



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



TOWARDS NORMALIZATION? COMPARISON AND EVOLUTION OF LAND ACQUISITIONS IN EIGHT AFRICAN COUNTRIES

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**Paper prepared for presentation at the
“2018 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 19-23, 2018**

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¹ The authors wish to acknowledge the contributions from several in-country experts, in particular Jérémy Bourguin, Emmanuel Sulle, Joseph Wangusa and Perrine Burnod.



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Abstract

Large-scale land acquisitions (LSLAs) have been the subject of a large body of research, focusing particularly on global or sector specific dynamics. This paper rather takes an inter-country perspective. Using data from the Land Matrix and applying a comparative case study design, the comparison and evolution of land acquisition mechanisms is presented for eight African countries. The presentation of comparative figures is complemented with an analysis of the respective regulatory frameworks. Results show that convergences are observed for several data variables; investor countries, location drivers and nature of the deal, while there is diversity in the scale, intention and temporal data. The policy frameworks implemented may account for some of these findings. International guidelines do not account for the diversity, as they are in their infancy or have not (yet) been launched. The role of external factors and the requirements from investors themselves likely explain most of the trends.

Key Words: Large-scale land acquisitions, Africa, Land Matrix, VGGT, PRAI



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1. Introduction

The last decade has witnessed renewed interest by international investors in land across the Global South for, among others, large-scale farming and forestry. The resulting land deals have sparked much debate at local, national and international levels. These deals are often viewed as lacking in transparency, either because they are not reported (Transnational Institute, 2013) or basic information about the deals is non-existent (The World Bank, 2010), which in turn hampers insights into the phenomenon. Research, on different levels, has been undertaken in part to respond to this issue (Cotula & Vermeulen, 2009; Cotula, *et al.*, 2009; Huggins, 2011)).

Whereas detailed reports have been published covering the (likely) extent of LSLAs, these are predominantly singular time-based observations (Anseeuw, W *et al.*, 2012). Furthermore, current publications stress a certain sector, have a geographically limited scope, or analyze the impact of LSLAs, mostly based on a specific case study. A comparative analysis at a meta level remains absent. This paper aims to fill this lacuna in our understanding of how this phenomenon evolves over time in a country context. Comparable country data is sourced from the Land Matrix database, which covers LSLAs for the global south.

Eight African countries were chosen for this analysis; Uganda, Senegal, Cameroon, Zambia, Sierra Leone, Liberia, United Republic of Tanzania and Madagascar. The extended efforts by the Land Matrix Initiative (LMI) to produce country profiles (CP) and establish national land observatories (NLO) have resulted in a comprehensive dataset and insight into the policy frameworks of the selected countries. This data has been researched in-depth and cross-checked by a network of in-country contacts who are intimately involved with the topic of LSLAs.

Using comparative case study design (Goodrick, 2014; Levy, 2008; Nolte & Vãth, 2015), the paper focuses on 162 concluded deals in the selected countries. This study focuses exclusively on land deals involving international investors, excluding purely domestic deals. Furthermore, the general criteria adhered to by the LMI are followed: entail a transfer or rights, cover an area of 200ha or more, have been initiated since the year 2000, and imply the potential conversion of land to commercial use (The Land Matrix Global Observatory, 2017). The data was downloaded from the Land Matrix website on 27 December 2017.

The first section of the paper gives an outline of the LMI, its aims and activities. The second section of the paper presents a country-based descriptive comparative analysis regarding numerous dimensions; extent and drivers of LSLAs, negotiation and implementation status of the deals, information on the investors, the development of the investments over time and factors which influence/discourage them. This comparative study adds to the overall understanding of the LSLA phenomenon; it also allows for



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a better grasp of the factors of differentiation of LSLAs, which allows for a more concrete reflection on country-specific policy frameworks to regulate LSLAs and their impacts. The third section of the paper is of an analytical nature and provides an assessment of the country characteristics' impact on shaping LSLAs and their evolution. This analysis allows the correlation and assessment of the impact on LSLA of both country specific regulatory measures (section 4) and global frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) and Principles for Responsible Agricultural Investment (PRAI) (section 5). The last section provides a summary of the findings as well as insight into how the countries can regulate LSLAs to become better tools for economic and social development.

2. The Land Matrix Initiative

The LMI was established with the aim of addressing the lack of comprehensive data on land acquisitions in the global south. It manages an open-access database, through which it strives to contribute to the overall debate by providing information on LSLA. The database records intended, concluded and failed land acquisitions which are larger than 200 hectares, and have been initiated since the year 2000 (The Land Matrix Global Observatory, 2017). Data is collected through multiple sources, including research reports, media reports, company annual reports and other communication, reports from government as well as information sourced from country observers. Regional focal points are responsible for data sourcing and verification.

The Land Matrix (LM) database has been used by several actors for various outcomes (mostly for research and advocacy work) over the past number of years. This includes publications from the LMI itself in the form of two comprehensive analytical reports covering the global status of LSLAs (Anseeuw, W et al., 2012; Nolte, Chamberlain & Giger, 2016). Other publications are based on data obtained directly from the database, such as peer reviewed papers covering a wide range of topics including water demand related to land deals (Agüero *et al.*, 2017) and virtual water footprint (Dell'Angelo et al. 2017; Johansson et al. 2016), socio-environmental consequences of land deals (D'Odorico et al., 2017), effects of land acquisitions on indigenous farmer's decisions to invest in land (Aha & Ayitey, 2017), coercion and dispossession on the global land rush (Dell'Angelo et al., 2017), determinants of land acquisitions (Lay & Nolte, 2017), labor market effects of land investments (Nolte & Ostermeier, 2017), interplay between land acquisitions and REDD+ (Carter, 2016) and geo-spatial accuracy (Eckert et al., 2016). Furthermore, several publications from other users refer to the LMI analytical reports for example to place land acquisitions in the land and climate governance discourse (Verhoog, 2016), or to assess impacts of investments on Child health (Brandt, 2017), pressures on land in low and middle-income countries (Cotula & Berger, 2017a) and livelihood vulnerability under the



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land rush (Oberlack et al., 2017). Media reports on the status of land deals by certain investor countries (Mombelli, 2016), or within a certain region or country (SudQuotidien, 2017) equally refer to the LM. Data has been used in book chapters reflecting on international investment law (Cotula, 2016), and transboundary water (Hanna, 2016), as well as in dissertations looking at conflict as a result of land deals (Schmid, 2016). Indeed, there are numerous other publications which utilize Land Matrix data.

This specific paper stems out of an initiative by the LM partnership to decentralize its activities enhance its work at country level. The Land Matrix does so by supporting the establishment of NLOs and by engaging in activities at national level such as the publication of CPs². These decentralized activities aim to increase data quality and quantity, nurture spaces and opportunities for dialogue and skills sharing, and contribute more significantly to policy formulation and implementation. In addition, being based at national level, NLOs allow to amend the global thresholds applied by the Land Matrix (minimum size of deals), to integrate certain thematic areas or variations (for example inclusion of domestic deals), as well as provide a nuance of project specific details. As such, these decentralized platforms and products are more reflective of the specific conditions, stakes and issues in the specific countries, accounting for the wider social and political frameworks within which LSLAs operate.

These national observatories and the country profiles are currently being established/developed in Uganda, Senegal, Cameroon, and Zambia, Sierra Leone, Liberia, United Republic of Tanzania and Madagascar, respectively. The extended efforts by the LMI to produce CPs and establish NLOs have resulted in a comprehensive dataset and insight into the policy frameworks of the selected countries, which allows for the meta-level analysis presented in this paper. Decentralization efforts will be extended to other countries both in Africa and other continents, in the near future.

3. Comparative Analysis

The figures presented in this section include only concluded deals within the selected countries. Intended and failed deals, as well as deals solely by domestic investors are outside the scope of this analysis. Deals with an intention for agriculture and forestry are included, while mining deals are excluded.

² Once a country has been selected, data verification and updating occur. Country observers and investors are also contacted to cross check the data. Analysis, according to a standardized format, follows.



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Dynamics of concluded deals

[Insert Table 1 here]

Table 1 highlights the variance in concluded deals between the countries. Cameroon has the least number of concluded deals (11), while Tanzania has the highest number of concluded deals (34). When looking at the size of these concluded deals, Liberia has the largest size under contract accounting for roughly five times the aggregate land area leased in Tanzania. Uganda has the smallest size under contract.

Considering the size of the concessions relative to the size of land resources within the country, concessions in Sierra Leone and Liberia cover more than 10% of the land area in the country, whereas concessions in the other countries cover less than 1.5% of the total land area. However, the proportion of total area affected does not give an indication of the impact on agricultural land. Concessions in Liberia account for a third and concessions in Sierra Leone occupy roughly 15% of agricultural land.³ In comparison, concessions in Uganda occupy only 0.2% of the total agricultural land.

Apart from Liberia and Sierra Leone, based on this indicator, the impact on existing (smallholder) agriculture land is can thus expected to be fairly limited on a national level. Nevertheless, there are several issues with this assumption. Firstly, different data indicators are used across countries, partly due to the lack of standard definition for agricultural land (World Programme for the Census of Agriculture, 2010). Secondly, the total agricultural land is based upon manual estimation rather than data reported from country publications. Finally, LSLAs also impact the local smallholder communities if they target land that is not qualified as agricultural, such as forests that are used for firewood, and marginal lands used for grazing and essential in the livelihoods of pastoralists (as is the case with the Karuturi plantation in Ethiopia⁴). Indeed, investors often target the best 'available' land (Nolte et al., 2016).

[Insert Table 2 here]

Looking at the size distribution of the concluded deals, we see a large variance in size both within the countries and between the countries. Most deals are below 5,000ha for Senegal, Sierra Leone, Tanzania, Uganda and Zambia, whereas in Liberia the majority of deals cover more than 50,000ha. Indeed, table 2 confirms that large projects (and large variance) skews the mean, particularly in Madagascar and Zambia.

³ Agricultural land area data as at 2015 from FAOSTAT. Pure forestry concessions are excluded.

⁴ Case number #1208 in the LM



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Dynamics of international large-scale land acquisitions according to implementation status

[Insert figure 1 here]

The majority of the deals are active (start-up phase and in operation) for all countries. This follows the global trend. However, Madagascar does not conform as a substantial number of deals have been abandoned⁵, resulting in a situation where the investor is no longer active but the land rights have not been reverted back to the community. In fact, 90% and 62% of the contract area has been abandoned in Madagascar and Zambia respectively. The figures are skewed by several large deals which have been abandoned. In contrast, only 0.1% of the total contract area in Sierra Leone has been abandoned.

The time to bring deals into operation ranges from within a year, for most deals, to ten years. In Liberia the period between signing of a deal and bringing this deal in operation is the longest, with 4 years being the average timespan. This is mostly as a result of the large number of deals for oil palm, where trees have been planted, but the first harvest only takes place 3-4 years later (FAO, nd).

[Insert figure 2 here]

Even though most deals are in operation, a large portion of the contracted land is not (yet) used. The countries with the highest percentage of land under contract in implementation are Cameroon (58%) and Uganda (50%). Zambia and Liberia have the lowest percentage with just over 5% of contracted land under implementation. Among the reasons for the low rate of implementation are unexpected high costs of land preparation and community and civil society resistance towards the projects (Mongabay, 2017). Secondly, not all the land acquired by an investor is suitable for crop farming, especially in the larger deals. It must be noted that information on the area under operation changes rapidly and is often limited. Nevertheless, the strong tendency towards increased implementation of LSLAs as observed globally (Nolte et al., 2016) is confirmed in the eight countries in our scope.

Temporal analysis of concluded deals

[Insert Figure 3 and 4 here]

Figure 3 and 4, provide insights into the dynamics of the conclusion of deals and the overall area concluded. Overall, fewer new deals are signed in the later years. Burnod, Gingembre & Ratsialonana, 2011, found that investments have decreased since 2009 in Madagascar. In Liberia, only two new deals

⁵ Many contracts have also been cancelled in Madagascar, such as the Daewoo deal. Deals are cancelled by government, or less frequently the investor themselves, and the land may be transferred back to the community. In contrast, deals which have been abandoned are normally done so by the investor themselves, either due to community resistance or the costs of implementation, however it may take many years before the land is transferred back to the community.



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have been signed since 2011. Figures from the GRAIN database also indicate that the pace of deals is slowing (GRAIN, 2016). There are two exceptions to the trend. Deals continue to be signed in Sierra Leone and Tanzania, however with a smaller corresponding average size. We attribute this to the change in intention under these deals, where more deals are signed for food crops, on a smaller area, after the failure of the earlier jatropha hype (Maltitz, Gasparatos & Fabricius, 2014).

The strong mobilization of civil society has occurred in the countries, perhaps in response to the campaign to attract investment and the effects of investment on the local community and environment. We see this particularly in Senegal (Mbaye, 2017), as well as in Sierra Leone, where several networks and alliances which are mushrooming around the country, including Action for Large Scale Land Acquisition Transparency and Network of Evidence-Based Lobby and Advocacy (Bread for the World, 2015). This mobilization has in some instances delayed the implementation of projects, such as Douja Promotion Groupe deal in Dodel, Senegal, which may in part explain the low percentage of operational land. We may also expect to see fewer new deals signed under this movement, as civil society rallies with the local communities against the deal (such as the protests against Senegindia in Diokoul, Senegal⁶).

Alternatively, the slowdown could also be related to the ‘information lag’, where data on new deals takes time before it becomes publicly known. This is especially relevant in Uganda, where a stimulative policy to investment has been implemented, however this is coupled with a laxity in the willingness of government agencies to divulge information on land deals to the public (Oloka-Onyango, 2017)⁷. Wide spread information gaps are also evident in the print, broadcast and social media (Kannyo, 2016). This questions the notion that land deals are slowing.

The largest contract size and most land deals within all the countries were signed after the 2007-2008 food and economic crisis. Having said this, we see that in several countries deals were already being concluded before 2008. Deals are signed from 2003 for all countries, except Tanzania and Uganda, where deals were already signed from 2000.

A few trends stand out in the countries. In Liberia, the size under contract increased exponentially from 2008. This is due to six very large deals which were signed between 2009-2010 for oil palm, rubber and forestry. While in Cameroon, there is a noticeable absence in deals signed between 2007-2012, where deals are then signed consistently until 2016. In contrast, Nguiffo & Sonkoue Watio (2015) report that investments increased particularly between 2009-2012. It is not clear whether this includes intended

⁶ Case #5414 in the LM

⁷ Coupled to this, investors are frequently only indirectly involved in land confrontations as private individuals obtain the land on behalf of the investor.



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deals, as well as concluded deals. These discrepancies are currently being analyzed by the LMI in cooperation with the authors.

Who is investing?

[Insert figure 5 here]

Investment chains are often characterized by multi-layered shareholding and financing structures, for amongst other reasons to benefit from preferential tax laws and possible protection through investment treaties (Cotula and Blackmore, 2014). To manage this complexity, the Land Matrix records the location of the investor's headquarters as the country of origin. For cases involving multiple investors from different countries, the full size of the deal is attributed to the country of origin of each of the international investors involved, to indicate the countries' total involvement in large-scale land acquisitions. This approach does result in a (small) degree of double-counting and thus a higher number of deals and a larger area than the total of unique deals⁸.

Figure 5 details the top five investor countries in terms of size under contract. Numerous investor countries are present in more than one country, apart from Senegal and Zambia who are targeted by distinct investor countries. Two groups of investor countries can be identified: high-income countries active across the continent and African investors investing within their own region. For example, investors from the United Kingdom of Great Britain and Ireland (UK) are present in the top five for all countries, except Senegal, whereas in Zambia and Uganda investors from Zimbabwe and Kenya respectively are prominent. In Cameroon, several investments originate from Mauritius, most likely by investors making use of the favorable tax regime in this country. In Madagascar regional investors are largely absent (only one deal for 300ha).

We also analyzed the number of deals and found similar distribution as reading the size, with a few exceptions. In Cameroon, investors from United States of America (USA) are significant in terms of number of deals. In Sierra Leone and Uganda, investors from China are involved in a considerable number of deals, with lower average sizes.

[Insert figure 6 here]

The Land Matrix distinguishes between several different types of investor. Figure 6 depicts the investor classification per country according to the size under contract. Cameroon, Senegal, Tanzania, Uganda and Zambia have a more diverse range of investor types compared to Liberia, Madagascar and Sierra Leone. Private companies are the main investors in all countries except Liberia, where stock exchange-

⁸ Total size of 4.65 million hectares for all countries combined compared to total unique size of 4.31 million hectares for all countries combined.



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listed companies are more prevalent, but are virtually non-existent in Senegal. Similarly, individual entrepreneurs are more prevalent in Senegal and Tanzania, but are non-existent in several countries. Private sector drives the LSLAs within these countries, rather than national governments, as has also been observed at a global level (Nolte et al., 2016).

[Insert table 3 here]

Table 3 refers to domestic involvement within the foreign deals. As we see, there is limited involvement of domestic investors in the land deals by foreigners for most countries. In fact, there is no involvement of domestic partners in Sierra Leone and Liberia. In contrast, we see a fair amount of involvement of domestic investors in Tanzania, both in terms of number of deals and size under contract. In some cases, these are semi-privatized brownfield investments where the State maintains some control in the project. This finding suggests that, contrary to the other countries studied, a significant share of land acquisition in Tanzania is driven by state agencies, rather than private investors.

Aim of investment

[Insert figure 7 and 8 here]

As figure 7 refers, most of deals are concluded for food crops in most countries analyzed, in line with the global trend (Nolte et al., 2016). The exceptions are Liberia, where no deals for food crops are recorded, but where the flex crop oil palm dominates, and Senegal, where deals for agrifuels slightly outnumber deals including food crops. This picture changes slightly when considering the size of the deals (Figure 8). Whereas food crops still dominate in Tanzania and Uganda, in Madagascar, Senegal and Zambia a larger area is dedicated to the production of agrifuels. Cereals dominate within the food intention.

When interpreting figure 8, two considerations need to be taken into account. Firstly, very large deals can skew the data, as illustrated by the ALPI Group S.P.A deal in Cameroon.⁹ Secondly, in our analysis, each intention is apportioned equally in size and number where there is more than one intention listed per deal. As such, projects that combine for example intensive food crop production and extensive livestock activities allocate an equal size to these intentions.

Most deals for jatropha are abandoned, except in Tanzania where operational jatropha deals are widely spread across the various statuses. The lower than expected outputs and negative impacts on the surrounding community is likely to account for the high level of abandonment of these projects (Maltitz et al., 2014; Schoneveld, German & Nutakor, 2011). An analysis of the crops per implementation status

⁹ Case number #5586 in the LM



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proves to be a challenge. This is attributed to two factors. Firstly, the wide variety of crops prevents us from drawing any significant conclusions. Secondly, the implementation status is unknown for several deals.

Geographical distribution of concluded deals

Deals are generally widely scattered throughout the target countries. However, several criteria seem important to foreign investors when seeking land. Firstly, access to ports is an important factor in Liberia. Deals are located inland of the ports (Monrovia, Buchanan, Greenville, Harper), likely because most produce is for export (rubber and trees to European and Chinese markets). Investors often build roads and sections of railroads to meet up with the main existing transport infrastructure.

On the other hand, deals in Madagascar, Tanzania and Zambia are located close to existing transport networks (including rail lines) and infrastructure. This corresponds to what Sipangule and Lay (2015), and Burnod, Gingembre & Ratsialonana (2011) found. In Zambia, deals are also located within the government driven Farm block development initiative, where infrastructure is provided (Ministry of Finance and National Planning, 2005).

Proximity to water is another criterion which affects the location of the deals. Most deals in Senegal are located around Lac de Guiers for several reasons. Firstly, this area has sufficient water resources for large-scale cultivation (FAO, 2016), and as a result several accessible irrigation schemes. Deals in Tanzania are also extensively located close to water sources, such as Rufiji, Great Ruaha and Luwegu rivers. Lake Victoria provides opportunities for irrigation in Uganda, along with fertile soils (Wortmann & Eledu, 1999).

Fourthly, climatic conditions and soil fertility affect location. None of the deals in Cameroon or Tanzania are located within warm desert climate and warm semi-arid climate by Köppen climate classification (Peel, Finlayson & McMahon, 2007). In Zambia, deals largely fall within Central and Eastern plateaus, where there is good rainfall and soils which are more productive (Kunda, 2012). Similarly, in Liberia, location is likely more a factor of suitable forests for tree cropping and logging concessions. Burnod et al. (2011), also found that pedoclimatic conditions are one factor which affects the location of deals.

Fifthly, the perception of 'available land' among stakeholders affects the location of LSLAs. This criterion mainly applies to deals in Senegal, Tanzania and Madagascar. Land is perceived to be available in the vicinity of Lac de Guiers, Senegal, as communal representatives are absent at land usage meetings. Also, the land is used by pastoralists, thus lacks spatial delineations and infrastructure related to other types of agriculture (Bourgoin, 2018). State-owned land is favored in Madagascar (Burnod, Gingembre & Ratsialonana, 2011).



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Finally, the ease of doing business/obtaining land rights encourages investors in Sierra Leone and Uganda. While the soils in the Pujehun district are not particularly fertile (Denis, Kamara & Momoh, 2013), chiefs in the district sign land over to investors with ease, before undertaking the necessary due diligence and fact-checking (Green Scenery, 2013). In the central region of Uganda, land is generally individually owned under freehold, mailo¹⁰ or leasehold (Owaraga, 2012), easing negotiations and increasing investor confidence. Indeed, the rest of the country also provide good locations for LSLA, with the entire country named as a planning area by the National Planning Authority (Government of Uganda, 2010).

Our findings correspond to what Messerli et al, 2014 found, that accessibility to inputs and markets to is likely a key factor affecting the location of the deals in Senegal, Tanzania and Zambia. Investors prefer easily accessible land with pre-existing infrastructure (and initiatives) in Liberia, Sierra Leone and Zambia. Access to transportation networks indeed also seem to be an important requirement.

4. Regulatory measures and country policies framing LSLAs

The countries studied have implemented policy frameworks, incentives and institutions to attract investment, both foreign and domestic, in the agricultural sector, aimed to drive growth (Madagascar Action Plan 2007-2012), infrastructure development (New Alliance for Food Security and Nutrition Initiative), and to achieve economic stability (World Trade Organization, 2016). Agriculture is seen as a priority area, with a strong investment attraction capacity, that can create jobs and social inclusion (Fall & Ngaido, 2016; Government of Senegal, 2014).

LSLAs are impacted by two groups of policy: those relating to land and those relating to FDI. All of the countries studied make provision for foreign investment. These include the Investment Code Act of 1991, which encourages foreign investment (and LSLA indirectly) by providing more favorable conditions for investing, the 2002 Investment Charter in Cameroon and the Madagascar Action Plan 2007-2012, which accepts investments as a key driver for transformation (GTZ, 2009). The New Alliance for Food Security and Nutrition Initiative, of which Tanzania is a member, creates an attractive environment for investment through the upgrades of infrastructure, roads and irrigation schemes (Sulle 2017; Sulle, 2015). The National Land Policy of 2013 in Uganda, consolidates several policies which address various aspects of land. The policy recognizes the need to attract investment, through creating an enabling environment and access to land. In addition, the policy places the responsibility on government to put in place adequate measures to protect small-scale farmers (Government of Uganda, 2013). These policy frameworks are supportive of foreign investment in general.

¹⁰ Tenure system in Buganda



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Land policies are more scattered. Some deal indirectly with LSLA (Nguiffo & Sonkoue Watio, 2015), such as the Land Act of 1999 and Village Land Act of 1999 in Tanzania and Circular No 321-10/MAD/SG/DGSF in Madagascar, which addresses ownership of land and authorization to prospect (Andriamanalina & Burnod, 2014). There are also several policies which promote LSLA directly (by both domestic and foreign investors). The National Land Policy 2016 was developed by the Tanzanian government to cater for, among other things, enhanced access to land for LSLAs, responding largely to the National five-year development plan 2016 (Sulle, 2017; The United Republic of Tanzania, 2016). The Public Procurement and Concession Act of 2010 in Liberia, Land Acquisition Act of 1965 Uganda and Land Acquisition Act 1967 in Tanzania provide guidance on requirements for acquisitions. The Physical Planning Act of 2010 in Uganda, names the entire country as a planning area (Government of Uganda, 2010), meaning that there are no restrictions on LSLA in any region.

In Senegal, the main policy document governing LSLA, Plan Senegal Emergent and Plan de Relance de la Cadence Agricole, was adopted in 2014 after the failure of Grand Agricultural Offensive for Food and Abundance (GOANA) (Missionary International Service News Agency, 2012; Pinstrup-Andersen, 2015). The document calls for better synergies between agribusiness and family farming- in part responding to the failures of GOANA. GOANA, the agricultural growth initiative in Senegal, was launched under President Wade with the intention of reaching self-sufficiency in food production by 2015 by increasing grain, dairy and meat production. (Oxford Business Group, 2009). The initiative focused on increasing production via three methods. Firstly, providing small-holders with equipment, seeds and fertilizers. Secondly, expanding the area under cultivation, including creating special agricultural zones to attract private investment. Finally, encouraging diversification of cereals to include corn, cassava and rice (Oxford Business Group, 2009). Although this policy does not particularly stimulate LSLAs in specific, Land Matrix data indicates that two deals may have been concluded as a result of GOANA.

In most countries, policies state that foreign companies may not own land. This explains the large number of deals under lease agreement, with a duration ranging from 5 to 99 years (50-99 years in the case of Madagascar (Andriamanalina & Burnod, 2014)). Within this general framework, exceptions do nevertheless exist. In Zambia, foreign companies can own land if they hold an investment license (African Law & Business, 2017), while in Madagascar foreign companies are able to own land if they enter into a joint venture operation with a resident partner (Burnod, Gingembre & Ratsialonana, 2011). This has not stimulated the formation of such JVs, with the only two deals with a domestic partner having access through a leasehold. Decree no 76/165 of 27 April 1976 in Cameroon lays out regulations on the process of acquiring land to lease. Concessions are usually granted for 99 years in two phases. First, a temporary grant is given for five years. If the government is satisfied with the implementation



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of planned activities, the lease will be extended (Achobang et al. 2009). Generally, the cases studied indicate that the government extends the lease after the first five years.

Country and objective specific initiatives have been launched particularly in Tanzania and Zambia. In Zambia, the Farm Block Initiative was created to ease access to land for investors (Africa Investment Initiative, 2011). The Kilimo Kwanza (agriculture first) initiative was launched in 2009, which aimed at modernizing and commercializing agriculture through small, medium and large-scale farming, to increase agricultural development and rural economic transformation in Tanzania (Mkonda & He, 2016). Southern Agricultural Growth Corridor of Tanzania (SAGOT) was launched in 2010 to attract investment in agriculture through Kilimo Kwanza, and particularly to promote public-private partnerships¹¹ (SAGOT, 2011). SAGOT and the Farm Block Initiative are initiated in designated locations, in part explaining the location of deals within Tanzania and Zambia¹². Also, these initiatives are largely driven by state agencies, who then become partners in the project. To date however, these programs have largely not achieved their objectives, with limited land transferred to investors (Sulle, 2015).

Partly to respond to the failure of Kilimo Kwanza and SAGOT in achieving their objectives, the Tanzanian government initiated the Big Results Now campaign in 2012¹³. The aim of the initiative is to transform the country to a middle-income economy by 2025, through the transformation of several sectors, including agriculture (United Republic of Tanzania, 2013). The main target under the agricultural sector is the establishment of 25 commercial farming deals for paddy and sugarcane, 78 collective rice irrigation and marketing schemes and 275 warehouse-based marketing schemes by 2015 (Government of Tanzania, 2013). Whether the targets were achieved is questionable. Certainly, the Land Matrix does not record 25 new deals for paddy and sugarcane, however it is unclear whether the target includes domestic deals- which are not included in this paper.

The policy directives mentioned above have a direct impact on the particularities of a deal, specifically regarding their size. As such, the policy framework, at least partly, explains the large variance in size between the deals. In Cameroon, concessions exceeding 50 hectares require approval of the President, while in Madagascar, leases of more than 250ha must be approved by a commission of representatives from ministries, for more than 2500ha ministers themselves must be involved (Burnod, Gingembre & Ratsialonana, 2011). In other countries, a ceiling is placed on the size under contract allowed for certain aims of investment. This is the case in Tanzania, where legislation has curtailed the size under

¹¹ Ambitious goals were set for SAGOT, including bringing 350,000 hectares into production and assisting 100,000 small-scale farmers transition into commercial farming (ERM, 2012).

¹² Case #2401 in the Land Matrix

¹³ Originally adopted by the Malaysians government (Janus & Keijzer, 2015)



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agrifuels to 20,000ha per deal (The United Republic of Tanzania, 2011). This partly explains why the size under contract for food crops dominates in Tanzania compared to agrifuels.

We also see that the aim of intention is determined by the policy framework within the country. This is evident in Liberia, where concessions for tree cropping are encouraged by the national policy as the backbone of an export-driven economy (Cotula, 2011). This largely explains why we only see tree cropping concessions within the country. However, the effect on community land rights have led government to issue a moratorium on private use permits (PUPs) in Liberia (Republic of Liberia 2013), and a temporary ban on export of timber in the early 2000's (Schwidrowski & Thomas, 2005).

Several institutions have been created which ease the administrative process related to LSLAs from the start-up phase (Africa Investment Initiative, 2011). In this respect, a One Stop Centre (OSC) has been implemented in Uganda. Other institutions include the Sierra Leone Import Export Promotion Agency (SLIEPA), Zambia Development Agency (ZDA) and the Economic Development Board in Madagascar. However, these institutions have achieved limited success in this regard. In the case of the Economic Development Board Madagascar three main reasons have been identified for its failure; contracts are not published (EITI is not as effective in Madagascar), civil society participation and advocacy is low and the methods that companies use to access land are not transparent (Andriamanalina & Burnod, 2014; GTZ, 2009).

To further increase their attractiveness as investment destination, the studied countries, particularly Madagascar, have signed several agreements and conventions aimed to ease investment and increase investor confidence (ICSID, 2017). Madagascar has signed several Bilateral Investment Promotion and Protection Agreements (Andriamanalina & Burnod, 2014). Investor confidence is also fostered through the provision of dispute resolution processes (ICSID, 2017). The Malagasy Government is a signatory to the International Centre for the Settlement of Investment Disputes Convention, thus accepting the arbitration on investment disputes (Developing Markets Associates, 2015). Also, to encourage regional investors, Madagascar is a member of several regional economic blocks, such as Southern African Development Community, Common Market for Eastern and Southern Africa and Indian Ocean Rim Association for Regional Cooperation (Developing Markets Associates, 2015). However, the limited involvement of African investors indicates that this does not contribute to the decision to invest in land-based projects.

Lastly, several of the target countries studied have introduced specific incentives to attract investment. These include exemption from customs duties and tax breaks¹⁴ (State Department's Office of Investment

¹⁴ Although there is debate about whether this assists investors (Africa Investment Initiative, 2011)



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Affairs', 2017a; Zambia Development Agency, 2006), waiver of application fees (Sipangule, Nolte & Lay, 2016), as well as guarantees against expropriation (Developing Markets Associates, 2015; Niang & Knapman, 2017).

Indeed, the selected countries have put in place several policy instruments, incentives and institutions to encourage and shape the investments. These frameworks could well play a role in explaining some of the convergences and divergences we see, however, the extent to which these have impacted on the flow of FDI is debatable for three main reasons. Firstly, while literature suggests that investment laws are influential to investor confidence (Ndiva, 1990), several other factors also affect investment decisions, such as commodity prices (Cotula & Berger, 2017b). Implementation of laws, initiatives and incentives can be slow and sporadic; thus, it is not clear whether the deals were directly initiated as a result of these. Deals can fail due to the lack of 'investment preparedness' (Cotula, 2014). "Investment preparedness refers to the extent to which people and institutions in a given country can identify the right types of investment, fully harness the benefits of that investment and minimize its risks" (Cotula, 2014, p 15). Several of the target countries studies display slight signs of preparedness. This is indicated by the effect the deals have had on community land rights and the resulting moratorium on PUP's in Liberia, or the failure of SAGOT in Tanzania.

Despite the favorable nature of the policy frameworks, the current regime does not address several critical issues within the deals- largely related to the community and social impacts of the deals (Nguiffo & Sonkoue Watio, 2015). The commission of inquiry, formed to investigate land conflict in Uganda found several issues with the current policy regime. These include: contradictory legal regimes, weak law enforcement, bureaucratic delays and conflicting procedures (State Department's Office of Investment Affairs', 2017a; The State House of Uganda, 2017; The Citizen, 2015). Burnod, et al, (2011), found that investors in Madagascar have little regard for the regulations and negotiate directly with regional or local representatives. Indeed, the political turmoil in 2009 was partly motivated by the allocation of land to foreign investors (Ratsialonana, Ramarojphn, Burnod, & Teyssier, 2011). In Cameroon, the current policy framework does not address how to identify land which is available to investors, and how to ensure the rights of local people are accounted for (beyond just compensation). This is also relevant in Tanzania, where large land banks have been earmarked for investment. As a result, investors can acquire land under favorable conditions for them, neglecting the larger local impacts, leading to unsustainable investments (Nguiffo & Sonkoue Watio, 2015).

5. Global voluntary principles

The failure of the policy regime to address several issues and to mitigate negative impacts from LSLAs on local communities, have triggered the establishment of several international initiatives, most



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importantly the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (the VGGTs) implemented by the FAO and the Principles for Responsible Agricultural Investment (PRAI) launched by the Committee on Food Security.

VGGT

The VGGTs are voluntary guidelines, which can be used by a variety of actors- including the investors themselves- and complement national initiatives. The guidelines seek to improve tenure governance, contribute to the development of policy regulating tenure rights, enhance transparency and strengthen the capacities of implementing agents (FAO, 2012).

Indeed, the VGGT process is mushrooming, taking on different forms, within several of the countries included in this study. In Uganda, VGGT is applied with the implementation of Solutions for Open Land Administration (Dabrundashvili, 2017). In Tanzania, the VGGT standards on compensation guide the newly constituted “land compensation fund” (Azania Post, 2017; Tagliarino, 2017). In Senegal and Sierra Leone VGGT is guiding land policy development. The VGGT process is being implemented within Senegal, with a focus on pushing the land reform agenda forward (Dabrundashvili, 2017). VGGT is mentioned in more than 90 paragraphs in the new land policy in Sierra Leone. The process started with the establishment of a multi-stakeholder platform and VGGT institutional framework in 2014. The VGGT process is in its infancy within the country and the new land policy is yet to be implemented, as such one cannot assess its’ impact on LSLA.

PRAI

The Committee on World Food Security (CFS) endorsed the Principles for Responsible Agricultural Investment (PRAI) in 2014, as the need for investments, which contribute to livelihoods, was recognized. PRAI consists of ten voluntary and non-binding guiding principles (CFS, 2014);

- Contribute to food security and nutrition,
- Contribute to sustainable and inclusive economic development and the eradication of poverty,
- Foster gender equality and women’s empowerment,
- Engage and empower youth
- Respect tenure of land, fisheries, and forest, and access to water,
- Conserve and sustainably manage natural resources, increase resilience, and reduce disaster risks,
- Respect cultural heritage and traditional knowledge, and support diversity and innovation,
- Promote safe and healthy agriculture and food systems,
- Incorporate inclusive and transparent governance structures, processes, and grievance mechanisms,



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- Assess and address impacts and promote accountability.

Several roles and responsibilities are placed upon a variety of stakeholders, such as the state, financing institutions, communities and workers, to ensure the principles are applied. Generally, these principles have not been applied in any of the case study countries., and is limited to certain principles on a case by case basis only. In Sierra Leone, Sunbird Bioenergy (formerly Addax)¹⁵ poorly applied principle 9¹⁶, where information related to the investment was not shared in a transparent method with the community (Swedish FAO Committee, 2014). In Uganda, the FAO recently held discussions on how the principle of engaging youth could be achieved through the implementations of PRAI (FAO, 2018). Although PRAI is not as well known in Senegal, the principles are currently being implemented through local initiatives and programs (FAO et al., 2017).

6. Conclusion

This paper aimed to investigate the factors of differentiation within LSLAs and the factors that influence them, through a country level lens. The eight African countries were chosen due to the on-going decentralization process launched by the Land Matrix Initiative. The comparability of data between the countries is challenging, because of the differing socio-economic climates, intentions of deals and different indicators used. In addition, the data variables used in the LMI database do not capture the quality, value and use of the land transacted. More research is needed focusing on the positive and negative impacts of LSLA within these eight countries. Future research could also include domestic deals, which account for a large share of the deals signed (Deininger et al., 2011), but were excluded from this study.

Nevertheless, several important insights have been highlighted in this paper. There is a large diversity both between the acquisitions per country and within a country, however several similarities also prevail. Investors are typically from high income countries, with several investors in more than one target country. Regional investors play a limited role in the deals, despite the favorable conditions created for them, through bilateral agreements. Private companies are prevalent in most countries, except Liberia, where stock-exchange listed companies are also prevalent. This is mainly due to the nature of the deals, where large international companies have signed deals for oil palm and rubber. Indeed, the large variance in the size of the projects is largely driven by the intention of the investment- as might be expected- as well as the governance structures within the countries. We see this in Tanzania, where deals for agrifuels have a land ceiling of 20,000ha. Whereas, deals for food crops (which are prevalent) are generally signed for a smaller area.

¹⁵ Case #1798 in the Land Matrix

¹⁶ Incorporates inclusive and transparent governance structures, process and grievances mechanisms



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Investors appreciate a stimulative investment environment, but will look for the best land. As such, deals are typically located around transport networks and infrastructure. In some countries, initiatives such as SAGOT determine the location. Another converging trend is that less deals have been signed in the later years. This is coupled with an increase in the number of deals brought into production. Madagascar is the exception, where most deals have been abandoned, mainly related to the hostile investment climate.

Land-based investments are driven by political developments. A start on exploring the links between the policy framework and the land deals has been undertaken, but more work is to be done. Convergences and divergences for some data variables can be explained by the policy frameworks. They account for the several of the investor countries, such as the regional investors in Madagascar. Most deals are under lease as target countries do not allow foreign investors to own land, apart from Zambia and Madagascar. While the large number of tree crop plantations in Liberia are as a result of the National Policy. Policy allows the slow implementation of the project, as the countries observed do not require investors to develop the land and start operations within a few years of taking the lease (as is the case in Ethiopia). The low percentage of land in operation has economic or technical reasons. Other trends cannot be linked to policy frameworks. The timing of the deals cannot fully be explained, as new policies continue to be signed coupled with a laxity of government bodies to enforce existing initiatives.

While the policy frameworks address the need for responsible investments, the implementation issues observed are cause for concern. As such, increased capacity is required to regulate LSLAs within these countries and ensure they benefit the host country and community. International guidelines, such as VGGT and PRAI, aim to fill this gap somewhat. VGGT is in its infancy in Sierra Leone, Uganda and Senegal, while it is non-existent in the other countries. PRAI is only observed in one case in Sierra Leone. The question remains whether the underwriting of international guidelines will assist these countries when the enforcement of current policies remains challenging.

Guidelines to date do not explain the divergences and convergences we see in the data variables. Existing policy frameworks likely play a (small) role. Indeed, some data variables are driven by external factors as well as the nature of the deals themselves (and the requirements of the investor).

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8. List of tables

Table 1: Size and number of concluded deals per country

Country	Number of deals	Size under contract (Ha)	% of total land area*	Minimum (Ha)	Maximum (Ha)	Mean	Median
Cameroon	11	395 769	0.84%	12	195 921	35 979.0	11 980
Liberia	14	1 462 999	15.19%	8 000	253 670	86 285.6	56 276
Madagascar	14	588 322	1.01%	300	495 000	42 023.0	6 279
Senegal	21	267 158	1.39%	150	100 000	12 721.8	3 825
Sierra Leone	24	753 499	10.44%	110	126 000	31 395.8	17 812
Tanzania	34	251 890	0.28%	200	42 000	7 408.5	4 629
Uganda	17	74 240	0.37%	161	20000	4 367.1	2 855
Zambia	27	519 804	0.70%	400	300 171	19 252.0	3 797

Note: Land area is a country's total area, excluding area under inland water bodies, exclusive economic zones and claims to continental shelf as is obtained. Data on land area is obtained from World Bank data: <https://data.worldbank.org/indicator/AG.LND.TOTL.K2>

Source: Authors' calculation based on Land Matrix data, December 2017

Table 2: Number of deals graded by size per country

Size under contract (ha)	Cameroon	Liberia	Madagascar	Senegal	Sierra Leone	Tanzania	Uganda	Zambia
< 1 000	4	0	3	6	4	10	6	6
1 001-5 000	1	0	3	6	7	10	6	11
5 000-10 000	0	2	4	4	0	7	3	1
10 001-20 000	2	0	3	2	2	4	2	4
20 001-50 000	1	4	0	2	7	3	0	4
50 001-80 000	2	2	0	0	1	0	0	0



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80 001-200 000	1	2	0	1	3	0	0	0
220 000-495 000	0	4	1	0	0	0	0	1

Source: Authors' calculation based on Land Matrix data, December 2017

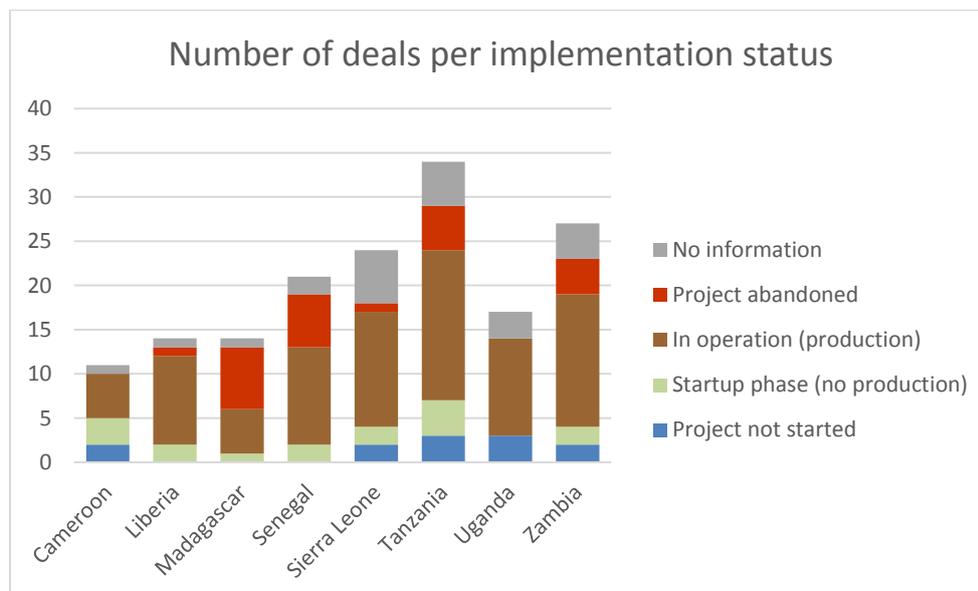
Table 3: Domestic involvement in foreign land deals

Country	Size (Ha)	% of size of area in country	Deals	% of deals in country
Cameroon	75 743	19.14%	2	18.18%
Madagascar	9 000	1.53%	2	14.29%
Senegal	20 150	7.54%	2	9.52%
Tanzania	68 074	27.03%	11	32.35%
Uganda	17 200	23.17%	3	17.65%
Zambia	37 000	7.12%	2	7.41%

Note: none of the deals by Foreign investors engage domestic investors in Liberia and Sierra Leone
Source: Authors' calculation based on Land Matrix data, December 2017

9. List of figures

Figure 1: Number of deals per implementation status



Note: The Land Matrix records the implementation status of land deals. These implementation statuses are:

- Project not started: no activity is taking place on the land.
- Start-up phase: there is activity on the ground but no production is yet taking place (e.g. the ground has been cleared or a nursery for tree crops has been established).



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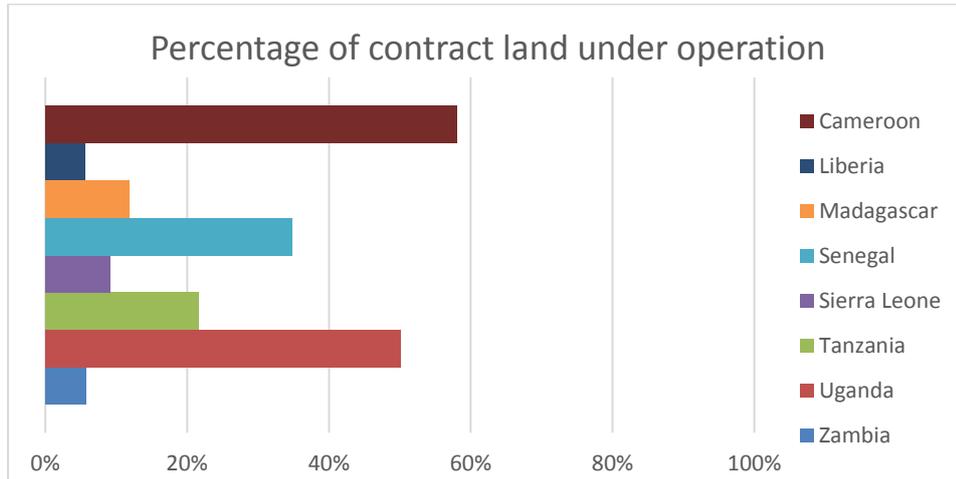
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- In operation: projects are producing for market.
- Abandoned: projects have come to a halt after a contract has been concluded. It is important to note that for abandoned projects the land still belongs to the investor, whereas in failed deals the investor has relinquished ownership of the land (lease or purchase).

Source: Authors' calculation based on Land Matrix data, December 2017

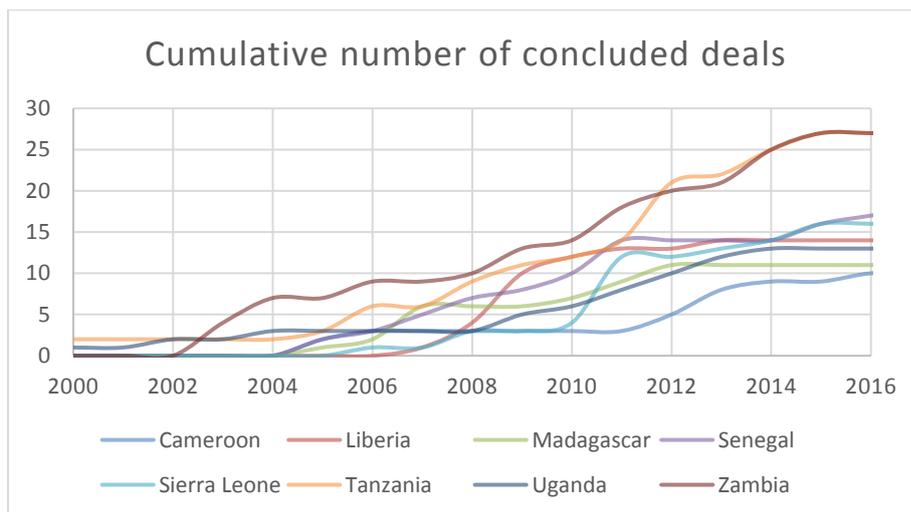
Figure 2: Percentage of land under operation



Note: There is no size under implementation information for some deals (n= 76), this graph only relates to the cases which have a size under implementation figure.

Source: Authors' calculation based on Land Matrix data, December 2017

Figure 3: Cumulative number of concluded deals



Note: 26 deals were excluded as the year the contract was agreed is unknown

Source: Authors' calculation based on Land Matrix data, December 2017

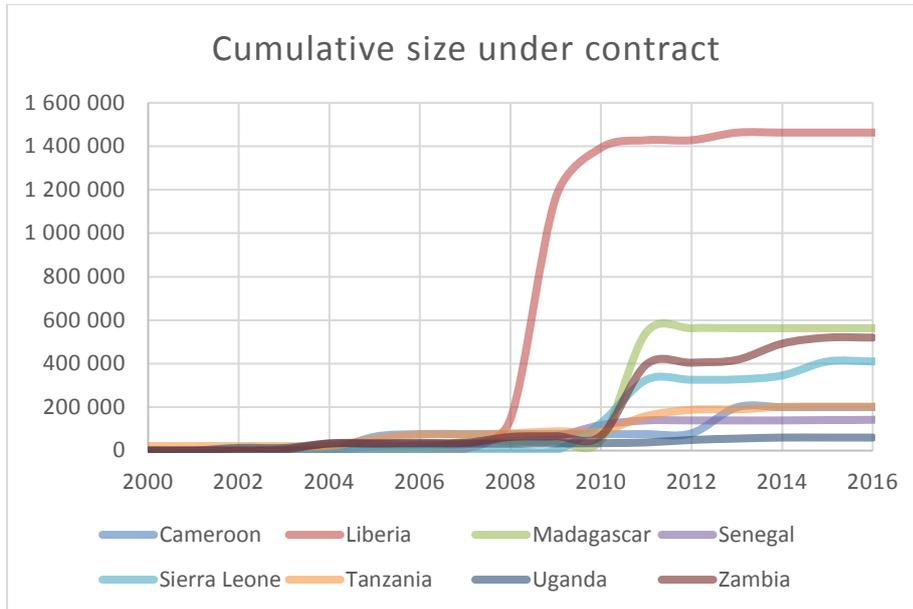


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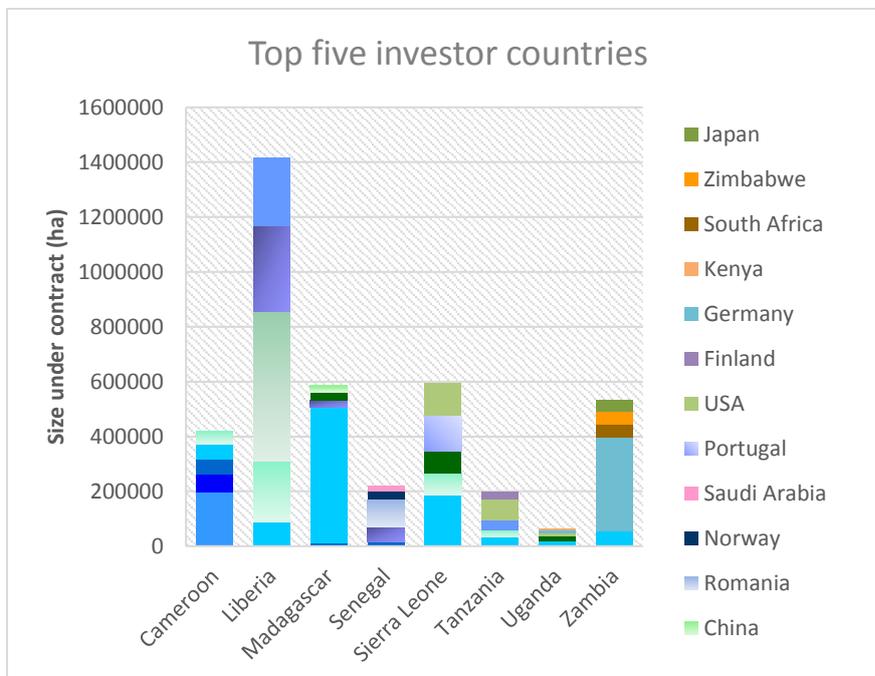
Figure 4: Cumulative size under contract



Note: 26 deals were excluded as the year the contract was agreed is unknown

Source: Authors' calculation based on Land Matrix data, December 2017.

Figure 5: Concluded deals only, top five investor countries (based on size under contract)



Note: where deals have multiple investors from different countries, the full size of the deal is attributed to the country of origin of each of the investors, to indicate the countries' total involvement. Overall, 77 deals in the



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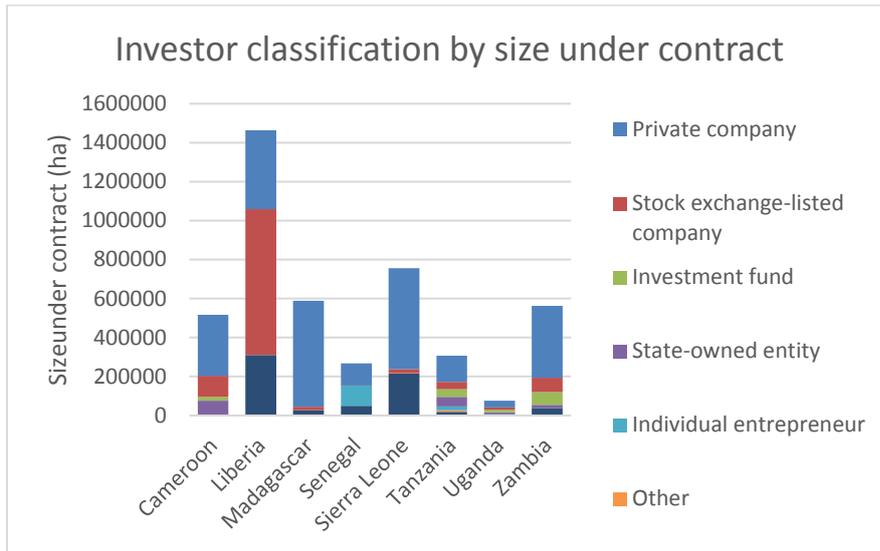
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database have two or more investors. European investors are grouped with blue and purple coloring, African investors with brown and orange, and Asian investors with green.

Source: Authors' calculation based on Land Matrix data, December 2017

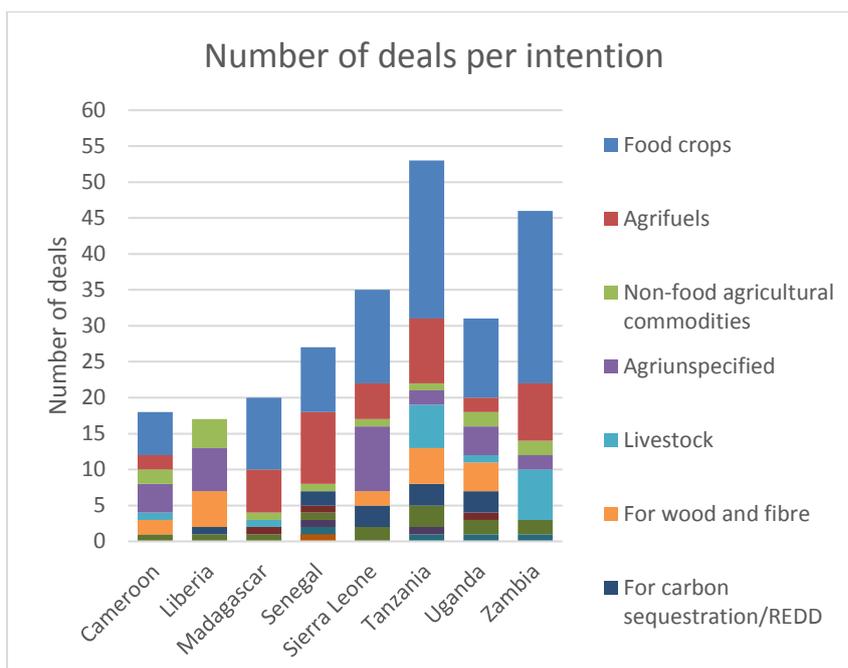
Figure 6: Investor classification according to size under contract



Note: In cases where a deal involves investors from different investor types, the deal and the full size of the deal are assigned to each investor type.

Source: Authors' calculation based on Land Matrix data, December 2017

Figure 7: Number of concluded deals per intention





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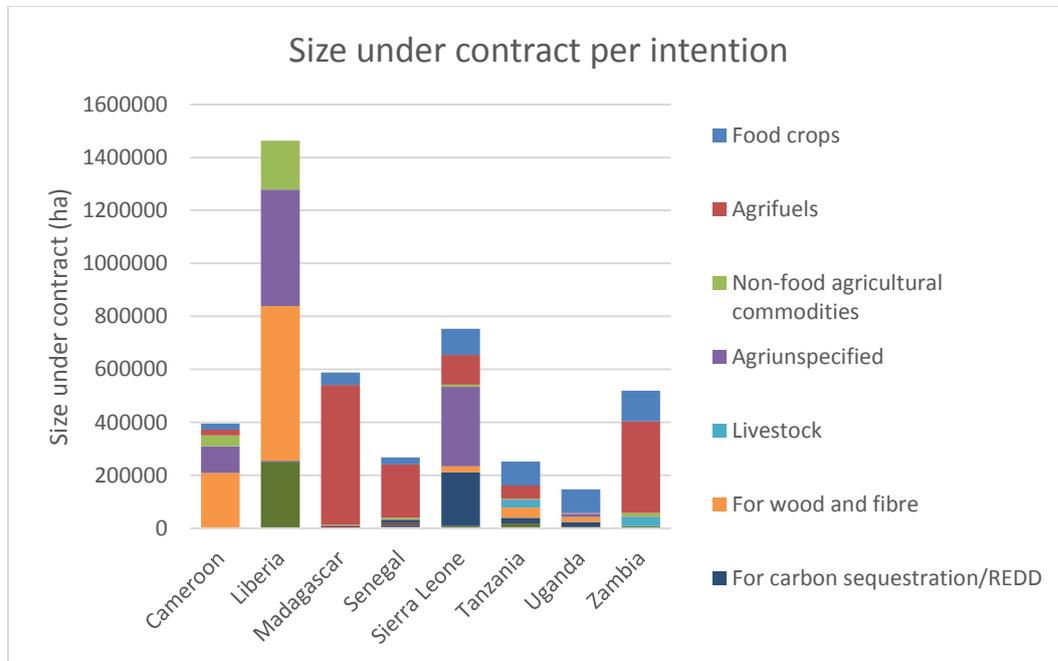
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Note: Individual deals list up to three different intentions. We count the number of times an intention is mentioned. For 162 deals we report 247 intentions.

Source: Authors' calculation based on Land Matrix data, December 2017

Figure 8: Size under contract per intention



Note: Individual deals list up to three different intentions. The size under contract is equally divided by the number of intentions (except one case in Zambia where the intention is agrifuel and industry and as only a small proportion of the land will be used for industry, the full amount has been allocated to agrifuel).

Source: Authors' calculation based on Land Matrix data, December 2017