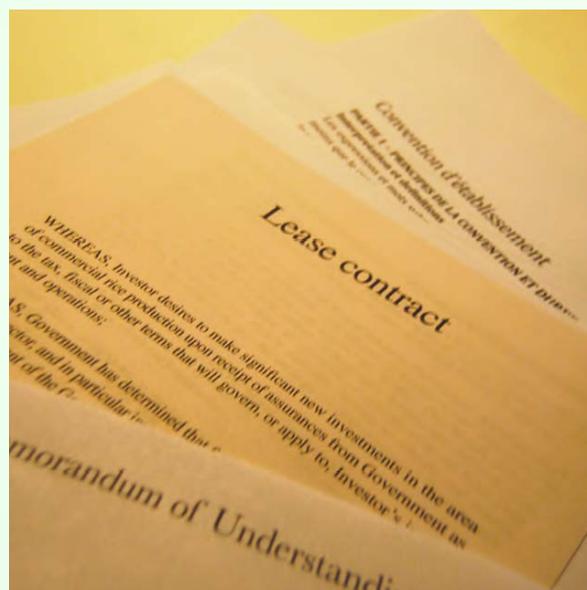


Land deals in Africa

Mapping parties and legal frameworks



Lorenzo Cotula

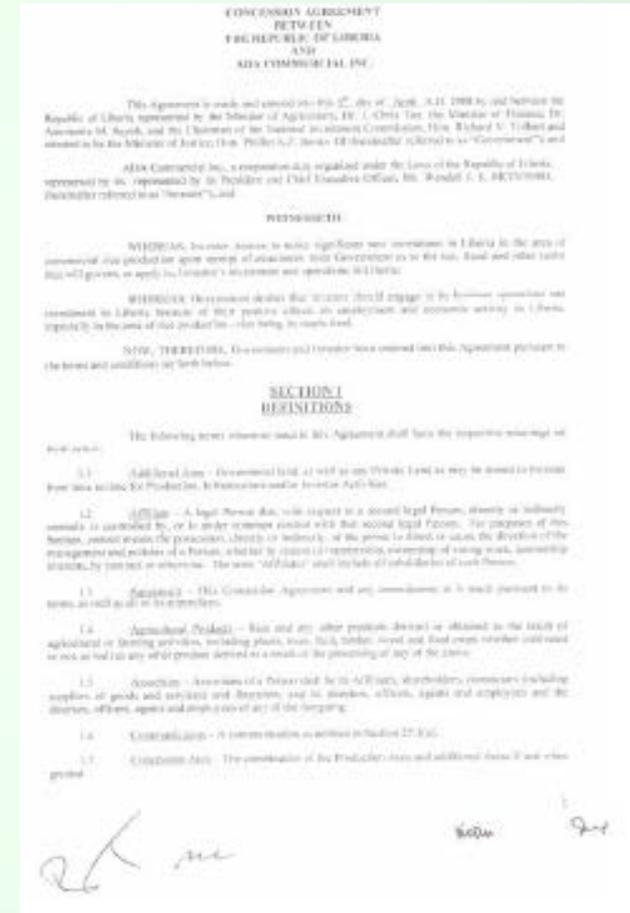
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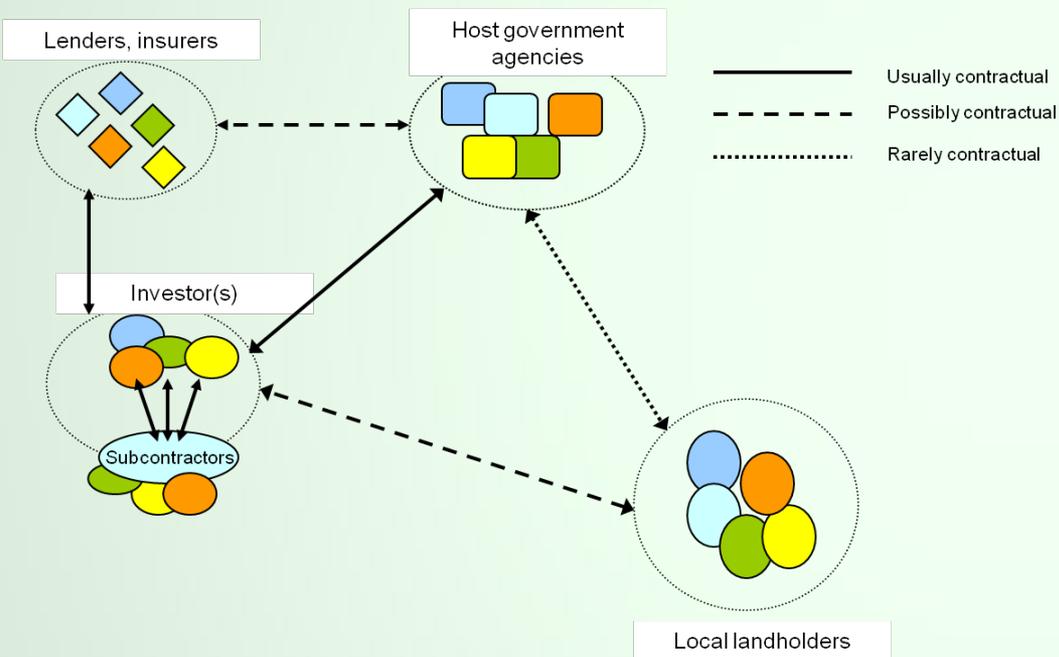
Caveats

- Huge diversity of deals
 - Different land areas, uses, providers, acquirers...

- Limited access to legal instruments
 - But leiti.org.Ir, farmlandgrab.org...



Mapping the parties



- Evolving balances of negotiating power
- Investor-govt: govts under pressure to attract investment, negotiating capacity issues – but ‘obsolescing bargain’
- Power asymmetries btw investor and local people – but also levers for countervailing power

Mapping legal frameworks

- Often multiple contracts – eg MoU, investment agreement, land lease...
- National law – eg:
 - Land/resource tenure (who owns the land? who decides?)
 - Features of land rights acquired (eg duration, conditions; restrictions on foreigners?), process
 - Taxation
 - Social/environmental safeguards (eg ESIA requirements, consultation/compensation regimes)
 - Investment promotion/protection, including arbitration
- Investment treaties – MFN/NT, expropriation, ‘fair & equitable treatment’, umbrella clauses, arbitration

Thank you

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