to be implemented by these very states in their current form is to throw the people in these countries from a flying pan direct into fire, and this time round fire which is continuously fueled by financial support from the strategy and partner International Financial Institution (IFI). How sure can we be that the climate strategy of the region will not in the end facilitate land grabbing through its mitigation strategies like climate smart agriculture and clean energy initiatives which require acquisition of land from people for their establishment, given the history of the state allocating land to the so-called investors? In Sierra Leone for instance, the President, Julius Maada Bio, opened the extension of the SOCFIN company mill on 22 February 2021 (SOCFIN, 2021). The head of state encourages activities that contribute to emissions and yet he is among those endorsing the regional strategy for climate change.

The belief that the ECOWAS CRS will abet the climate crisis perhaps was hinged on the assumption that West African nation states have the same stake and play equal roles on the international scene when it comes to designing the frameworks whose propositions they followed to design the ECOWAS CRS but this obviously is not the case. Sultana has shown us that the international field where these treaties, frameworks, agreements, development interventions, climate finance negotiations and protocols are made is full

of unequal negotiating power (Sultana, 2022). The colonial logic of hierarchization, domination and control plays way too much in such fields to a point that they influence what you do and the result your interventions can make (ibid.: 5).

Thirdly, we can note that the response to the climate crisis was couched in the language of development without even for a minute questioning what development means. This very notion of development has been historically used to exploit and grab peoples land but most importantly it is the major reason why the climate crisis continues because it is embodied with interests of primitive accumulation. In other words, the question of development has always been problematic for the African continent and has been used to achieve particular aims of power and capital and the lack of concern about what development has done to the communities gives reasons to worry and question the strategy (Lunyago 2023). Questions of "green capitalism, capitalism and market-based technocratic interventions, ideologies of net-zero carbon instead of real/negative zero carbon, and continued capitalist solutions" have no potential let alone the intention of solving "structural and systemic problems". (Sultana, 2022: 5).

We ought to note however, that there have been internal critiques within West Africa about the strategy but their focus has often been on the question of the capacity of the west African states or the coalition to implement and fund its implementation. For instance, Kebba (2022) has shown that the critiques have been on the lack of detail "on critical issues for achieving the progress, including finance and leadership".

As such, those who attempt a critique of the strategy focus on capacity and ability to fund and manage ignoring the very important and critical structural questions: the question of the increasing desire by capital to accumulate, the question of the nature of the states which are charged with the mandate to implement it and to ensure its supervision, the question of ill-defined development, and the neocolonial tendencies by the IFIs. In other words, if we place this strategy in the larger debates on land grabbing, climate change politics and development, we realize that it has less potential in terms of redeeming the ordinary people and their communities from climate change vagaries than promoting it.

## **CONCLUSION**

The chapter has offered a reflection on the nexus between large-scale land acquisition (preferably land grabbing) and the politics of climate change in the Context of West Africa. It does this through offering a critical engagement with the ECOWAS Regional Climate Strategy. It shows that the strategy may have less potential in offering possibilities of dealing with the question of climate change and this is partly attributed to its current framing which betrays its supposed intentions.

First, the strategy follows global designs which serve interests of capital and power than resolve the climate crisis. I have argued in this chapter that any serious intervention in the climate crisis has to take seriously the link between climate change politics and land grabbing, and engage with the nature and character of the state especially in a postcolonial neoliberal context. Only then can we be able to think of ways to deal with the double crisis of land grabbing and climate change.

The failure of the ECOWAS RCS to comprehensively think about this points to its limitations and the limited potential it has in dealing with climate change. It will take a historical re-contextualization of the question of land grabbing and the politics of climate change to imagine a somewhat viable alternative. Second, the chapter questions the strategy for its embracement of the international one size fit all alternatives to land grabbing and climate change because such obscure the unique ways in which communities, countries and people experience climate change.

In the end, the solutions offered may end up serving particular interests. In other words, the ECOWAS RCS, the governments and other institutions involved may pretend to want to fight climate change but they forget one thing: they have to begin by fighting 'climate coloniality' and rethinking themselves. This is partly because "climate coloniality is perpetuated through global land and water grabs, REDD+ programs, neoliberal conservations projects, rare earth mineral mining, deforestation for growth, fossil fuel warfare, and new green revolutions for agriculture – which benefit a few while dispossessing larger numbers of historically-impooverished communities, often elsewhere" (Sultana, 2022: 4).

In the end, interventions like ECOWAS CRS which are informed by global capitalist institutions and sanctioned largely by states end up promoting land grabbing, and "geopolitical climate necropolitics". The idea of international frameworks, discourses and development initiatives having to inform national discussions about the same does one thing: they not only marginalize and devalorize context-specific modes of being and knowing but also promote universal hegemonic

knowledge and epistemology on climate, land, development and land use thereby sustaining a longstanding colonial matrix of power. If we are to imagine possibilities of dealing with the climate crisis, I suggest that we need to think broadly about a decolonial approach that takes seriously not only the structural and epistemological questions but also the larger “material outcomes and lived experiences engendered by fossil fuel capitalism, neoliberal development paradigms, endless growth ideologies, misdistribution of material wellbeing” (Sultana 2022: 6). It means dealing with and questioning the intricacies and complexities of colonialism, imperialism, neoliberalism and capitalism while at the same time questioning the nature and character of the state that we have.

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# WHO IS REAPING THE REWARDS FROM OUR SUB-SOIL RESOURCES?

*Ibrahima Thiam & Roland Kwain Ngam*



## INTRODUCTION

Does resource extraction really lead to development? After over half a century of exploiting its mineral resources, is Africa reaping the full benefits of its underground resources? Also, are the short, medium and long-term benefits worth the destruction that we inflict on the environment year after year? These are the questions that Senegal is grappling with right now.

In a country where the per capita income does not exceed 1640 dollars, where the poverty rate, despite all the economic efforts made since independence (1960), cannot adequately meet social demand, where young people, who account for more than 60% of the population, venture into illegal immigration seeking greener pastures by crossing the Mediterranean into Europe and the Atlantic to the Americas; where agriculture, which employs 70% of the population, is unable to guarantee food self-sufficiency; where the unemployment rate has reached 21%; and where economic policy is subject to the austerity policies imposed by international

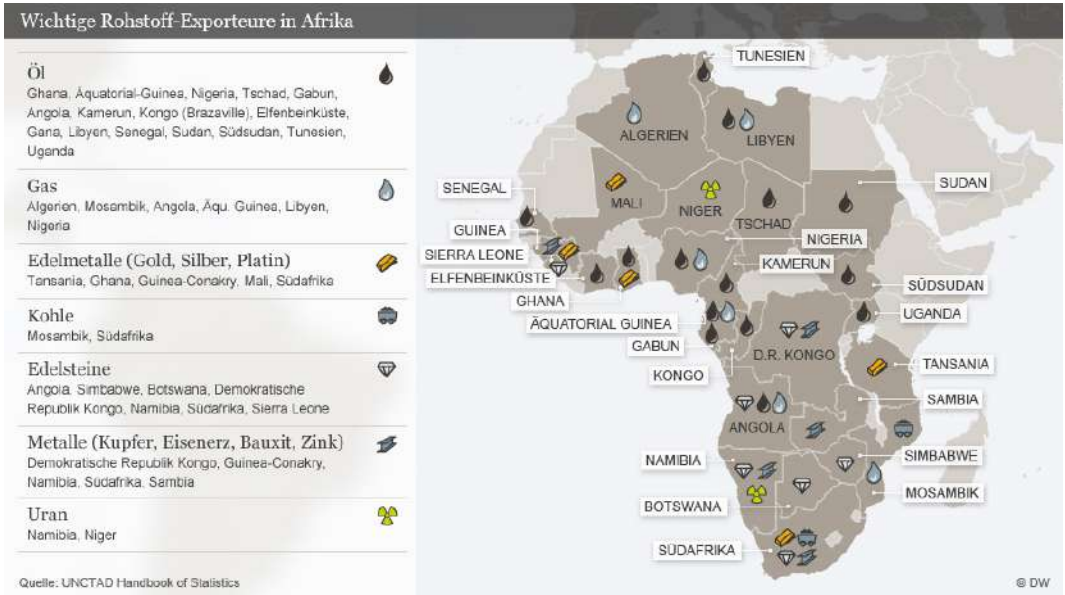
financial institutions such as the World Bank and the International Monetary Fund (IMF), would calling for a halt to exploiting our resources be tantamount to suicide?

Africa is a resource rich continent. However, there is no country that we can honestly point to and say that they have used their resources to develop in a sustainable and proper manner. Let us be clear, we are not among those who think Africa's natural resources are a curse. On the contrary, they are a potential that our States can harness to drive economic growth, provided they are well managed.

However, we must ask: would the oldest continent not rather focus on unlocking its renewable energy potential now while preserving its resources until they are ready for proper management? Instead of remaining in the unprocessed export paradigm forever, would it not be more appropriate to increase beneficiation before export or preferably beneficiation for local use? Finally, should Africa not refrain from exploiting its resources until they are ready?



## The economic, environmental and socio-political ambiguity of resource exploitation in Africa



Source: <https://www.dw.com/fr/%C3%A0-qui-profitent-les-ressources-naturelles/a-16509892>

### A rich continent whose riches are enjoyed elsewhere

The African continent has some of the world's largest deposits of mineral resource (30% of global reserves in oil, gas and transition minerals). Nearly three-quarters of Africa's oil reserves are in the Gulf of Guinea (Angola, Equatorial Guinea, Nigeria, Congo, Cameroon and Gabon). This is why that real estate has a high concentration of Western oil companies such as Exxon Mobil, Shell, BP, Elf as well as local ones such as Nigeria's NNPC.

The Continent holds 54% of the world's platinum reserves, 78% of its diamond reserves, 40% of its chromium reserves and 28% of its manganese reserves. Countries such as the Democratic Republic of the Congo (DRC), Zambia, Niger and South Africa are teeming with strategic raw materials such as copper, coltan (used in manufacturing mobile phones), uranium, diamond and gold.

Africa is also home to some of the world's largest fresh water deposits (the 6,895 km long Nile, the 230 million hectares-wide Congo Basin) as well as vast stretches of arable land, 90% of which is still undeveloped.

Africa began exploiting hydrocarbons in the 1950s with Algeria, Gabon and Congo, followed by Angola, Nigeria and Libya in the 1960s. The leading oil producer in Africa, Nigeria, generated 1.861 million barrels per day, followed by Gabon, the sub-region's second largest producer (212,000 barrels per day). Although the exploitation of Africa's resources had raised many hopes of better living standards for all from the sixties, most countries have never reaped any significant positive developmental rewards. Instead, exploitation has become synonymous with pollution, lack of transparency, violence, corruption and so on.

Apart from Botswana, it will be hard to find countries that have been any exception to this rule. The continent is littered with broken promises and arrested development.

Chinese companies in South Kivu in the Democratic Republic of the Congo prey on the local authorities' corrupt ways and local militias' support to access mines. Gold mining is exempt from taxation. Congolese militias use mineral wealth to obtain cash, weapons and food rations. According to Mr Ibrahim Thiaw, Under-Secretary-General of the United Nations and Executive Secretary of the United Nations Convention to Combat Desertification (UNCCD), this situation is fuelling internal conflicts, the continuation of which benefits both traffickers and miners.

He contends that 90% of the major armed conflicts between 1950 and 2000 occurred in countries with rich biodiversity and mineral deposits. A 2003 World Bank report revealed that over the past 40 years, developing countries with no natural resources had developed two or three times faster than resource-rich countries.

The documentary Arlit further illustrates this messy legacy in another country, Niger, where at the opening of a uranium mine, the President vowed that this precious resource would turn Arlit into a city like Paris. Today, Arlit has become a hellhole with tall mine dumps killing the local population slowly. The environment and groundwater have been contaminated. Whereas 80% of France's energy needs depend on uranium, some of which comes from Niger, that country ranks among the five poorest countries in the world.

Nigeria is another case in point. Fifty years of oil production have made the country one of Africa's giants...on paper.

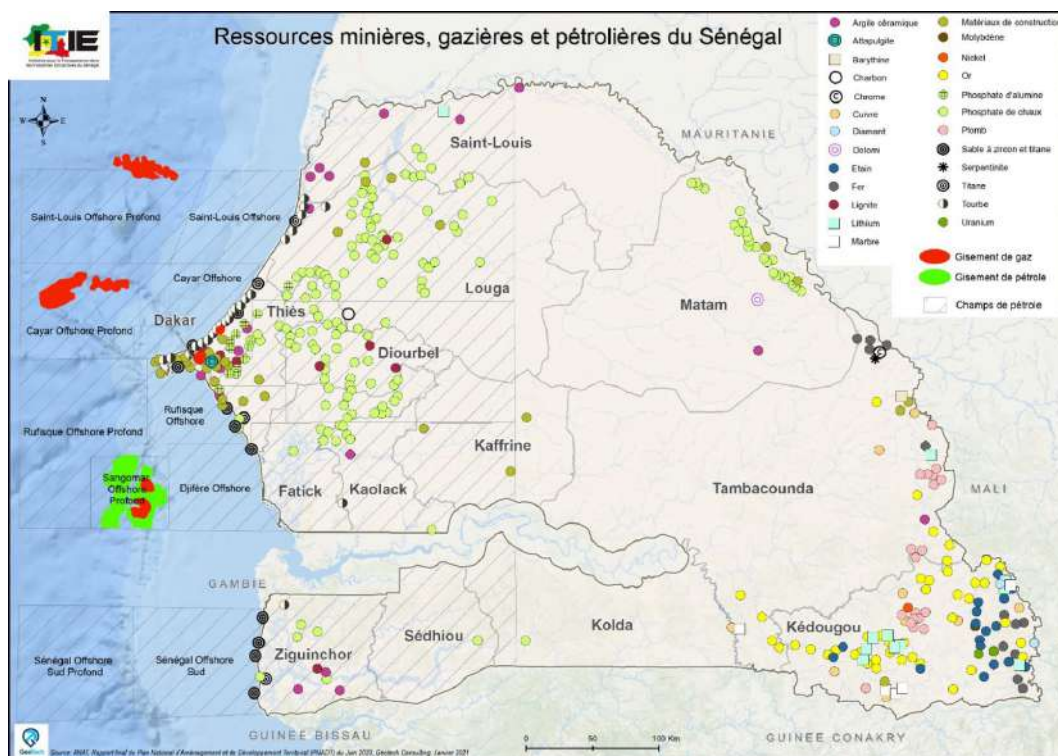
The country is an oligarchy, ruled by a small group of connected politicians and dollar multimillionaires who either made their money through oil or government tenders. The rest of the country lives in abject poverty. Nigeria's oil and gas legacy includes the pollution of the Niger Delta, the destruction of fishing and agriculture (between 2011 and 2017, almost 18 million litres of crude oil contaminated the soil and water of Africa's largest mangrove swamp), insecurity and militarization, corruption and so on.

The country is a hotbed of religious, ethnic and environmental conflicts and crises. A total of 112 million Nigerians live on less than \$1.90 a day; 10 million do not attend school, 130 million are without sanitation facilities, and 57 million have no access to drinking water.

### **The third scramble for Africa**

Africa seems to be the new destination for Western leaders looking to expand the frontier of capital accumulation. Natural resources are the primary incentive driving this new interest in Africa. The statistics bear this out. According to The Economist, 320 foreign embassies opened in Africa between 2010 and 2016. China, for example, increased its investment by 226%, India by 292% and Europe by 41%.

In addition to mining contracts, military agreements are also being signed every day. Russia's Wagner Group is the poster child of this new privatisation of security on the continent. The discovery of gas and oil, especially against the backdrop of the European energy crisis due to the war in Ukraine, has made Senegal a highly sought-after country.



Source: <https://itie.sn/statistiques-minieres/>

## Senegal: an exception to the rule?

The long-awaited take-off of oil and gas production in Senegal is viewed by most Senegalese as a turning point in a new economic era for the country. Off the coast of Saint-Louis, along the Senegalese-Mauritanian border, BP has built gas extraction facilities with the aim of liquefying the gas in a terminal and selling it as liquefied natural gas (LNG). Production is due to start in 2023, with an initial capacity of around 2.5 million tonnes per year. This figure is set to rise to 10 million tonnes a year in the long term. Senegal expects revenues from gas extraction to reach CFA F 888 billion (around €1.4 billion) between 2023 and 2025.

Cayar, a fishing village situated more than 65 kilometres from Dakar, is where Senegal's first offshore oil field, Teranga, is planned to be located within the Cayar Offshore Profond block. It is almost 100 km south of Guembeul-1 in the St Louis Offshore Profond block. The Cayar gas reserves are estimated at 1,400 billion cubic metres.

The Sangomar field, which contains both oil and gas, is 100 km from Dakar. It covers an area of 400 km<sup>2</sup>, with water depths ranging from 700 to 1400 m, and has a production capacity of 230 million barrels of crude oil. However, the oilfields are situated opposite the Saloum delta, home to around twenty islands whose main economic activities are fishing, oyster harvesting and processing by women (4,800 women). The Saloum delta is a UNESCO World Heritage site with marine protected areas, parks, and pristine water sources.

## Fishing activities hang in the balance

In Saint-Louis, Cayar and the Saloum delta, public discussion is no longer about the effects of climate change destroying their homes and biodiversity but about the consequences of future oil and gas extraction by Senegal. Undoubtedly, these fishing areas will suffer the effects of exploitation, as they are located in fish-rich areas. The mood in Saint-Louis is not so much one of euphoria as a concern - the worries of a fishing community that has been fishing in the region for over a thousand years. For these people, fishing is not just an economic activity but also part of their culture, with its attendant ritual, recreational and social dimensions.

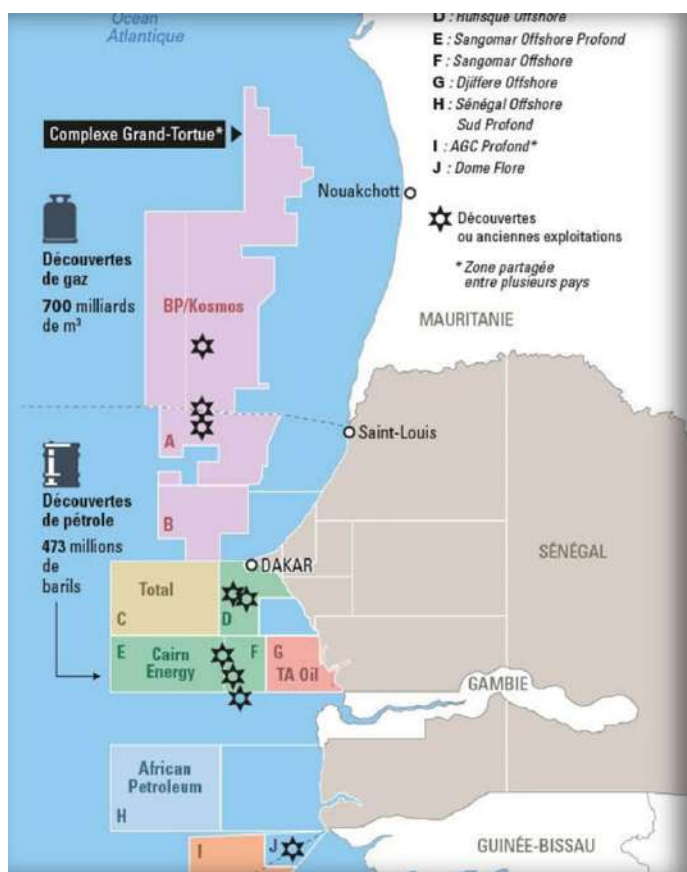
Fishing is closely linked to the prevailing forms of community life. Fishermen share particular types of solidarity - for example, they always provide fish for retired fishermen who can no longer work. A fisherman's whole life revolves around catching fish. Religious ceremonies, meetings and baptisms all follow the fishing calendar. When an old fisherman dies, it is not uncommon for part of his canoe or fishing boat to be taken out and used to mark his grave. Over 20,000 canoes fish along Senegal's 700 kilometres of coastline, where they compete with around 160 industrial fishing boats. It is the same story in other fishing areas.

Cayar has a natural trench measuring over 1,235 metres deep and 3,000 metres wide. It is a fish breeding ground that has become a marine protected area stretching over 171 km<sup>2</sup>.

Senegal's fisheries sector generates more than 600,000 jobs and is worth around CFAF 200 billion. Despite the challenges posed by the presence of foreign boats and climate change, small-scale fishing accounted for 525,108 tonnes of fish in 2021, equivalent to 15% of the total working population. Can such a sector compete with oil and gas production in Senegal? If the Senegalese government decided to forgo oil and gas production for fishing, it would be for ecological rather than economic reasons. As was pointed out at the start of our work, could a country like Senegal afford to do this to protect the climate and help save the planet? Such an outcome is highly unlikely given the commitments already undertaken by the State of Senegal in the areas of research, platform installation and exploitation.

***"We have an agreement with the G7, through the Just Energy Transition Partnership (JETP), in which Senegal undertakes to increase the share of renewable energy to 40% (of the country's mix) by 2030"***





Source: Énergies renouvelables: l'énorme potentiel du Sénégal - DW - 23/05/2022

However, because of the energy crisis in Europe, Germany is very interested in Senegalese gas. Developing infrastructure projects to produce liquefied natural gas (LNG) in Africa is closely intertwined with European countries' dependence on fossil fuels. Not only does this not help our countries to get out of debt, it also delays their transition to renewable energies. This is not merely a climate issue, but we have to assess the results of more than 60 years of hydrocarbon exploitation to be sure that history is not repeating itself yet again.

As part of its policy to promote renewable energies, the State of Senegal made a commitment alongside Germany. Promises were made to connect 168 MW of solar PV, 51 MW of wind power and 75 MW of hydroelectricity to the grid by the end of 2019, accounting for 22% of the country's total electricity production.

Senegal's rural electrification rate is close to 42%. 13,000 of the country's 21,000 villages have not yet been electrified although the country has abundant renewable energy resources, mainly solar and wind power. With technical assistance from Germany, Senegal could now hope to meet 100% of its energy needs from renewable sources. This would pave the way for the rest of Africa to move towards clean energy.

## What alternatives for Africa?

Despite its proven potential, Europe is not showing a strong interest in investing in renewable energies in Africa. Global investment in renewable energy soared by 9% year-on-year to reach an all-time high last year. However, it plummeted by 35% in Africa, which accounts for just 0.6% of the 434 billion dollars invested in renewable energy worldwide.

According to a report issued on Wednesday, 9 November, by the energy consultancy BloombergNEF (BNEF), the level of investment in renewable energy in Africa is “alarmingly low” despite the continent’s immense potential. This report, published at the UN Climate Change Conference in Sharm El-Sheikh (COP27) and championed as an “African COP” by the Egyptian presidency, states that “only \$2.6 billion in capital was committed to wind, solar, geothermal and other renewable energy projects in 2021, the lowest level in eleven years”.

BNEF further pointed out that the continent, which is still heavily reliant on polluting and costly fossil fuels for electricity generation, has fallen behind “despite Africa’s exceptional natural resources, rapidly growing demand for electricity and an improving policy framework”. Although Africa has demonstrable solar energy potential, it accounts for only 1.3% of the world’s installed solar energy capacity.

The report also highlights the significant concentration of investment in just a few countries: South Africa, Egypt, Kenya and Morocco, which have accounted for almost three-quarters of overall investment since 2010. Michael Bloomberg, UN Special Envoy for Climate Action has lamented that investment in clean energy in Africa is at an alarmingly low level.

He adds that “changing this will require new levels of collaboration to identify viable clean energy projects and provide them with more private financing and public support in order to turn Africa’s potential as a world leader in clean energy into reality”. Some experts from the Global North believe that there are a number of barriers restricting the roll-out of renewable energies in Africa, including poor understanding by national investors of the opportunities in the sector and a lack of planning to promote the expansion of electricity grids.

They recommend drawing inspiration from countries that have successfully cleared these hurdles, highlighting, for example, success stories of tenders in Brazil and the support provided by Mexico’s national development bank.

The Africa Climate Summit made a lot of advocacy around unlocking carbon markets and green and blue bonds for Africa. Kenya’ President William Ruto implored Western leaders at the event: “we can help others achieve their net zero objectives”. The world has adopted ambitious cuts to CO2 emissions in order to limit global warming to 1.5 degrees relative to preindustrial levels. That requires bold Nationally Determined Contributions from all countries. It is in this regard that the cry of “keep it in the ground” has grown louder everywhere.

However, a number of things must be said. Firstly, African countries must decarbonise because they believe that it is the right and most efficient thing to do and not because they are being forced to do so. Decarbonisation in Africa cannot just be because other countries are struggling with their political constituencies and so Africa is needed to step in once again to do the heavy lifting.

Doing others a favour does not in any way help the planet to cut down on emissions. In the same way African leaders ask for accountability from foreign nations, they too much uphold the highest standards of accountability within their own borders. Too often, the right to say no is trampled upon. Most African countries have adopted legislation showing that a country's underground resources belong to the central government.

Some recognise the leasehold owner's rights over the land. This typically does not translate to a community having the ability to say that natural resources found in their area belongs to them and they will figure out what is good for them before they decide what to do with it, as the Xolobeni example in South Africa shows.

Also, Africa cannot decarbonise without the necessary support from the countries that are responsible for the biggest levels of pollution since the start of the modern economic era. The countries that are guilty of unprecedented levels of pollution, toxic dumps on farmlands and in river sources, CO2 dumps in the atmosphere and the worse kinds of brutality against Global South countries must work harder to help these countries achieve their net zero objectives.

Western countries must quickly open up their countries to provide African towns and villages with the credit that they need to build resilient communities and infrastructure. If this support is not forthcoming, can anyone blame African countries for turning to coal and gas?

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