2.4 Sustainable land reforms and irregular migration management

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2.4.1 Key messages

Land-related issues are directly or indirectly the main cause of instability, conflict, and violence in Africa. When we think of addressing the root causes of human displacement and irregular migration in Africa, resolving historical land injustices, mitigating marginalization, and implementation of sustainable land reforms ought to be one of the key agendas. Yet, land reform is inadequately considered in the international efforts towards finding solutions for instability and irregular migration. Land reforms hardly appear in the EU-Africa partnership on migration management major policy documents. This article asserts that stability and sustainable irregular migration management in Africa are grounded on enhanced social inclusion established through sustainable land reforms. It also brings to the limelight the disconnection between international relations with Africa in addressing irregular migration and the 'real threat' facing some African communities and households. This chapter section links the concept of human security to land security and relates them to socio-ecological vulnerability and resilience. It also explores sustainable land reforms as one comprehensive perspective of irregular migration management within the EU-Africa mobility framework.

2.4.2 Mapping the root causes

The increasing African irregular migration to Europe demands a reenergized search for the root causes and the means to address them. Most of the obvious causes of irregular migration are conflict and violence in many African countries. Even in countries without war or natural disasters responsible for mass displacement, extreme poverty is a key push factor. In the effort of managing irregular migration sustainably, the most crucial task is identifying the root causes and locate them in the larger international debate on irregular migration management. Overall, there is a consensus within the literature of African development process that land resources and land governance are some of the key factors of the continent's poverty and prosperity (Antwi-Agyei *et al*., 2015; Valipour, 2015). However, little has been done to link the historical land issues as the root causes and irregular migration in Africa - a gap that this chapter section attempts to fill.

2.4.3 The beginning of land reforms in Post-colonialism era

The colonial era marked the beginning of modern land-related issues and conflicts (Austin, 2010; Rodney, 1972). This, however, does not mean that pre-colonial Africa was conflict-free. Definitely, with the rapidly growing population in the continent, the idle pieces of land are non-existent. But the pressure on land and land resources itself cannot be the sole cause of conflicts and instability. Rather, it is the pressure on land-resources without proper land governance. The establishment of new post-colonial independent governments was expected to not only establish structures for future land governance but also rectify marginalization of some communities that already existed during colonialism. This is by acknowledging that the divide-and-rule colonial strategy left many indigenous land owners and communities displaced (Michalopoulos and Papaioannou, 2016). Sequently, the modern land governance and legislation

came in the wake of the introduction of self-rule in many African countries. This included the establishment of land mapping, land tenure system, land ownership and transfer rights, public and private lands, and every other task involved in land governance. The newly independent nations were to start from negative (correctional level) and not from scratch. Bearing in mind the herculean task that awaited these young nations, i.e., the redistribution of the land to the displaced people, effectiveness was paramount.

After independence, the weak legal and legislative framework, corruption, and impunity witnessed in most African countries hindered fairness in resolving the pre-existing land issues. Worthwhile noting, the effectiveness of the post-colonial land reforms differ from one country to another. Generally, within countries, the commendation of land through post-colonial land reforms initiatives was in favor of the educated and the politically-connected. On the other hand, the politically unconnected, the poor and uneducated remained marginalized. Even among the marginalized populations, some groups were more disregarded than others. For instance, land reforms did not capture the extra-vulnerability of women.

The struggle for fairness among victims of this injustice began. With population increase, the effects of marginalization became more profound, and so did the land-related conflicts and consequent human displacement (Bayeh, 2015). Today, these issues have become catastrophic in terms of conflict and civil wars. Violence manifests both at household and community levels, leading to individuals, households and mass displacements in current Africa. Chronic disputes between sedentary farmers and nomadic and pastoralist communities, as well as ethnic groups, have forced millions of people out of their homes. The conflict between farmers and pastoralists, especially, in Nigeria, Mali, Niger, and Ethiopia have taken more lives than terrorism (African Union, 2018). Africa being an

agrarian economy, lack of land access means lack of livelihoods to most households; hence, the high prevalence of hunger. Landlessness and marginalization have caused rampant cases of radicalization among youths as well as the emergence and spread of terrorism.

2.4.4 Land injustices and marginalization as migration push factors

In common parlance, one of the most prevalent categories of conflict in Africa is political violence. Here, this chapter section downplays political violence as a categorization of conflict, but rather, perceives it as the politicization of real socio-economic issues. In this context, these issues include land injustices and social and economic marginalization. Analytically, using the conflict tree assessment (Maitra, 2018), land injustices such as unfair distribution of land, are a static factor founded at the roots. Alternatively, the baseline conflict analysis [rates and ratios of violence over time, in an area] (Clionadh et al., 2013), enables a proper understanding of historical land injustices and communities' marginalization as the root causes of the current conflicts, violence, and instability. Consequently, they are the migration push factors across and outside Africa. To broaden the analytics of this perspective, we need to link irregular migration specific cases of conflicts over land and marginalization; and trace their origin. As such the irregular migration at the international level reflects irregular migration at the national and regional levels.

There are numerous cases of conflict-caused displacement rooted in land injustices and marginalization in Africa. In Kenya, what was commonly known as the 2007 post-election violence, and that led to the death of more than a thousand people and displacement of hundreds of thousands, was later diagnosed by the Truth, Justice and Reconciliation Commission (TJRC) as a conflict based primarily on historical land issues – right from the

independence (Government of Kenya, 2013). The TJRC report further indicated that the lack of adequate legal and fair channels to express grievances over land injustices has led to the rise and proliferation of radicalization in some regions within the country.

> "Land-related injustices at the Coast (of Kenya) constitute one of the key reasons for underdevelopment in the area and lie at the root of the emergence of the Mombasa Republican Council (MRC). The emergence of the Sabaot Land Defense Force (SLDF) was due to the government's failure to address land-related injustices that members of the Sabaot have suffered for a long time" (Government of Kenya, 2013). Both MRC and SLDF were rebel groups associated with violence and terrorism

West Africa is one of the key sources of most irregular migration to Europe. Unsolved land issues and lack of proper channels to address them are the root causes of extreme poverty and radicalization. This has as well led to the spread of terror groups (Maconachie *et al.*, 2014)

> "Drivers of fragility in West Africa are represented in the lack of clarity around land ownership, the neglect and the marginalization of peripheral regions, which are also often border regions, and the demographic challenge posed by an increasingly youthful population demanding greater inclusion, in particular through jobs and livelihood opportunities." (Marc *et al*., 2015)

Vulnerability in Cameroon and irregular immigration to Europe presents some of the most scorching effects of colonialism. Cameroon was colonized by Germany from 1884 to 1916. After the 1st World war, under the mandate of the League of Nations Cameroon was given to Britain and France. Each

country introduced its own colonial rule. After independence, the post-Cameroon was left divided as French-speaking Cameroon (also termed as Francophone Cameroon), and English-speaking – Anglophone Cameroon. Today, one the major development challenge in the country is what is generally referred to as "Anglophone problem." The Anglophone problem is not just the bilingualism but rather a conflict between two systems like in the case of education as well as the conflict of laws, i.e., British common law *Vis*-à-*vis* French civil law (Fon, 2019). Political and socio-economic marginalization of Anglophone minority Cameroonians is a reality, defined by higher poverty levels as compared to Francophone Cameroon. The struggle for inclusion has led to the escalation of instability and politics of secession (Konings and Nyamnjoh, 2019).

The conflict in Mali can be traced back to the 1950s. Currently, Tuareg, who perceive themselves as marginalized and discriminated against, fight for more inclusion (Stewart, 2013). In Nigeria, the level of development in regions occupied by Hausa Fulani (pastoralists) is very low compared to regions occupied by other communities (Langer and Stewart, 2014). One of the contributing factors for the spread of Boko Haram has been historical, political, and economic marginalization among people in the northeast of Nigeria (Matfess, 2017; Olaide, 2013). The Horn of Africa is another region with the highest forced displacement and irregular migration. Countries such as Somalia, Sudan, Southern Sudan, Eritrea, and Ethiopia experience high instability amidst ethnic conflicts, which are linked to the competition and struggles over land resources (Maconachie *et al*., 2014). In the Democratic Republic of Congo (DRC), poor governance of mining and minefields has resulted in chronic conflicts.

Most African countries have a low institutional capacity and coordination for effective land legislation. Social factors, in particular, lack of proper mechanisms for social inclusion, are the major determinants of vulnerability (Turner, 2003). The minimal operative social inclusion mechanisms have increased vulnerability to some communities within populations. According to the United Nations International Strategy for Disaster Reduction (UNISDR) (2010), vulnerability is viewed as the internal component of risk, generally depicted in terms of exposure and sensitivity. The vulnerability, in this context, involves not only people's subjectivity to external shocks such as droughts but also communities' sensitivity to shocks (Naumann *et al*., 2014). There is a possibility that people are forced to migrate not necessarily because of the magnitude of the external shock, but because of their sensitivity to any disruption. In either way, low resilience is the ultimate cause of irregular (involuntary) migration. There are various factors that influence vulnerability including environmental challenges, technological constraints, and inadequate structural and management. Environmental hazards are increasingly becoming a migration push factor in Africa where the most impoverished are the most disadvantaged (Black *et al*., 2013). In Ethiopia, for instance, other than displacement due to conflict, a series of droughts have pushed many people out of their homes (FAO, 2017). In 2018, almost a million Ethiopians were internally displaced, and a high number migrated to Europe and the Middle-East (The Government of Ethiopia, 2018).

2.4.5 The EU-Africa partnership on irregular migration management

It is clear that sustainable land reform is one of the solutions to the roots causes of displacements and irregular migration in Africa. Even in the EU-Africa partnership framework, the term irregular migrants is a generic term

that consists of both people seeking asylum in accordance with asylum law and the economic migrants without legal entry   documents. An economic migrant is "a person who leaves their country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in their livelihood" (European Commission, 2018). In other words, irregular migration can be viewed as involuntary migration or forced displacement while in legal terms, it refers to an undocumented or unauthorized entry.

The rise of irregular migration to Europe is worrying and calls for an intervention. As a result, there has been a series of summits and conventions between African states and the EU and its member states in search of a proper approach of irregular migration management. Some of the discussion forums and agreements include: The 2000 Africa-Europe Summit in Cairo, Egypt; The 2005 France and African Heads of States Summit in Bamako, Mali; The 2006 Euro-Africa Conference in Rabat, Morocco; The 2007 Europe-Africa Summit in Lisbon, UK; The 2010 Africa-EU Summit in Tripoli, Libya; The 2014 EU-Africa Summit in Brussels, Belgium; The 2015 Valletta Summit in Malta, and the 2017 AU-EU Summit in Abidjan, Côte d'Ivoire. The partnership has also been formally institutionalized through Khartoum Process and Rabat Processes.

After observing how land and land-related historical injustices and marginalization has created conflicts, vulnerabilities, and displacement, one question we cannot afford to ignore is: how has the EU-Africa partnership on irregular migration control articulated the concern of land reform as one of the comprehensive migration management agenda? To effectively answer this question, there is a need to analyze major EU-Africa policy documents on irregular migration control. The analysis involves the identification of

the major objectives/agendas highlighted by the above summits between the two partners and trace the elements of land reforms.

2.4.6 Land reforms as a missing Agenda in EU-Africa partnership on migration management

The table below summarizes the objectives (which are presumed to be the agendas) of various irregular migration control agreements and action plans between the European partners and the African partners. The aim of highlighting objectives is to demonstrate the absence of land reforms agenda.

Table 1.0 Mapping irregular migration management agenda/objectives in the EU-Africa partnership

Migration Management Agenda/Objective	The EU-Africa Partnership Containing the Agenda
Enhancing border management capacities among Africa countries	Rabat process report (2006); Khartoum Process; Sahel Regional Action Plan (2015) 2015-2020; EU-Horn of Africa Regional Action Plan (2015)
Curbing human trafficking/migrant smuggling	EU-Horn of Africa Regional Action Plan (2015); Rabat process report (2006); Sahel Regional Action Plan (2015) 2015-2020; Khartoum Process (2004)
Strengthening of EU-Africa co-operation on return and readmission of irregular migrants	Mobility partnership; Common Agenda on mobility and migration (2015); Khartoum Process; EU-Horn of Africa Regional Action Plan (2015)
Addressing the root cause of human displacement	EU-Horn of Africa Regional Action Plan (2015); Common Agenda on mobility and migration (2015)
Enhance African states' capacity to protect refugees and asylum	Common Agenda on Mobility and Migration (2015); EU-Horn of Africa Regional Action Plan (2015)

As indicated in the table above, the majority of initiatives take more migration control strategies. Even those that appear to address the root causes of human displacement do not highlight land injustices and related marginalization as a migration push factor. There appears to be an oversimplification in addressing the '*root*' cause of migration, where most official documents just highlight the need for education, creation of employment among youths through the promotion of entrepreneurship and agribusiness to address poverty in African countries. A close analysis shows that different projects on managing the root causes of irregular migration do not touch on land reforms. Although there seem to lack a clear strategy from both the EU and the African partners in outlining the root cause of migration, the European partners expect to invest heavily in projects such as agri-business to support individual small-scale farmers (European Commission, 2018). It is, however, not clear how an agribusiness located within a community that experiences historical land injustices and marginalization, and that suffers from chronic land conflicts, can be sustainable. As a proposal, sustainable land reforms ought to be the starting point in order to establish the foundation of management of second level solutions of irregular migration such as agribusiness projects.

Despite a large amount of foreign aid to refugee-hosting countries in Africa, there are minimal environmental conservation programs that connect to the management of asylum. Broadly, this indicates challenges in designing refugee protection programmes that only focus on individuals and not the habitation. All stakeholders in forced displacement and irregular migration need to put more efforts in advocacy of land policies that allow refugees and asylum seekers in Africa to engage in the production of their own food, be self-reliant, and reduce dependence on relief aid that is never enough (see, success stories from Uganda).

2.4.7 The Concept of Sustainable Land Reforms

Although there lacks a clear perspective of what the root causes of irregular migrants are, within the current international debates on addressing the root causes of irregular migration, one puzzling matter is how to achieve a sustainable strategy to achieve those causes. However, viewing human security as freedom from fear and freedom from want (UNDP, 1994), land security means more than just fear of land-related conflict, to include social-ecological vulnerability. The vulnerability here includes both high exposure and low resilience to natural disasters. Lack of land (both ownership and use) or conflict over land are critical forms of vulnerability that cause irregular migration.

The connection between land security and human security and stability establishes a form of sustainability. Instead of implementing the conventional land reforms, we need to broaden the concept to "sustainable land reforms" under the consciousness of the current Sustainable Development Goals (SDGs) framework. This denotes efforts to establish comprehensiveness in managing irregular migration. The understanding here goes beyond the common concept of land reforms as changing the system of land ownership and rights, to one that addresses the historical marginalization, sustainably. As such I define sustainable land reforms as:

'a land-based development model that address historical injustices and socio-economic marginalization by promoting a fairer distribution of land resources, community empowerment and environmental security that supplement the change of land use and ownership, to establish stability, resilience, and sustainability.'

In this regard, sustainable land reforms entail more than addressing injustices by legally defining what belongs to whom. Rather, it involves land-

reallocation that is accompanied by a socio-economic stimulus package to address the effects of long-term marginalization and vulnerability as an in-clusion-enhancement strategy. Therefore, sustainable land reform would free the marginalized people from economic fears such as extreme poverty and hunger and as well as free communities and households from attacks by those who perceive themselves marginalized. The ability to promote land securities as an aspect of human security translates to the success in establishing a sustainable and resilient socio-ecological stability. Vulnerability and insecurities among households are worsened by poor land planning and settling on the prohibited regions, which leave people very often exposed to natural disasters. On the flip side, any failure to establish sustainable land reforms amounts to the maintenance of the status quo – vulnerability and human insecurity.

The sustainability of land reforms calls for international development agents to expand their scope of operation beyond the traditional scope. In-ternational development financiers and development banks in collaboration with African governments need to include sustainable land reforms as one of the development areas to invest in, in an effort to establish stability and accelerate balanced economic development within African countries. The United High Commission for Refugees (UHNCR), International Organiza-tion for Migration (IOM) and other global organizations concerned with forced displacements and irregular migration need to take a more proactive role - supporting sustainable displacement-preventive measures including addressing the root cause of irregular migration and sustainable land re-forms. By so doing, they save potential irregular migrants and asylum seek-ers through building resilience and addressing migration push factors sustainably.

The vast majority of African irregular migrants moving out of the continent aim to reach Europe. Europe (the EU and the Member states) is also the most active African partner in managing irregular migration. It thus calls for an examination of how land issues (as root causes) and sustainable land reforms (as a strategy of addressing the root causes) have been articulated in the cooperation between Africa and Europe in irregular migration management.

Within the EU-Africa partnership on irregular migration management, such a sustainable land reform process experiences a potential two-way challenge. From the European perspective, corruption, impunity, and lack of respect for the rule of law among African elites are the major hindrances to change, especially where the African elites are the major beneficiaries of the current status quo. The politically-connected individuals who acquired unfair chunks of land right from the colonial era are still the current holders of those lands. And are still politically influential. From the African perspective, on the other hand, the idea that the current European governments should take responsibility for the former governments' colonial actions in Africa has never been an interesting agenda. This leaves open the possible explanation of why sustainable land reform is a viable strategy for addressing the root causes of irregular migration but not implemented. The pessimist argument is that there exists a blame game between the African elites and European governments to take responsibility hence mutual understanding not to touch on the real threats (the land issue), where both would be implicated. An optimistic view is that there is a lack of awareness of sustainable land reforms as a migration management agenda between the two partners. All in all, development is not an event, but a process. Sustainable land reforms as a development agenda should be articulated at local, national, and international levels of the development

process and in addressing the root causes of irregular migration as well as enhancing the achievement of Sustainable Development Goals in Africa.

2.4.8 Conclusion

Land and land-related issues are a major cause of vulnerability, conflict, displacement and African irregular migration to Europe. Yet it still remains missing in the EU-Africa forums for irregular migration management. It is, thus, a vital area for Africa, the EU, and its member states to explore in addressing the root causes of irregular migration to Europe. Setting sustainable land reforms issue as an agenda for addressing the root cause of irregular migration marks the beginning of addressing the real threats of potential African irregular migrants. This includes linking land reforms to environmental conservation practices that replace some non-performing strategies of environmental conservation, which are costly to maintain and do not address historical land injustices in Africa.

There is the necessity to reorient land reforms towards the establishment of socially equitable and economically viable redistribution of land in order to establish participatory and sustainable environmental conservation models that address the vulnerability and marginalization of communities in Africa. Most essentially, there is a need for inclusion of "sustainable land reforms" as an agenda in the EU-Africa partnership on irregular migration management.

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