

EL LEGAL AND REGULATORY INDICES SNAPSHOT: Flexibility Rates for Land Acquisition in SSA Power Markets¹

LAND ACQUISITION					
COUNTRIES	ASSESSMENT PARAMETERS:				Flexibility Rating ² (High, Medium, and Low)
	Existence of Power Sector Regulation	Government Intervention	Compulsory Acquisition	Compensation Availability	
Botswana	✓	✓	✓	✓	High
Cape Verde	✓	✓	✓	✓	
Comoros	✓	✓	✓	✓	
Eswatini (Swaziland)	✓	✓	✓	✓	
Ethiopia	✓	✓	✓	✓	
Kenya	✓	✓	✓	✓	
Mozambique	✓	✓	✓	✓	
Namibia	✓	✓	✓	✓	
Nigeria	✓	✓	✓	✓	
Rwanda	✓	✓	✓	✓	
Sierra Leone	✓	✓	✓	✓	
South Africa	✓	✓	✓	✓	
Tanzania	✓	✓	✓	✓	
Togo	✓	✓	✓	✓	
Uganda	✓	✓	✓	✓	
Zimbabwe	✓	✓	✓	✓	



Benin	x	✓	✓	✓
Burkina Faso	x	✓	✓	✓
Cameroon	✓	x	✓	✓
Central African Republic	✓	x	x	✓
Chad	x	✓	✓	✓
Congo Republic	x	✓	✓	✓
Democratic Republic of Congo (DRC)	x	✓	✓	✓
Equatorial Guinea	x	✓	✓	x
Eritrea	x	✓	✓	✓
Gabon	x	✓	✓	x
Gambia	x	✓	✓	✓
Ghana	x	✓	✓	✓
Guinea	x	✓	✓	x
Guinea Bissau	x	✓	✓	✓
Lesotho	x	✓	✓	✓
Liberia	x	✓	✓	✓
Madagascar	x	✓	✓	✓
Malawi	x	✓	✓	✓
Mauritius	x	✓	✓	✓
Niger	x	✓	✓	✓
Sao Tome and Principe	x	✓	✓	✓
Seychelles	x	✓	✓	✓
South Sudan	x	✓	✓	✓
Sudan	x	✓	✓	x
Zambia	x	✓	✓	✓

Medium



Angola	x	✓	✓	x	Low
Burundi	✓	x	x	x	
Djibouti	x	✓	✓	x	
Mali	x	✓	x	x	
Mauritania	✓	x	x	x	
Senegal	x	✓	x	x	
Somalia	x	x	x	x	

DISCLAIMER

The devised method of data representation and the mode of populating the information in this snapshot document is not premised on and does not in any way imply the opinion of International Organizations, Ministries, Governmental Bodies and Regulatory Entities of SSA countries, relating to the legal status of the country, the territory, boundary, or delimitation of the country's frontiers.

Endnotes

- 1 The following assessment parameters employed as criteria for determining the flexibility of land acquisition across the SSA Countries referred to in this document, have been formulated based on Electricity Lawyer's understanding of electricity markets alongside the Electricity Laws and Regulations of the respective SSA countries and research undertaken around flexibility in land acquisition. The parameters are in no manner expressed as exhaustive. See: Seifolddini, Faranak & Harris, Michael. (2015). Flexibility and Contextualization in Defining Land Acquisition Policies and Strategies for Gentrification- Available at https://www.researchgate.net/publication/319881292_Flexibility_and_Contextualization_in_Defining_Land_Acquisition_Policies_and_Strategies_for_Gentrification ; World Bank, Compulsory Acquisition of Land and Compensation in Infrastructure Projects (2012)- Available at https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/ppp_testdumb/documents/Compulsory%20Acquisition%20of%20Land%20and%20Compensation%20in%20Infrastructure%20Projects.pdf
- 2 Flexibility means 'the law should be specific enough to provide clear guidelines, but flexible enough to allow for the determination of appropriate equivalent compensation enough to allow for the determination of appropriate equivalent compensation in special cases. Legislators cannot foresee all possible scenarios, and a rigid application of detailed provisions may result in people not being compensated for losses that are not identified in the legislation.' Flexibility also means the flexibility (of government) to expand eligible purposes when required or criteria and process for land acquisition. See: FAO, Compulsory acquisition of land and compensation (2009) para. 2.15 & Box 6, p.23- Available at <https://www.fao.org/3/i0506e/i0506e.pdf> ; NDTV Profit, Government Proposes to Make Land Acquisition Law More Flexible: Finance Minister (August 30, 2014)- Available at <https://www.ndtv.com/business/government-proposes-to-make-land-acquisition-law-more-flexible-finance-minister-656526>. Flexibility also connotes ease in acquiring land rights.