



# Legal Mobilization in Large-Scale Land Based Investments – Does it Help Affected Communities?

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## Legal reform - the silver bullet against land grabbing?

more regulation regarded as the main solution against unfavorable large-scale land based investments

- potential for legal mobilization as an „*act of invoking legal norms to regulate behavior*” (Zemans, 1983, p. 700)
- broad understanding of legality

**How do local actors use legal mobilization to protect their interests vis-à-vis companies investing in their land?**



## Theoretical framework





## Institutional Opportunity Structure

	Hard Law ← → Soft Law	
<b>International</b>	human rights conventions, international courts	voluntary guidelines, principles
<b>National</b>	laws, national court system	policies and national regulations
<b>Local</b>	Local and customary law	



## Practical Opportunities

Knowlegde

Resources

Networks

	Hard Law	Soft Law
International	low practical accessibility	
National		
Local		high practical accessibility



## Sierra Leone: Institutional Opportunity Structure

	Hard Law	Soft Law
International	Human rights: right to property, housing and food (UN and AU level); Jurisdiction of the ECOWAS Community Court of Justice	VGGT, WB PRAI, CFS PRAI, (applicable in some cases: equator principles and roundtables such as the RSB)
National	National law: <b>Provinces Land Act Cap 122</b> , Environmental Protection Agency (EPA) Act, 2008; Jurisdiction of the High Court	<b>GoSiL New Land Policy 2015</b> , MAFFS Investment Policies 2009, SLIEPA Information for Investors 2010
Local	Customary law as understood locally and as practiced by chiefs and chieftdom councils; complaint possibilities to district or province authorities	



## Sierra Leone: Practical Opportunities

- **Case A:** local community successfully negotiated with the company with the help of a pro-bono lawyer
  - network of national + international NGOs + lawyer
- **Case B:** local communities called on Human Rights Council to intervene -> mediation attempt failed
  - local network including politician
  - blocking of customary authorities
- **Case C:** Paramount Chief forced renegotiation of the lease agreement
  - positive role of customary authorities
  - New Land Policy might



## Discussion & Conclusion

### Main findings:

- shortcomings of Sierra Leonean land law
- networks decisive for legal mobilization
- central role of local (customary) authorities

### Further research:

- networks for legal mobilization -> legal empowerment approach
- different responsiveness of companies -> stakeholder salience model