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Over the heads of local people: consultation, consent, and recompense in large-scale land deals for biofuels projects in Africa

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Abstract

Highly publicised large-scale land deals for biofuels are raising prospects for macro-level benefits in recipient countries, but also carry the threat of appropriation of land and natural resources from the poor local people who depend on these assets. This paper examines the extent to which local people are party to land allocation processes, considering both the procedural issues of consultation and consent, and the distributive issues around compensation. Current evidence is that local people's capacity to bargain or give free consent to investments is limited by their lack of access to economic and institutional alternatives. While host governments may offer policy support to local rights and claims, government agencies tend to align with the interests of large-scale investors when tested in real negotiations.

Keywords:

Notes

¹FPIC is formalised through article 32 of the 2007 UN Declaration on the Rights of Indigenous Peoples. Its fundamental principle is that indigenous people have the right to approve or veto proposed developments on their lands, based on full information, representative institutions, and iterative, culturally sensitive negotiation, backed up by effective systems for grievance, redress, and mitigation (Colchester and Ferrari [2007](#)).

²Based on FAO definitions and estimations of land suitable for agriculture.

³Interview with Sudanese government official, 22 February 2009.

⁴Interview with government official, 18 February 2009.

⁵Tanzania's Land (Amendment) Act 2004 introduced another land access arrangement – the establishment of joint ventures between foreign investors and local groups (under Article 19(2)(c) of the Land Act, as amended). Under this arrangement, local groups retain land rights while the investor obtains lesser land rights from the local group.

⁶Interview with an FAO country officer, 11 February 2009.

⁷One US dollar is about 30 meticais.

⁸The lowest recordable level on the records sheet; most are likely to offer considerably fewer than 50 full-time equivalent jobs.

⁹Written note submitted on data sheet, 13 March 2009.

Additional information

Notes on contributors

Sonja Vermeulen

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