



# Processes of Large-Scale Land Acquisition:

Case Studies from Sub-Saharan Africa

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# Overview

- Background
- Framework: *Processes of large-scale land acquisition*
- Legal & institutional frameworks
  - Customary rights protection
  - Large-scale land acquisition
- Large-scale land acquisition in practice
- Closing reflections

*4 case study countries:*  
–Ghana  
–Mozambique  
–Tanzania  
–Zambia

# I. Background

- Increased demand for customary lands:
  - Emerging economies, high commodity prices → food/resource security
  - Economic, environmental & geopolitical concerns → alternative energy
  - Increased flows of FDI (food, fiber, energy, ecosystem services)
- Supply side dynamics:
  - Land policy reforms a condition of WB structural adjustment lending → recognition of customary rights, liberalization of land markets
  - Investment climate reforms ('one-stop shops', tax benefits & subsidies, non-fiscal support)
- Local manifestations of global trends:
  - Targeting of “underutilized” forests / woodlands / rangelands, much of it under customary ownership, to industry

# II. Framework for Assessing Processes of Large-Scale Land Acquisition

1. Types, duration of land rights afforded to investors
2. Legal recognition of local / 'customary' rights
3. Changes in the status / classification of customary land
4. Envisioned consultation process:
  - Role of intermediaries
  - Mechanisms for local representation
  - Compensation
5. Impact mitigation
6. Monitoring
7. Dispute resolution
- [8. *Mechanisms to guide land identification / allocation*]

# II. Framework for Assessing Processes of Large-Scale Land Acquisition

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3. Changes in the status / classification of customary land
4. Envisioned consultation process (land, environmental impacts):
  - Role of intermediaries
  - Mechanisms for local representation
  - Compensation
5. Impact mitigation
6. Monitoring
7. Dispute resolution
- [8. Mechanisms to guide land identification / allocation]*

# III. Case Studies

**Table 1.** Overview of cases from which findings are drawn

Country	Sectors (number of cases)	Methods
Ghana	<ul style="list-style-type: none"><li>• Biofuels (6 companies)</li></ul>	Key informant interviews, fieldwork, archival
Mozambique	<ul style="list-style-type: none"><li>• Biofuels (4)</li><li>• Silvicultural plantations (5)</li></ul>	Key informant interviews, archival
Tanzania	<ul style="list-style-type: none"><li>• Biofuels (2)</li></ul>	Key informant interviews, fieldwork, archival
Zambia	<ul style="list-style-type: none"><li>• Biofuels (3)</li><li>• Food crops (1)</li></ul>	Key informant interviews, fieldwork, archival

# III. Legal & Institutional Frameworks

**Table 2.** Formal processes (customary rights protection + land acquisition)

Parameter	Ghana	Mozambique	Tanzania	Zambia
1. Investor rights: -Nature -Duration	Leasehold ≤ 50 yrs (foreign), 99 yrs (domestic)	Long-term usufruct (DUAT) ≤ 50 yrs	Derivative rights ≤ 99 yrs (≤25 yrs, 20K ha - biofuels)	14-yr → ≤ 99-yr leasehold
2. Recognition of 'customary' tenure	Recognized (w/out title); traditional council approves alienation	DUATs acquired via customary practices (w/out title); land must be 'free and w/out occupants'	Recognized; village council & assembly must approve alienation	Recognized (w/title); chiefs approve alienation
3. Changes in status of customary land	Remains customary, except for compulsory acquisition	Ambiguous (consultations delineate land remaining customary)	Village land → General land prior to acquisition	Customary land → State land prior to acquisition

# III. Legal & Institutional Frameworks

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4. Consultation:	No alienation of 'interests' in land of a family or individual w/out consultation	Community consultation in ensuring land is free, delineating community land	Those proposing use of village land ' <i>may, by invitation</i> ', address village assembly	<i>'Chiefs must declare'</i> that 'members of the community' were ' <i>consulted</i> '
-Local representation	Traditional Council to represent	Detailed guidelines for delineation	Village Assembly (alienation), Council (compensation)	Chiefs ' <i>must declare</i> ' rights protection
-Role of intermediaries	Investment promotion (IP); Lands Commission (land uses)	IP; District administrator (DUATs acquired thru occupation, delineation)	IP; President, Min. of Land (transfer to general land); Lands Commissioner (compensation)	IP/Lands (land ID); District Council (conversion to leasehold)
-Compensation	To state & cust. authorities (by const. formula)	To state; 'terms of agreement' if >10K ha (2008)	For customary land & land uses	To state



# III. Legal & Institutional Frameworks

**Table 3.** Government initiatives to guide large-scale land allocation to investors

Parameter	Ghana	Mozambique	Tanzania	Zambia
Land banks	✓		✓	✓
Industrial-scale agricultural development schemes		✓ (agroecological zoning; CEPAGRI)	✓ ( <i>Kilimo Kwanza</i> )	✓ (Farm Blocks)
Targets	?	? (zoning: 7M ha available, 3.8M suitable for large-scale agriculture)	✓ (20% increase in 'general land')	✓ (1 block/province; 947,000 ha since 2004)

# III. Land Acquisition in Practice

- Rights afforded to investors:
  - Customary rather than state land targeted (All)
  - Titles exceeding maximum allowable terms / area for biofuels (Tz)
- Recognition of customary rights:
  - No evidence of compulsory acquisition by the state (negotiated transfer yes)
  - ‘Consultations’ widespread
- Government initiatives to guide L-S land allocation:
  - Proactive efforts to wrest land from customary authorities (Mz, Tz, Za)
  - Discursive politics (exaggerate benefits, downplay costs – e.g., ‘degraded land’)
  - Transfer to leasehold prior to (e.g., Za) or following expression of interest by investors

# III. Land Acquisition in Practice

- Consultations: **Local representation**
  - Chiefs, traditional authorities negotiating with no downward consultation or accountability (Gh, Moz, Za)
  - Domination of the process by customary authorities & party leaders; involvement of family members rather than *comités de gestão* (Moz)
  - Deference to customary leaders (Gh, Za), fear of party members (Moz)
  - Elaborate processes condensed into single meetings (Moz)
  - Where legal mechanisms are stronger (e.g., Tz), usurpation of decision authorities by government and coercion undermine due process

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- Where more meaningful levels of participation exist, lack of legal literacy & expectations of 'development' weaken negotiating position

*“Lusaka was also at one time a village”* – Affected land user, Mpika District, Zambia

# III. Land Acquisition in Practice

- Consultations: **Role of intermediaries**
  - **Investors negotiating directly** with Traditional Authorities (Gh):
    - **Exploitation common, limited awareness of:**
      - Land value, long-term consequences, 'development' prospects
      - Contract law (e.g., unwritten CSR promises)
      - Risks of profit sharing agreements (separate refining companies)

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      - Risks of profit sharing agreements (separate refining companies)
  - **Government mediating** land identification, negotiation (Za,...Moz, Tz):
    - Interference from higher levels of govt. in the interest of investors
      - Local govt./leaders encouraged to emphasize benefits, downplay costs (Moz)
      - Communities pressured to accept deals authorized ‘from above’ (Moz, Tz, Za)
      - Chiefs initially refusing later pressured to accept transfer (Za)
    - Extra-legal negotiations (with provincial, district authorities – Tz)
    - Non-participation of mandated authorities (Moz)
    - Checks & balances on customary authorities working contrary to intention

# III. Land Acquisition in Practice

- Consultations: Role of intermediaries
  - **Private non-profit** mediating land deals for afforestation (Moz):
    - Malonda Foundation - created by Council of Ministers as 'public utility' entity 'to incentivize investment'
    - Facilitated 395,000 ha of transfers
    - Widespread transfer of land without community identification, consultation → conflict during implementation

# III. Land Acquisition in Practice

- Consultations: Compensation
  - Where compensation is optional / extra-legal (Moz, Za):
    - Tendency for companies to dominate: jobs/CSR over compensation
    - Agreements vague, lack legal backing (Moz, Za)
    - Investor commitments not honored (bad faith or pull-out) (Moz)
    - Meaningful benefits only following resistance (Moz)
    - Elite capture of benefits (Za): palaces, vehicles, development fund



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- Where compensation is mandated (Gh, Tz):
  - Agreements which are verbal (e.g., CSR – Gh) or not honored (Tz)
  - Tendency to circumvent legislated sharing formulas ('drink money')
  - Tendency for rent capture by powerful actors (60/40 or 100/0 – Tz)
  - Variability in what is compensated – Tz (annual vs. perennial crops, whether land / communal land is covered, land value, none for forests)
  - Loose definitions a subject of manipulation (e.g., 'degraded' – Tz)

# IV. Closing Reflections

- Legal protections highly variable
  - Who holds ultimate rights / may grant rights to others (Ghana unique)
  - Whether transfer to state land required prior to transfer (e.g., Tz, Za)
  - Restrictions on area, duration of lease (Tanzania unique)
  - Legislative detail/quality of consultation process: delineation of customary lands (Mz), downward accountability (Tz)
  - Whether compensation is mandated (e.g., Gh, Tz) and for what (land vs. other)

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- ...yet outcomes similar
  - Customary land users losing out: failure to exercise rights, limited benefits, high costs
  - Weaknesses in legislation (no country stands out on all parameters)
  - Limited legal literacy + high expectations → *weak bargaining position*
  - Political interference co-opting process, benefits