



ALLIANCE FOR FOOD SOVEREIGNTY IN AFRICA

Summary Report



**OPPORTUNITIES FOR STRENGTHENING COMMUNITY
LAND RIGHTS IN AFRICA**



Opportunities for Strengthening Community Land Rights in Africa

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The Alliance for Food Sovereignty in Africa brings together small-scale food producers, pastoralists, fisherfolk, indigenous peoples, farmers' networks, faith groups, consumer associations, youth associations, civil societies and activists from across the continent of Africa to create a united and louder voice for food sovereignty.

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Introduction

Across Africa, sweeping economic, social and geopolitical changes over recent decades have led to profound deformations in the use of land and natural resources. Competing demands for land have generated a massive expansion in cropland, widespread deforestation and mineral exploitation, loss of pasturelands, urbanisation, soil degradation and desertification.

Meanwhile, millions of people throughout the continent have lost their land via a new wave of 'land grabs' since the turn of the Millennium. Land reforms intended to provide secure tenure for rural communities have been glacially slow, and traditional and customary forms of land ownership still lack sufficient recognition or protection in most African countries.

This paper summarises the main drivers influencing current land use trends in Africa, and assesses the extent to which initiatives at the global, continental and regional levels are shaping land governance regimes on the ground. It reviews the key policy processes currently influencing land rights regimes in Africa, and suggests where advocacy could usefully be pursued by African civil society to positively influence these opportunities.

Recent Trends and Drivers of Land Use Change in Africa.

One of the legacies of colonial occupation in Africa was a multiplicity of land administration systems. On the one hand, the imperial regimes (and subsequent post-colonial national governments) claimed all land, water and sub-surface resources to be property of the State, with large parcels of land expropriated and used for the production of export-oriented commodity crops, or designated for mining, and the introduction of private property laws akin to those in Europe. Yet in practice, most decisions regarding land use and distribution were still made via traditional (usually patriarchal) customary practices, often mediated by local chiefs and elders.

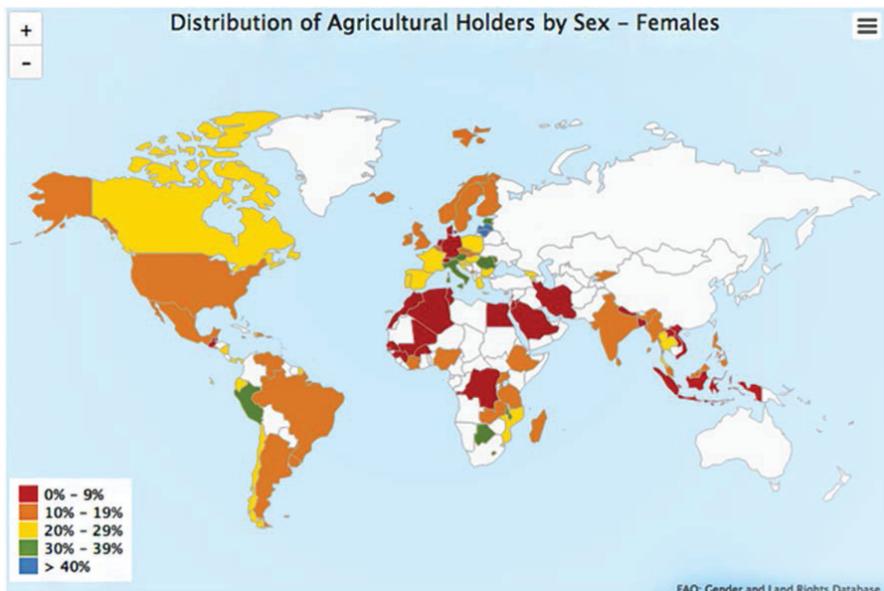
Over recent years, this legacy has become highly problematic, as a confluence of social and economic pressures have triggered changing demands on land use. *These include:*

- Growing interest in African land from foreign and domestic investors, both to meet food/ biofuel/ energy/ mineral demands on international commodity markets, and for speculative purposes.
- Dramatic demographic changes, with an increasing population that is set to nearly double by 2050.

- Huge internal migration within the continent, including people seeking livelihood opportunities, as well as internally displaced persons (IDPs) fleeing persecution, conflict, disasters and development projects.
- Rapid urbanisation, with a soon-to-be predominantly urban population.
- High-level political initiatives such as agricultural ‘growth corridors’ and the G8 backed New Alliance for Food Security and Nutrition have been

targeting new investments into large-scale commercial farming.

These pressures have triggered a huge surge in large-scale land acquisitions that have displaced millions of rural Africans. Between 2000-2016, African governments concluded 422 large-scale land deals with investors, covering an estimated ten million hectares. This new wave of ‘land grabs’ has been associated with multiple human rights abuses and social injustices. Poor land governance in Africa is also associated with persistent poverty, food insecurity, inequality, conflict and land degradation. Women are particularly vulnerable due to their weaker status as land claimants under both customary and formal land governance systems.



Source: FAO Gender and Land Rights Database: <http://www.fao.org/gender-landrights-database/data-map/statistics/en/>

Policies to Protect Community Land Rights

In response to widespread land grabs in Africa and other parts of the world, a number of international, continental and regional policy processes have arisen over the past decade to help promote responsible land governance.

At the global level, the Committee on World Food Security (CFS), housed within the UN Food and Agriculture Organization (FAO), has developed the *Voluntary Guidelines for the Responsible Governance of Tenure of land, fisheries and forests* (VGGT). These guidelines provide a progressive set of principles to guide governments in developing and implementing laws that strengthen community land rights. Because they were developed through a multi-stakeholder process, the VGGT also carry a high degree of legitimacy and enjoy widespread support. The FAO has been working to operationalise the VGGT at the national level in a number of African countries.

Another significant advancement at the international level has been the UN Declaration on the Rights of Indigenous Peoples, which recognises indigenous peoples' rights to their ancestral lands, including those traditionally held by indigenous peoples but now controlled by others. The Declaration also instructs States to take measures to uphold and promote the rights of indigenous

"Tenure systems increasingly face stress as the world's growing population requires food security, and as environmental degradation and climate change reduce the availability of land, fisheries and forests. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflict and environmental degradation when competing users fight for control of these resources."

—VGGT

peoples relating to their lands and resources.

The *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)* is an important framework with particular regards to women's land right. It commits State parties to ensure the right for women: "to have...equal treatment in land and agrarian reform as well as in land resettlement schemes". CEDAW and its 'Optional Protocol' have already been used to hold governments to account for failing to secure women's land rights.

Also noteworthy has been the inclusion of land governance considerations within the *UN Convention to Combat Desertification (UNCCD)*, especially in conjunction with the Sustainable Development Goals (SDGs), which were adopted by the UN General Assembly in September 2015. In 2016, State parties to the UNCCD agreed to integrate the SDGs target 15.3 on land degradation neutrality

(LDN) into the implementation plan of the Convention. The UNCCD has since developed a conceptual framework for implementing and monitoring processes for achieving LDN at the national level. This framework observes that LDN is intrinsically linked to good land governance policies and secure community tenure over land and natural resources.

Aside from these global measures, the African Union developed its own continental policy response to the land grabbing crisis in 2009, through the adoption of the AU Declaration on Land Issues and Challenges in Africa, which endorsed the “Framework and Guidelines for Land Policy in Africa” (F&G). This framework provides the rationale for strengthening community land tenure protections within the African context, as well as giving guidance on how to develop policies that can achieve this.

Other land policy initiatives have also been launched at both pan-African and sub-regional levels. Notable amongst these is the Land Policy Initiative, which has been working to advance the F&G within the Regional Economic Communities (RECs) of the African Union. Land policy indicators are also being developed to measure progress around the Comprehensive African Agricultural Programme (CAADP), and have been integrated in African countries’ commitments under the Kampala Convention to secure the rights of the continent’s estimated 13 million internally displaced people.

International Instruments Relating to Land Governance in Africa

Binding Instruments

ACHPH	African Charter on Human and People’s Rights
CEDAW	UN Convention on the Elimination of all forms of Discrimination Against Women
CESCR	UN Convention on Economic, Social and Cultural Rights
Kampala Convention	African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa
UNCCD	United Nations Convention to Combat Desertification

Non-binding/ “soft law” Instruments

F&G	Framework and Guidelines on Land Policy in Africa
CAADP	The Comprehensive African Agricultural Development Program
SDGs	Transforming our world: the 2030 Agenda for Sustainable Development (Sustainable Development Goals)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VGGT	The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in Context of National Food Security

There have also been successful efforts to use pan-African legal institutions to defend community land rights. Recent cases at the African Commission on Human and Peoples’ Rights, and the African Court show that there is potential to use pan-African legal instruments to hold governments to account for land-related human rights violations.

Recommended Actions to Support Community Land Rights

Yet despite these and other interventions, the land tenure rights of rural people across many parts of Africa—particularly women – remain weak and fraught with uncertainty. The policy frameworks devised at the global and continental levels have, with some notable exceptions, failed to ‘stick’ on the ground at the national and local levels. Knowledge of these policy frameworks and their implications for peoples’ land rights

is still not widespread across the continent; including among policy makers and officials in charge of local land administration.

Furthermore, considerable structural obstacles exist to the adoption and implementation of strong laws to protect customary and community land rights in many African countries. These include on-going sensitivities around post-colonial land legacy issues, regional political tensions related to internally displaced persons and national territorial sovereignty; corruption, cronyism and political patronage; competing demands for land; complex tenure claims; and limited resources for proper land administration.

Pan-African Level

1. **Engage with the LPI process**, along with members of the LPI Secretariat and the LPI representatives advising sitting on the various REC committees looking at land issues, and support countries' civil society efforts to participate in national land rights policy initiatives.
2. **Analyse and understand the dynamics of key land policy processes** including the LPI, the CAADP Results Framework, and the NEPAD Program on Land Governance in order to engage with the process effectively and identify potential commonalities in actors across processes (e.g. AfDB, NEPAD, LPI).
3. **Engage with Parliamentarians at the Pan-African Parliament**, as well as within regional bodies such as the SADC and East African Parliamentary Forums. Representatives within these institutions have the will and the mandate to securing stronger customary and community land rights, within their domestic policy

space and media.

4. **Monitor and seek to strengthen land governance in the CAADP results framework**. This could include engaging with the CAADP Monitoring Framework to strengthen benchmarks/indicators related to land concerns in NAFSIPS/agricultural programs; and building synergies in reports by countries to the AU summit on progress towards implementation of CAADP land governance commitments.

Regional level

5. **Engage with regional land rights** and women's land rights advocacy networks, especially within West, East and Southern Africa.
6. **Engage with ECOWAS land policy work**, and support regional civil society networks to encourage ECOWAS and its member states to validate and implement the regional directive on land and to resource a West African Land Policy Observatory.

7. **Engage with LPI staff** based within the RECs to better understand current and potential new entry points for coordinated land policy development within each region.
8. **Engage with other RECs (particularly IGAD and ECCAS)** to enhance and sustain the capacities needed to mainstream land governance in REC programmes, including gender-related programmes.
9. **Encourage the use of simple monitoring tools**, such as regional land policy ‘score cards’, to highlight the disparities in regional progress on developing land policies, and to incentivise a ‘race to the top’.
10. **Promote recognition of the VGGT and the F&G guidelines** as the basis for legal cases around community land rights; e.g. at the African Commission for Human and Peoples’ Rights; and/or at the African Court on Human and Peoples’ Rights.

National level

11. **Recognise and commend countries**, particularly within East, Central and Southern Africa that are already working with the FAO to integrate the VGGT into their national land policies; and support domestic civil networks to engage in these policy processes and align their efforts to integrate both the VGGT and F&G into national policy frameworks.
12. **Support civil society networks** to develop advocacy strategies promoting the implementation of land related policies within the NAFSIPs, and the mainstreaming of land governance in national and agricultural plans under CAADP, using the VGGT and the F&G as guides to minimum standards.
13. **Develop specific policy change targets** related to the above, so as to enable change to be benchmarked against the current state of affairs.

14. **Document case studies on land governance practices** and structures to document examples of integration with local practices and traditional institutions, constraints and opportunities for effective performance, and linkage between land policy and decentralisation.

Who is AFSA?

AFSA is a broad alliance of civil society actors who are part of the struggle for food sovereignty and agroecology in Africa. It is a network of networks, currently with 30 active members in more than 50 African countries. These include African food producer networks, African NGO networks, indigenous people's organizations, faith based organizations, women and youth groups, consumer movements, and international organizations that support the stance of AFSA.

What Is AFSA's Mission?

The core purpose of AFSA is to influence policies and to promote African solutions for food sovereignty. AFSA serves as a continental platform for consolidation of issues pertaining to food sovereignty and together marshal a single and louder voice on issues that matter to Africa, tabling clear and workable solutions.

What Does AFSA Do?

We are galvanizing the food sovereignty movement and building momentum to influence the transition to agroecology across Africa, specifically by:

- Amplifying agroecology.
- Enhancing Farmer-Managed Seed Systems.
- Strengthening land tenure governance.
- Strengthening communications.

Strategic Priorities for 2017-18-19

Agroecology: to galvanize the agroecology movement in Africa, and influence decision makers to recognize agroecology as the sustainable future of African farming.

Land: to provide rural communities in Africa a strong voice on land rights.

Seed: to support farmer-managed seed systems, influencing seed policy, recognizing women's central role, changing the narrative to recognize FMSS as the essential and fundamental base of Africa's food system.

Communications: to inform and influence policy outcomes on seed and food sovereignty, land rights, and the transition to agroecology.

AFSA'S THEORY OF CHANGE



AFSA's Theory of Change

Building the Movement

- To build the advocacy capacity of our members to influence regional policies towards seed sovereignty, agroecological practice and fair land use.
- To strengthen our institutional capacity to deliver the strategy.
- To improve network communications, within and outside the alliance.
- Secure resources to deliver the strategy and strengthen AFSA's governance, operational systems, policies and procedures.

Policy Advocacy

- To provide opportunities for our members voices to be heard at the highest levels.
- Participate and advocate at high-level regional and global meetings.
- Organize annual regional forums on agroecology.
- Develop advocacy materials e.g. policy briefs on Seed, Agroecology, Land.
- Produce a documentary on Agroecology in Africa.

Raising Consumer Awareness

- Recruit consumers as agents of change, strengthening the links between consumer choice, food safety, nutrition and health, and food sovereignty.

Evidence

- Undertake research to support the advocacy evidence base with compelling data and analysis.
- Develop and share accessible publications to bring the evidence to light.

Learn more at www.afsafrica.org



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Our partners:

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