



JOINT REFLECTION ON LAND IN AFRICA

AN EXPLORATION ON *LAUDATO SI*'s APPROACH TO OUR
RELATIONSHIP AND RESPONSIBILITY TO CARE FOR THE LAND
AND ITS SMALL-SCALE FOOD PRODUCERS¹

BACKGROUND

This paper has the purpose to facilitate the opening of a concrete dialogue on land issues with church actors as proposed by the organisers of the conference 'Land grabbing in Francophone Africa: identifying and promoting endogenous solutions' organised by the platform 'Our land is our life' in Abidjan in November 2017. A first version of this document was written in collaboration by some of the co-organisers and allied theologians from Africa and Europe and then shared with the participants. The first version's main components were reflections on some elements from *Laudato Si'* (LS) and other Catholic social teaching literature – which calls for coherent action to care for and protect nature – and some of the relevant political context in Africa. For the second and present edition, the co-authors added a few policy elements in order to integrate data from communities and civil society experiences into the theological and spiritual reflection. Throughout the text, the importance of the engagement of the Church is made evident, and therefore the paper concludes the narrative elaboration with a call for the Church to act.

As a living document this paper does not have the ambition to establish policy positions or display in-depth research about the topic's root causes and alternatives, but to provide key elements

for discussion that can challenge and inspire coordinated action between the Church, the grassroots and civil society organisations.

It attempts to incite a theological reflection about our relationship with nature but specifically to land, and about the duties to which we are bound by our Catholic principles and the encyclical *Laudato Si'* with regards to the protection of the land and of the people and communities that belong to it. "Every peasant² has the natural right to own a reasonable piece of land, where he can establish his home, work for the sustenance of his family and have the security of existence. This right must be guaranteed so that its exercise is not illusory but real. This means that in addition to title, the farmer has to rely on technical education, credit, insurance and marketing." (LS 94)

In light of *Laudato Si'* and other relevant Catholic social teaching, in the following four sections the paper will explore certain elements of the links between the mainstream vision of development, the question of property and the consequential phenomenon of land grabbing. It will also look at the impact of this model of development on access to land and land rights, food sovereignty and autonomous livelihoods while outlining some of the grassroots alternative approaches.

¹ When using the terms "small-scale food producers" or "food producers" we understand them as encompassing the following groups: small-scale farmers, peasants, indigenous peoples, pastoralists, fisherfolks, herders, hunter-gatherers communities. *The Principles of Agroecology*, CIDSE, 2018.

² The reference to peasant is to be understood as referring to the man and woman peasant.

INTRODUCTION

Land occupies a very prominent position in the African socio-cultural context. It is the collective and undivided property of families, lineages and communities. In the land is encapsulated the identity, the ancestry and the nerve-centre of the community. It cannot and should not, under any circumstances, be sold, bargained, used or seen as a commodity. The communal or individual ownership of land (according to the various forms of securing access to land that respond to orientations desired by the population in each given context), is not so much about property ownership as an expression of the people's common identity, the African philosophy of life – *Ubuntu*. In other words, there is a whole gamut of socio-cultural identity, security, religion and economy embedded in the African relationship with the land. In all, beyond the communitarian relationship, there are indelible elements of the African socio-cultural relationship with land that shape African peoples world-view, identity and sense of (mutual) socio-territorial belonging.

When one is exiled in Africa, that person is cut from the land and stripped of their identity; traditionally, exile was reserved for only the most abominable crimes. Sacrificing one's life to preserve the land in order to vindicate their inter-generational commitment to the ancestors and future generations is an action an African would gladly take. Today, access to land is made very difficult for the poor, because of the survival of colonial and postcolonial modes of management, some of which are maintained by the current political powers. Thus, management tools that favour unaccountable individual private titles are developed, such as long-term land leases, usufruct rights and others based on the capitalistic notion of private property.

Throughout Africa, economic, social and geopolitical changes in recent decades have brought about profound transformations in the use of land and natural resources. Policy choices of diverse concerns (agrarian, economic, developmental, energetic, etc.) have led to massive expansion of cash crops, widespread deforestation, mining, pasture loss, urbanisation, land degradation and desertification. Therefore, the living conditions of the communities are growing more and more fragile.

Despite growing demand, most communities, lineages or families have been able to put in place mechanisms that not only allow everyone to access the land but also sustainably manage it with respect for the natural environment. These mechanisms should serve as a reference and be scaled whenever pertinent for each context. Yet, the current situation shows the inadequacy of current tools to strengthen these mechanisms. Endogenous solutions and principles must be particularly supported by legislation. In many instances, challenges of adequate legislation or rule of law are even reflected at the community level; and in some contexts, it is necessary to redefine consensual land management standards to reduce the current multiple land conflicts.

In this sense, the problem is more complex than simply scaling up what would be done at the community level. It is about the structures set in place to foster the safe dissemination of endogenous land practices and corresponding legislation. Many good examples and initiatives already prove their effectiveness and the feasibility of alternative models but these are in need of further support.

Like grassroots and civil society organisations (CSOs), religious organisations and the Church are equally concerned about massive land acquisitions (or land grabbing) and other issues related to land; these prevent small-scale food producers and entire communities from the full exercise of their land rights and therefore their livelihoods, socio-cultural values and food sovereignty.

“Land is a story place. Land holds the stories of human survival across the generations. Land shapes people, just as people shape their countries.”³ Whatever touches the land touches the innermost fibre of the people. In the same vein, Pope Francis has observed that, “land speculation, deforestation, appropriation of water, and excessive use of pesticides, are some of the evils that tear man from his native land. This painful separation is not only physical, but also existential and spiritual, because there is a relationship with the land, which makes the rural community and its particular lifestyle run the risk of obvious decadence, and even extinction”.⁴

³ Atkinson, J., 2002. Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia.

⁴ Pope Francis, Address to the participants in the World Meeting of Popular Movements, Rome, 28 octobre 2014.

1. THE EARTH IS A SHARED INHERITANCE, WHOSE FRUITS ARE MEANT TO BENEFIT ALL BEINGS AND FUTURE GENERATIONS

Throughout the African continent, communities rely on nature, particularly land, for food and livelihoods, but with a view and approach that is deeply rooted in their cultural, spiritual and religious values. Indeed, land was not considered primarily as a commodity, but rather as an element of nature, which is the link between past generations, that of today and those to come.

Any theological reflection on land issues should start from the Hebrew Bible's concept of land as a sacred sign of God's promise and a common gift. Land is a shared inheritance whose fruits are meant to benefit everyone (Gen 2). Also relevant is the institution of the Jubilee⁵ Year during which land lies fallow and is returned to those who have been dispossessed every 49 years (Lev 25 and 27). This refers to the Biblical understanding that the land belongs to God and that man is only a steward, and that in this sense the land must be treated with respect and reverence. "The land must not be sold permanently, because the land is mine and you reside in my land as foreigners and strangers. Throughout the land that you hold as a possession, you must provide for the redemption of the land". (Lev 25: 23-24)

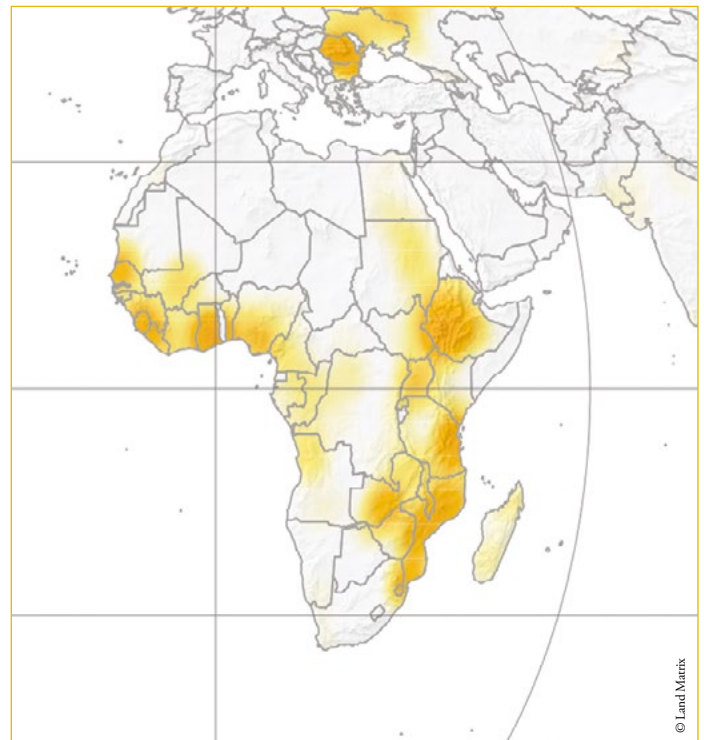
Moreover, private property is not an absolute and inalienable right in the Christian tradition; on the contrary Christianity emphasises "the social purpose of all forms of private property." (LS 93) In a world of vast inequalities, the principle of the *universal destination of goods*, and thus the right of everyone to their use, rises above the principle of private property. This is a golden rule of social conduct and the first principle of the whole ethical and social order. In the concrete example of access to land, we can say that human society only fully fulfils its own identity when it attends to those who are most adversely affected by inequitable land distribution. In addressing the land issue, therefore, the fundamental rights of the local small-scale food producers must be the centre of concern.

On the contrary, large-scale land acquisitions continue to displace millions of rural Africans from their homes, fields, forests and pastures. According to the Land Matrix report issued in April 2016,⁶ Africa is the most significantly targeted continent with 422 deals concluded, which amount to an alarming 42% of all deals registered by this source; this is 10 million hectares or 37% of the large-scale land acquisition they have registered worldwide. Most of that land is tropical savannah and major rivers' banks beyond tropical rainforests, which poses a serious threat for biodiversity and the water and soil resources of the continent.



The map below highlights the patterns of concentration of land deals within the target regions and countries. For example, in dry areas, agricultural land deals are concentrated where water is available such as in northern Senegal, along the Senegal River, in Mali along the Niger or in Eastern Africa along the Nile River.

With regards to the environmental threat imposed by these large-scale business deals, *Laudato Si'* shed lights on the fact that "the earth's resources are also being plundered because of short-sighted approaches to the economy, commerce and production. The loss of forests and woodlands entails the loss of species which may constitute extremely important resources in the future, not only for food but also for curing disease and other uses." (LS 32)



Patterns of concentration of land deals in Africa

⁵ SKA, J-L., 2000. Introduction to the lecture of Pentateuque, (Bruxelles) 68;71.

⁶ International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II, 2016.

African governments conclude these large-scale agreements with investors, ranging between international financial institutions, developed country export credit agencies, private individuals, private companies, investment funds, pension funds, insurance companies, endowments, domestic and international corporations, and stock-exchange listed companies, often through subsidiaries. From the later category, the most prominent European ones in Africa are Amatheon Agri (Germany) and Socfin (Luxembourg) mainly investing in large scale commercial farming and palm oil and rubber plantations respectively.⁷

The phenomenon of land grabbing is complex, it involves a variety of actors and has many different drivers (from food production under the food security narrative to an assortment of energy related projects), shapes and strategies.

The common thread, however, is the devastating consequences for communities. Even when the deals fail, the land is seldom returned to the communities sustaining the adverse livelihood impacts with or without generating profit for the so-called investors.⁸ In a recent report,⁹ loss of access to land and nature, increased conflict over livelihoods and greater inequality in local communities were identified to be the most frequent impacts: “The underlying processes that generate such adverse impacts include enclosure of livelihood assets, elite capture, selective marginalisation and polarisation of development discourses. In situations involving enclosure, local land users lose their land rights without being able to sufficiently rebuild their livelihoods. With elite capture, local or State elites are able to extract disproportionately high shares of benefits from land acquisitions, while land users bear the bulk of the socio-economic and ecological costs.”¹⁰

Moreover, the increasing frequency of land grabbing has been accompanied by multiple human rights abuses and social injustices, with thousands of communities forcibly evicted and left destitute. 2017 was one of the deadliest years for land defenders to date.¹¹ Women and youth are particularly vulnerable because of their disadvantaged position as land seekers in customary and formal land governance systems.

The situation is even more serious when, as we observe in several African countries, it is elected representatives (parliamentarians or local authorities), elites and persons in charge of public services or land governance, who are allied with economic powers (national or foreign) to divide their own compatriots, often the poor, from their

land. There is also the fact that sometimes religious institutions (Christian, Muslim and others) contribute to the phenomenon of land grabbing. These religious institutions often acquire land beyond what is necessary for their settlement (denominational buildings and social works). As a result, they often hold large areas of unexploited land alongside rural communities, many of whom, particularly women and young people, are landless and cannot practice agriculture nor have access to natural resources that they need, sometimes just for survival. Consequently, millions of people across the continent are denied access to land.

2. LAND IS MORE THAN A FINANCIAL OR PHYSICAL COMMODITY - IT HAS AN INTRINSIC VALUE AND EXPRESSES A RELATIONSHIP BETWEEN HUMANS, OTHER ASPECTS OF THE NATURAL WORLD AND WITH GOD

According to Catholic social teaching, nature and especially land should never be viewed in purely utilitarian terms, as they are sacred gifts from God. Land is not simply a commodity limited to a financial and physical value. Rather it has an intrinsic value and expresses a relationship between humans, other aspects of the natural world and God.

The notion of an integral ecology, pertinent to the problem of land grabbing, is significantly developed in Pope Francis’ encyclical *Laudato Si’*. Realities facing natural ecology, human poverty and justice are deeply interlinked: “Today, however, we have to realise that a true ecological approach always becomes a social approach; it must integrate questions of justice in debates on the environment, so as to hear both the cry of the earth and the cry of the poor.” (LS 49) The environment must be viewed as a whole in relational terms: “When we speak of the ‘environment’, what we really mean is a relationship existing between nature and the society which lives in it. Nature cannot be regarded as something separate from ourselves or as a mere setting in which we live.” (LS 139)

In this regard, indigenous communities require particular attention. *Laudato Si’* emphasises, “it is essential to show special care for indigenous communities and their cultural traditions. They are not merely one minority among others, but should be the

⁷ Ibid.

⁸ Failed farmland deals: a growing legacy of disaster and pain. GRAIN, 2018.

⁹ International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II, 2016.

¹⁰ Ibid, p.39.

¹¹ The global farmland grab in 2016: how big, how bad? GRAIN, 2016 from Matthew Taylor, “2017 on course to be deadliest on record for land defenders”, The Guardian, 11 October 2017.

principal dialogue partners, especially when large projects affecting their land are proposed.” (LS 146) In this vein, sustainable land management such as agroecology, and forest practices that include a combined approach to settlement and shifting cultivation areas, the implementation of soil and water conservation principles, tree planting, or harvesting of non-timber forest products should be adopted. Recognition and enforcement of indigenous knowledge that is interrelated to biodiversity, traditional lifestyles and respectful use of God’s creation can strengthen and validate protection of the rights of indigenous communities while protecting the biodiversity of the forests.

3. THE PRINCIPLE OF THE COMMON GOOD CALLS FOR A PREFERENTIAL OPTION FOR THE POOR AND SOLIDARITY AND JUSTICE, WHICH ARE FUNDAMENTAL PRINCIPLES WITHIN *LAUDATO SI'* FOR ADDRESSING LAND ISSUES

Often land reforms aimed at ensuring protection for rural communities have been too slow and traditional and customary forms of land ownership still lack sufficient recognition or protection in most African countries. Unfortunately, when public authorities, sometimes pushed from outside (e.g. donors and international financial institutions), decide to implement land reforms, this becomes an opportunity for the most affluent (elected representatives of all kinds, ministers and senior public administration officials, first-range economic operators, high-ranking army officers, etc.), to grant or legally confirm undue land benefits to the detriment of the poor. Thus, land management mechanisms – supposedly legal, but not consensual and socially unjust – that perpetuate land grabbing are put in place.

Moreover, these constitute obstacles to the economic and social development of the African continent. Therefore, among the fundamental principles of Catholic social teaching the principle of the *common good* has to be applied to land issues. “Finally, the common good calls for social peace, the stability and security provided by a certain order which cannot be achieved without particular concern for distributive justice; whenever this is violated, violence always ensues. Society as a whole, and the State in particular, are obliged to defend and promote the common good.” (LS 157)

Intimately linked with the principle of the common good is the *preferential option for the poor*. “In the present condition of global society, where injustices abound and growing numbers of people are deprived of basic human rights and considered expendable, the principle of the common good immediately becomes, logically and inevitably, a summons to solidarity and a preferential option for the poorest of our brothers and sisters.” (LS 158)

The perspective of the poor must be central to decision-making regarding the management of land ownership. Today three quarters of people suffering from famine in the world are peasants. Social justice must focus on the unmet needs of the poor, the marginalised, those left behind by our current inequitable mode of development as well as future generations.

We are adamant that land grabbing is being legislated by the State authorities who, through narrow sighted land reforms, would like land to be given to those who “can” exploit it and not to those who “want” to exploit it. “Can” refers here to the financial ability to invest on large acreage. Indeed, even those who “can” exploit it often do not do it. On the contrary, they hoard the land to sell it. It would then be necessary to incentivise and participate in mechanisms that ensure that those land reforms are inclusive of the needs of the poorest to have access to the land as they seek to live with dignity from the fruits of their labour.



In the anthropocene era as we struggle to live with fulfilment within our planetary boundaries, this requires global and spiritual solidarity. “We require a new and universal solidarity... Everyone’s talents and involvement are needed to redress the damage caused by human abuse of God’s creation.” (LS 14)

The requirement for justice is intergenerational. Land grabbing is an obstacle to the flourishing of future generations because it limits the possibilities to nourish local people today and furthermore it limits future generations in their self-determination. The Pope’s question “What kind of world do we want to leave to those who come after us, to children who are now growing up?” (LS 160) is clearly pertinent. Pope Francis also elucidates on the numerous consequences of bad governance allowing or even encouraging land grabbing. Less direct phenomena such as migration (by evictions or forced by poverty) and conflict constitute two additional crises where the principles of *justice and solidarity* are failing to be addressed.

4. ADDRESSING THE EVIL OF HUNGER REQUIRES ADDRESSING LAND ISSUES

We must recognise that the issue of hunger and agricultural development today has become just one of the many problems at this time of crisis. In a speech at the 39th session of the FAO Conference, Pope Francis denounced “The hoarding of arable land by transnational firms and States is increasingly worrisome, since it not only deprives farmers of an essential asset, but also directly affects the sovereignty of nations. There are now many regions in which the food produced goes to foreign countries, and the local population is doubly impoverished because they have neither food nor land. And what about the women who in many zones cannot own the land they work, with an inequality of rights that impedes the serenity of family life, because they run the risk of losing their land from one moment to the next? Yet we know that most of the world’s food is produced by family farms.”¹²

In this sense, it is imperative to strengthen partnership and projects that promote family enterprises and encourage States to regulate land use and ownership fairly in order to eliminate the inequalities that are now at the centre of international attention.

Injustices with regard to lack of access to land are intimately linked to the evil of hunger. Following established Catholic social teaching principles, Pope Francis has said, “The other dimension of this already global process is hunger. When financial speculation

manipulates the price of food, treating it as just another commodity, millions of people suffer and die from hunger. At the same time, tons of food are thrown away. This constitutes a genuine scandal. Hunger is criminal; food is an inalienable right. I know that some of you are calling for agrarian reform in order to solve some of these problems, and let me tell you that in some countries – and here I cite the *Compendium of the Social Doctrine of the Church* – ‘agrarian reform is, besides a political necessity, a moral obligation.’”¹³

Consequently, CSOs and grassroots organisations and movements have not remained silent. The CMAT in Mali, the CRAFS in Senegal, Synergie Paysanne in Benin, COPAGEN and the CGLTE-OA in West Africa and many others across the continent, have not only investigated the phenomenon, but have developed advocacy actions and proposals for solutions, from legal training to support victims, to the development of consensual land governance mechanisms. Particularly when backed by endogenous management rules that borrow from custom to redefine consensual mechanisms, this often involves changing the custom to cope with new challenges.

It should also be noted that both at the international level and at the level of the African continent, policy initiatives have been taken.

We can mention among others:

- The United Nations Committee on World Food Security (CFS), which led to the *Voluntary Guidelines on the Responsible Governance of Tenure of Land* (VGGT);
- The African Union Declaration on Land Issues and Challenges in Africa. It takes into account the *Framework and Guidelines on Land Policy in Africa* (F&G), which focuses on the protection of community land tenure and gives guidelines on how to develop such land policies; and
- The *Land Policy Initiative*, which works for the monitoring of ‘F&G’.

Furthermore, some remarkable and encouraging progress has been achieved thanks to reforms in legislation at the national level, as is the case of the recent developments in this regard in Mali. However, it cannot be said that land governance has been a notable success on most of the African continent. This is why coordinated and well-targeted actions are still needed. There is a particular need to work on the mechanisms that can link the tools that are developed globally and on the African continent with the national and local context in which the solutions to land issues need to be designed and applied. Networks like those collaborating on this reflection paper work to amplify the voices of local communities at the regional, continental and global level. But for these voices to be heard at all levels, they must exist.

¹² Address by the Holy Father, Pope Francis to FAO 39th Session, 2015.

¹³ Pope Francis, Address to the participants in the World Meeting of Popular Movements, 2014.



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Accordingly, action at the grassroots is of paramount importance. This is why all organisations that can develop contacts with rural communities, such as the local churches, are called upon to act. Civil society and small-scale food producers' organisations are already in action as mentioned above. However, it is necessary to imagine how much this action can be amplified if in the future a synergy is developed between them and the organisations or institutions of the Church. It would develop a vast grassroots movement, henceforth unavoidable for any actor of the State or not, who would really like to act in favour of local communities.

In this regard the encyclical *Laudato Si'* states, "It is imperative to promote productive diversity and business creativity. For example, there is a great variety of small-scale food production systems which feed the greater part of the world's peoples using a modest amount of land and producing less waste, be it in small agricultural parcels, in orchards and gardens, hunting and wild harvesting, or local fishing. Economies of scale, especially in the agricultural sector, end up forcing smallholders to sell their land or to abandon their traditional crops. Their attempts to move to other more diversified means of production prove fruitless because of the difficulty of linkage with regional and global markets, or because the infrastructure for sales and transport is geared to larger businesses. Civil authorities have the right and duty to adopt clear and firm measures in support of small producers and differentiated production." (LS 129)

Advocacy – nourished by grassroots experiences to push the regional, continental and international institutions to respect and facilitate the implementation, monitoring and periodic evaluation of land management instruments that defend access for the first users of land: farmers and rural communities in Africa – is essential. Nonetheless, advocacy is only possible if it is based on a vast movement that mobilises citizens to understand land issues in their immediate and national environment and to defend their land rights.

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We need to strengthen the conviction that we are one single human family. There are no frontiers or barriers, political or social, behind which we can hide, still less is there room for the globalisation of indifference.

Pope Francis (LS 52)

CONCLUSION: A CALL TO ACTION

In his address to FAO both in 2015 and 2017, His Holiness Pope Francis exhorted the Church on the frontlines to commit and promote the attitude change required to collectively fulfil the right of every person to be free of poverty and hunger: “But, instead of taking action we prefer to delegate, and to delegate at all levels.” Pope Francis says, “[on] the contrary, we must respond to the imperative of ensuring access to basic food as a right of all people. Rights do not admit exclusions.”

Therefore, this theological reflection concludes with a call to action under three main premises:

» UPHOLD THE COMMON GOOD, CONDEMNING THE COMMODIFICATION OF THE EARTH

We view land as God’s promise and as a shared inheritance. We are therefore called to denounce the development model and the economic and other powerful forces behind it that reduce the earth to an economic commodity. Such a model only sees land for its financial value and disregards the deeper spiritual and cultural linkages of the communities that live off the land.

» STAND ON THE SIDE OF THE POOR

Land grabbing has a direct impact on the lives and livelihoods of the poorest and the most vulnerable communities. We are called to make a preferential option for the poor, clearly standing on their side and defending their rights over prevailing economic and other interests. We are called to support and amplify their voices, speaking out against land grabbing and proposing alternatives that put the rights of the poor and respect and protection of the earth at the forefront.

» HEED THE CRY OF THE EARTH AND THE CRY OF THE POOR

The expansion of industrial agriculture has allegedly contributed to an increase in food production. At the same time, it is the most greenhouse-gas-intensive form of agriculture. It leads to deforestation, land grabbing, soil and water pollution, soil depletion and degradation, among other impacts. Expanding such agricultural practices undermines the promotion of other food systems such as agroecology that could reverse some of these damages. Agro-industries have equally forced communities off the land and from the forests they are not only dependent upon for their subsistence but to which they also have deep cultural, spiritual bonds. We are called to support practices that respect the deep interlinkages between human beings and the earth. Agro-ecological practices that assist smallholder farmers by “enhancing the resilience and sustainability of food and farming systems while preserving social integrity”,¹⁴ cohesion and empowerment. Such practices can also yield positive associated impacts in respect of housing, employment and those communities who rely on sustainable forest resources.

¹⁴ *The Principles of Agroecology*, CIDSE, 2018.

ABOUT THIS PAPER

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