

THE RACE FOR LAND

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SWEDISH COOPERATIVE CENTRE

THE RACE FOR LAND

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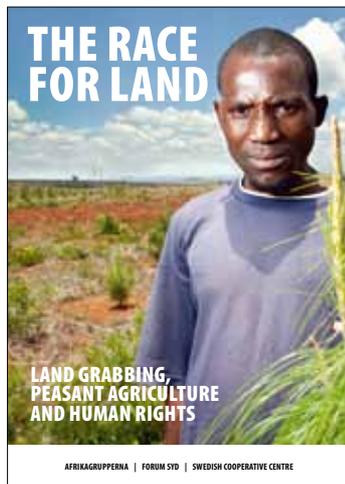
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Rachide Omar's fields in Lichinga, Mozambique are today surrounded by the company Chikweti's pine plantations. Photo: Anders Kristensson

Back:



Mrs Yeum in her home garden in Kampong Speu, Cambodia. Photo: Nicolas Axelrod

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José Caipa works at an agroforestry training centre in Niassa, Mozambique, which promotes sustainable agriculture adapted to climate change in collaboration with local peasants' associations. Photo: Kajsa Johansson

INTRODUCTION

The great land race is on, and it is spreading. Against a backdrop of steeply increasing prices of food and agricultural commodities in general, investing in land has become a growing business. At least 10 million hectares shift hands every year as land and land-based resources are recognized to be of central importance to the global economy.

The phenomenon of land grabbing - large-scale investments in agricultural land in developing countries - has been accompanied by evictions of poor farmers from their land, destruction of livelihoods and severe violations of human rights. Local food security is threatened in many target countries, since a major part of the production on the acquired land is intended for export.

Acquisition of land for commercial production is not a new phenomenon in itself, but the current scale and intensity of commercial pressures on land resources signifies that we are entering into a new era of struggle for land in poor countries.

The investors come from all over the globe, and they are bridging most traditional divides: private/public, national/international, for production/for speculation, direct investment/portfolio investment. A wide range of actors are buying or leasing land, from transnational agribusinesses to state corporations, from sovereign wealth funds to private pension funds. The drivers behind the land rush are also many, ranging from

land to produce food for a growing global population and feed for an expanding meat industry, to fuels for a growing world economy.

The land which is sold or leased in this race is neither empty nor vacant or marginal. On the contrary, it is usually the most centrally located and easily accessible areas which are targeted first, where peasants and local communities who live off the land see their rights violated as they are pushed away from the land where they have lived for generations.

The land deals which are brokered usually need the agreement of governments of the host countries, either because they, according to the respective constitutions, are the legal land holders, or because foreign investments require local approval. This is one reason why middlemen and go-betweens are a frequent element of land deals, partially obscuring the real investor at the back of a local front.

Local participation in and national approval of these land deals are two obligations stipulated by binding international human rights law but are no guarantee that the rights of the peasant communities and the present land users will be respected and protected. On the contrary, this report shows that violations of these rights constitute everyday occurrences.

Many of the countries where large scale land investments are taking place have progressive legal frameworks in place. However, the awareness of these rights is low in many peasants' communities and law enforcement is weak. When the local communities' right to land is violated, food security and poverty alleviation are put at risk.

The drawbacks connected with the land rush has gained increased attention more recently, and attempts to regulate and control the way that land is acquired as well as ensure the rights of land holders are many, ranging from principles for 'responsible' agricultural investments backed by the World Bank and UN agencies to codes of conducts promoted by corporations and their associations.

More promising from a human rights perspective are The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security which were recently adopted by FAO's Committee on Food Security. This is the first set of guidelines arrived at through an inclusive process where governments, NGOs, farmer's organisations and multilateral institutions have joined forces. However, most of these guidelines lack mechanisms of redress, in addition to being voluntary, and they frequently fail to recognize that states as well as corporations and international institutions have obligations when it comes to protecting the rights of the affected populations.

The purpose of this report is to contribute to the increasing debate around large-scale land acquisitions, while seeking to understand the consequences for poor farmers and indigenous communities. The report examines different factors behind the

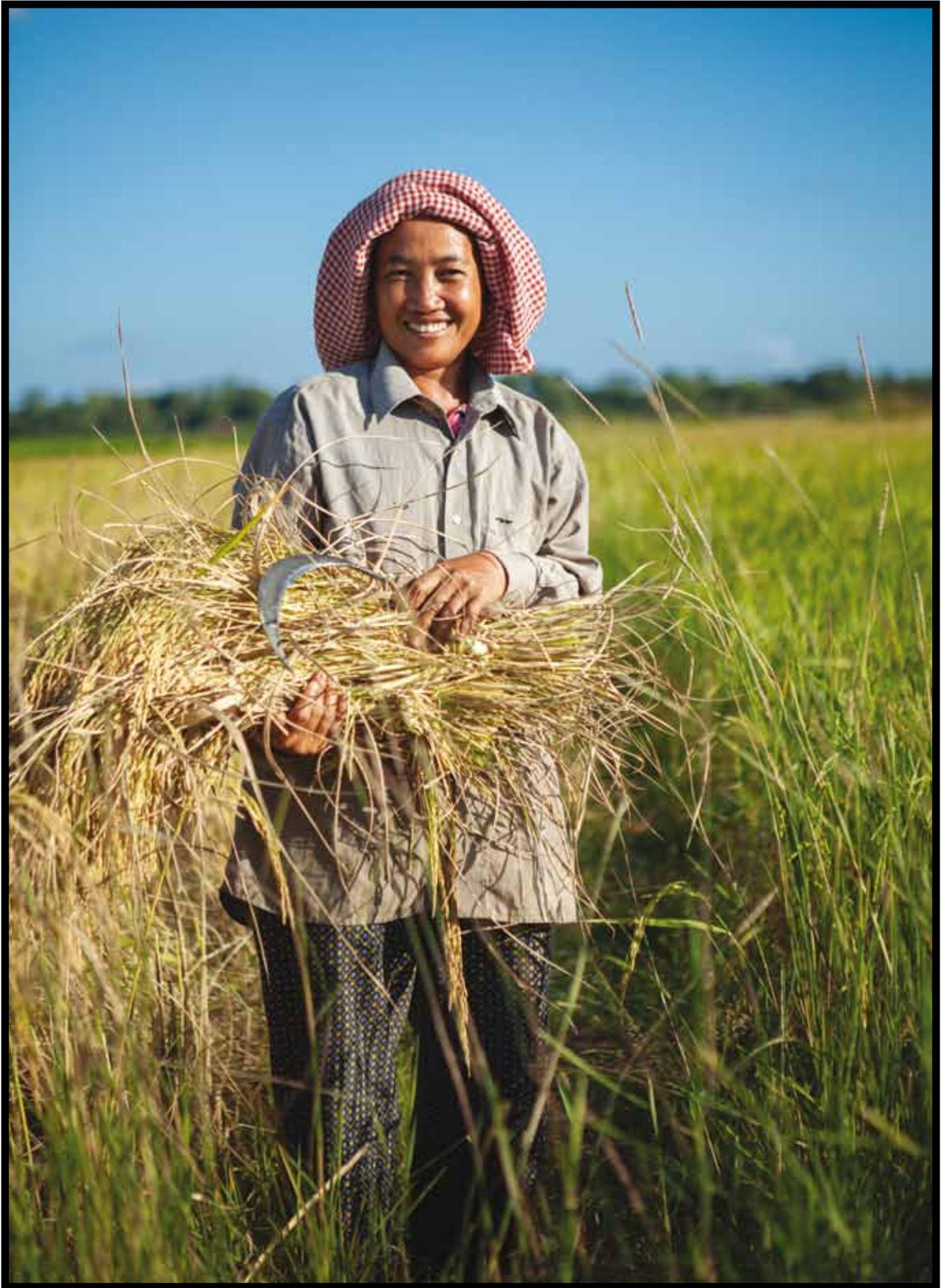
recent escalation of land deals; investors, purposes and target countries as well as common arguments in connection with the acquisitions. We discuss land tenure rights and land governance and the significance of this in relation to investors' choice and abilities for poor farmers to claim their rights. Furthermore, we look into a few of the most important guidelines relating to land tenure and 'responsible' investment, reflecting on whether voluntary guidelines are a solution to the fundamental drawbacks related to large-scale land deals or if they merely legitimize land grabbing. The potential of peasant agriculture as an alternative to industrial agricultural production is also discussed. The report includes two case studies from Cambodia and Mozambique, illustrating how an escalation of land concessions to private investors has affected poor farmers and local communities and their rights to the land.

In the present scramble for land, we hope that our report will contribute to strengthening the rights of peasant land holders, increasing their negotiating power and achieving food sovereignty. Poor farmers' and indigenous communities' rights to choose their futures and to stay on their land, if that is what they desire, must be ensured.

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Suos Sarey is cultivating rice on their land in Kampong Speu, Cambodia. Photo: Nicolas Axelrod



Nyeum Putheavy is cultivating rice on their land in Rattanakiri, Cambodia. Photo: Nicolas Axelrod

THE NEW SCRAMBLE FOR LAND

Kenneth Hermele¹, Forum Syd

During the first decade of the 21st century, a swift growing business activity has swept Africa, Asia and Latin America, with some incursions into Eastern Europe: the appropriation of land for commercial purposes. Such deals have grown from insignificant levels at the outset of the decade to covering millions of hectares each year more recently.

The branding of such land deals is a controversial issue, some prefer “investments”, like the World Bank, others would consider anything but “land grab” or even “theft” a euphemism, for instance NGOs like GRAIN and peasant organisations such as Via Campesina.

Irrespective of what terminology you prefer, however, all observers agree that there has been a novel rush into controlling land and land-based resources, and with the control of the land also the water resources needed, and sometimes the labour to make both of them profitable. Many of these land investments have resulted in dispossession and destruction of livelihoods of poor farmers and in violations of human rights.

The value of land based resources has as of late shown a novel trend. After decades of constituting a commodity of little commercial interest to global investors, land is today increasingly of central concern to any actor considering food security, climate stability, energy politics and sustainable development in general, a situation which is quite similar to the colonial preoccupation with land and land-based resources. Calling the resulting land deals “grabs” draws our attention to the neo-colonial dimension of acquiring land resources in poor countries for the benefit of actors and markets elsewhere, a modernized form of the scramble for land which constituted such a dominating feature of colonialism.

Land is not just like any other commodity, it is closely related to the lives and cultures of billions of people throughout the world, constituting the very fabric of both their histories and their futures. This is the reason why a discussion about land use and land users inevitably will lead to a debate about human rights, food security, food sovereignty and sustainability, all issues which are tightly linked to access to and control over land. Although the main text of this chapter focusses on land as a resource, the wider implications of land grabbing for the peoples and communities affected by the grabs will be demonstrated by a number of case stories which are presented throughout the text.

The framing of land grabbing

When the term “land grabbing” began to gain currency, propelled to prominence by the NGO GRAIN,² the concept was given a clear colonial touch. Land grabs were framed originally in relation to the rising food prices and they were defined by three traits:

- the deals were large, over 1 000 hectares;
- the grabbers, corporations as well as states, were based outside the territories where the grabs took place; and
- the purpose of the grabs was to supply the international market, or the home market of the investor, with food.

That this pattern is reminiscent of the earlier colonial period of land grabs was noted:

*Foreign private corporations getting new forms of control over farmland to produce food not for the local communities but for someone else. Did someone say colonialism was a thing of the past?*³

By now it has become clear that this definition of land grabbing is too limited and does not grasp the scale of the phenomenon, nor the actors involved. Especially problematic is the dependence on the size of the grab, with the arbitrary limit set at 1 000 ha: why should a 300 ha vine orchard signify less of a grab than 100 000 ha of eucalyptus plantation, or 500 000 ha of grazing land? Different areas may in fact have similar significance in terms of capital needed to secure the land, and in terms of the economic gains which can be reaped from a given investment.⁴

One way out of this restriction is to relate the areas grabbed to average holdings in the countries where the grabs take place, for instance stipulating that only when a deal surpasses twice the national median farm area does it qualify to be called a grab (which would make the definition of land grabbing different for different contexts). Other definitions suggest that the limit should be 200 hectares, ten-twenty times the size of a typical peasant farm in Africa or Asia.⁵

Furthermore, the emphasis on the nationality of the grabbers as well as the focus on deals to secure food run the risk of failing to see who the actual investors are, and why they acquire land. In fact, there is a general interest in land and land-based resources, for various purposes, from food to speculation via agro-fuels and feed production. At the same time, the grabbers are to be found everywhere, in the private sector and in the public, and they are based in poor as well as in rich countries.

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²GRAIN 2011. ³GRAIN 2008:3. ⁴Borras et al 2012:850. ⁵Oxfam 2012a:5.

In fact, a combination of drivers is aiming at land and land-based resources in order to meet the global demand for food, feed, fibres, and fuels. Any attempt to focus on only one driver, or one kind of grabbers, or one region being grabbed, will reduce the larger significance of land and land-based resources, of which land grabbing is just one symptom. As summed up by initiated researchers:

Over the past several years, the convergence of global crises in food, energy, finance, and the environment has driven a dramatic reevaluation of land ownership. Powerful transnational and national economic actors from corporations to national governments and private equity funds have searched for “empty” land often in distant countries that can serve as sites for fuel and food production in the event of future price spikes. This is occurring globally, but there is a clear North–South dynamic that echoes the land grabs that underwrote both colonialism and imperialism. In addition, however, there is an emerging “South–South” dynamic today, with economically powerful non-Northern countries, such as Brazil and Qatar, getting significantly involved.⁶

Following this lead, and reflecting on various definitions of land grabbing, we can conclude that three framings co-exist:

- first the definition we already have met, pioneered by the NGO GRAIN, where the dichotomy national/foreign is the defining characteristic: here, only foreign actors grab land;⁷
- secondly, the definition promoted by the World Bank where land grabs – euphemistically branded “investments” – are executed by various actors and investors, from states to finance capital, emphasizing the role of local elites as middlemen and facilitators of the grabs;⁸
- finally, the definition of land grabbing as those deals which flout rules and norms of international human rights law, irrespective of who is concluding them. This approach was spearheaded by the International Land Coalition, which joins 116 NGOs, community based organisations as well as international institutions such as UN agencies and the World Bank, and is being used widely by civil society organisations.⁹

In this report, we are using the last definition, where land grabbing is defined as land acquisitions or concessions that are one or more of the following:

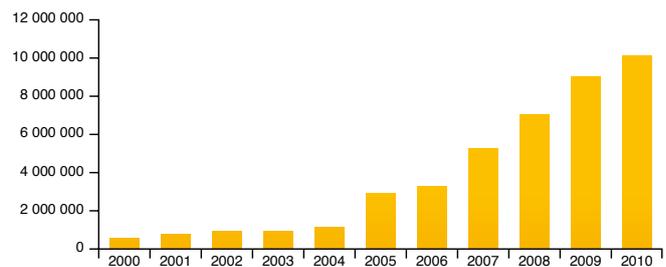
- (i) in violation of human rights, particularly the equal rights of women;
- (ii) not based on free, prior and informed consent of the affected land-users;
- (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered;
- (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and;
- (v) not based on effective democratic planning, independent oversight and meaningful participation.

This definition is the one which most clearly relates land grabbing to the rights of the people directly affected: the indigenous peoples and local communities who lose control over their land, thus threatening their food security as well as their food sovereignty.

Thus, land grabbing are land deals concluded by any actor who has enough financial muscles and/or political clout to access land and in so doing violates the human rights of the present land users. No single purpose (food, feed, fibres, or fuel), no single size, no single actor (foreign or national, corporate or public), no single driver (speculation, pension funds, or food), no single market (domestic or international) should be given the prerogative to define land grabbing. It is the centrality of land and land-based resources to the global functioning of the human society and economy, which is propelling the surge in the quest for land.

However, the data which is available for measuring land grabs frequently make delimitations of their own convenience, which, giving the absence of one reliable data set covering land grabs, is the data that we will have to make do with. With these caveats, Figure 1 sums up the situation for land grabs 2000–2010. Land grabs have increased in area consistently during the last decade until it reached approximately 10 million hectares annually.

Figure 1. Land grabs 2000–2010, hectares per year



Source: Ohlsson et al 2012: Figure 1.

Rising food prices drive land grabs

Land grabbing gained prominence in the public domain at the same time as food prices spiked in the middle of the last decade, just prior to the financial crisis of 2008, signaling the re-emergence of land to the centre of the global political and economic system. Contrasting the long downward trend of the previous 30 years, food prices reached the highest point since the oil price rises of 1973–1974. See Figure 2.

The peak of 2008 was both similar to and different from the price spike of the mid-1970s. Just as during the previous hike, the rise of food prices was accompanied by rising oil prices, but still the logic of today's food price movements is different from the one experienced in the 1970s. Then, the rise was sudden and the period of high prices was brief, once oil prices stabilized the food prices returned to their previous low levels and speculation in food subsided. Today, however, the rise leading up to the peak of 2008 was gradual and extended over five years, and the fall in prices which the financial crisis brought about, although abrupt, was short-lived. Already in early 2009, food prices rose anew, and

⁶Borras et al 2011: 9. ⁷GRAIN 2008:2. ⁸World Bank 2011:2. ⁹Tirana Declaration 2011.

CASE 1. GUATEMALA

On March 15-17 last year, hundreds of policemen entered 14 small villages in the fertile valley of Polochic in the northwest of Guatemala, destroying homes and crops, and threatening and harassing people. One person was killed, and four were injured. In the end, more than 800 families, belonging to the Maya Qeqchi indigenous population, were evicted and had to set up camp on the side of the roads, in the open air.

Behind the evictions we find a land grab perpetrated by a Guatemalan company owned by Carlos Widmann, a sugarcane plantation called Chabil Utzaj covering 5 000 hectares. Ousted peasants were forced to seek refuge in

the steep slopes of the adjacent mountain range, Sierra de las Minas. Carlos Widmann, who is brother-in-law to the previous President of Guatemala, had obtained financial support from the Central American Bank for Economic Integration for the deal.

The promised jobs on the plantation never materialized, instead starvation has been reported from this region where peasants earlier lived well off the land where they now have lost access to their land as well as their food security.

Source: Oxfam 2011 and Bird 2011.

by the end of 2010 they had surpassed the pre-crisis peak. More significant, prices have remained at this exceptionally high level, in spite of the worldwide economic problems, and today they hover at double the level of only a decade ago. The picture is the same if we include other land-based resources. See Table 1, which is based on UNCTAD statistics for agricultural commodities. In addition to food, we here also find tropical beverages (such as coffee) and agricultural raw materials (such as cotton).

Figure 2. FAO food price index 2008 – September 2012



Source: FAO 2012a.

All of the indices in Table 1 recovered quickly after the financial crisis, and already by 2010 they had regained or exceeded the pre-crisis levels. This new pattern of price movements for land and land-based resources constitutes a relevant backdrop for understanding the logic behind the growing interest in land and land-based resources, an expression of which is the increasing appropriation of land areas by a number of actors, and for various

purposes. Add to the traditional list of land uses – food, feed, fibres and fuels – speculation in land and land-based resources, and a continuing pressure on land is reasonable to expect.

Table 1. Commodity price index 2008 – August 2012

Commodity	2008	2012
Food	234	285
Tropical beverages	178	208
Vegetable oilseeds and oils	298	320
Agricultural raw materials	198	200

Source: UNCTAD 2012 and 2012a. Index 100 = 2000.

The indices are expressed in current prices.

Political factors also play a role in pushing for more land grabs, especially the export bans imposed by some exporting countries in order to prevent food riots and improve the local availability of food in the face of rising food prices in 2008. As violent protests were reported from a number of countries – Burkina Faso, Cameroon, Côte d'Ivoire, Egypt, Guinea, Haiti, Honduras, Indonesia, Kenya, Malaysia, Mauritania, Morocco, Mozambique, Pakistan, Russia, Senegal, Thailand, Tunisia, and Yemen¹⁰ – other countries took measures to reduce agricultural exports, among them Argentina, Bangladesh, Bolivia, Burkina Faso, Cambodia, China, Egypt, Ethiopia, Guinea, Haiti, Honduras, India, Madagascar, Malawi, Russia, Uganda, Ukraine and Zambia.¹¹

As a follow-up on this experience, many countries are now increasing their stocks of food as a precautionary step (see Box 1), and some of them are also stepping up their investments in land overseas.

¹⁰Cohen & Garrett 2009. ¹¹FAO 2009a:54-57 and IATP 2012:33.

BOX 1. BUILDING RESERVES AROUND THE WORLD

A number of countries are increasing their stocks or otherwise changing their policies to protect their home markets from expected disturbance from the global markets of food, feed, fibres, and fuels. Among these countries, we find some of the largest land grabbers: Saudi Arabia, United Arab Emirates, and South Korea. This is logical: it is their need to secure supplies which are among the main forces propelling land grabbing.

Middle East: Saudi Arabia and Egypt are aiming at a six months' supply of wheat while Iraq is opting for as much as a full year's consumption. In addition, United Arab Emirates, Qatar, and Jordan are boosting their storage capacities.

Sub-Saharan Africa: Kenya is doubling its reserves, and Ethiopia is considering increasing them as well, while Nigeria has adopted a policy of keeping 15 per cent of its needs in stock, quite limited compared to other countries. Similarly, Sudan is keeping only a small reserve.

South Asia: Bangladesh is increasing its stocks of wheat and rice after having reduced them in the 1990s following advice to depend on the market. On the other hand, Pakistan as well as India have enjoyed bumper harvests of rice as well as wheat, and may consider increasing their exports.

East Asia and Southeast Asia: China has, at least hitherto, embraced a policy of 95 per cent self-sufficiency, save a major dependency on soy imports. South Korea, Indonesia and the Philippines are all trying to increase their reserves of rice.

Source: IATP 2012:33-35.

CASE 2. HONDURAS

After a long history of evictions, peasants in the Bajo Aguán valley, one of the most productive regions of Honduras, found themselves as day labourers on the lands they previously had controlled through their co-operatives. Corrupt cooperative leaders had achieved a transfer of communal lands into the hands of private landlords through a combination of "deceit, blackmail and violence".

One of the new landowners, the Grupo Dinant, invested in palm oil mill Exportadora del Atlántico (EdA) with backing from the International Finance Corporation (the private sector arm of the World Bank) and the Inter-American Investment Corporation.

The evicted peasants organized themselves in a Unified Peasants Movement of the Aguán Valley (MUCA), which reclaimed the land they had lost. MUCA initiated an occupation of the plant of EdA, thereby forcing the Honduran government to broker a deal between MUCA and Dinant. This resulted in the return of 11 000 hectares to the peasants, of which 4 000 were palm oil planted by EdA.

However, the return of the land is premised on the peasants paying market prices for the land that used to be theirs. At the same time, other peasants and peasant organisations in the same region continue to claim the land they have lost, facing violence from state security forces.

Source: Oxfam 2011

The double “fungibility” of land

The drivers behind the land grabs may be summed as the land areas needed to produce food, feed, fibres and fuels, and the reason why they compete for the same land is that land is “fungible”. This means that land has many uses, and any land use is (more or less) exchangeable for any other use. Given that land is limited, these drivers compete for the same (or similar) land areas, a race for land which plays itself out on a global scale. For instance, when Brazil enlarges the land areas planted with sugarcane and soybean to supply the global market, Brazilian cattle ranchers may be pushed out from their previous grazing areas onto new land, inside and outside of Brazil. Put another way, what may appear to be independent land use changes are in fact a series of linked events, one alteration of land use leading to the next. Land grabbing is one manifestation of this conflict.

Fungibility of land thus implies that a change in one feedstock has a tendency to impact land areas dedicated to other crops, and such spill-overs affect production and cultivation also in neighbouring countries and overseas. Consider the impact of the recent collapse of US maize production, due to bad weather conditions, at the same time that the US is boosting its production of ethanol based on maize.¹² As maize gets scarce at the same time that maize is diverted from animal feed to produce ethanol, American hogs must be fed from feed produced elsewhere, for instance by importing maize from Argentina, the second largest exporter after the US.

But not only is land fungible, the produce of the land is also fungible in its own right, it has multiple and substitutable uses. For instance with maize, sugarcane, soybean, rape seed and palm oil, which are used for agro-fuels, food and animal feed, one market is impacting the others.

The fungibility of land and its produce makes it reasonable to pit agro-fuels against food, for instance by arguing that we feed our cars instead of people. The areas around the world dedicated to producing the ethanol and biodiesel used in the European Union in 2008 could instead have been used to support 127 million people for a whole year.¹³ The fungibility of land and the feed stocks used to produce agro-fuels makes such comparisons more than just a moral stance, they indicate a real contradiction given the fact that the available land areas are limited.

Land grabbing 2000-2010

Although the present scramble for land is similar to the colonial pattern, there also exist major differences. First, land is made available by seemingly legitimate governments (mostly in Africa) or by legally titled property-holders (elsewhere). Hence, no military occupation is needed. Secondly, the actors engaged in the land hunt are partly new compared to the set-up at the height of European colonialism. Today, grabbers come from all over the world, but it should be stressed that a significant share of them are based in fast growing economies in Asia, and that many deals



*Yum Leum (88) in Kampong Speu, Cambodia collects forest products for their sustenance. Two of her grand daughters had to stop studying when they lost 3 ha of land.
Photo: Nicolas Axelrod*

¹²President Obama has talked of “one of the worst droughts in 50 years”, see <http://www.guardian.co.uk/environment/2012/aug/13/us-federal-aid-farmers-food-prices>

¹³Oxfam 2012b: Tables 1 and 2.

Table 2. Verified land grabs 2000-2010 (million hectares)

Land acquired in	Origin of investors	Commodities	Total land area (Mha)
Africa	Asia 39 %, Africa 20 %, Europe 19 %	Agro-fuels 66 %, Food 15 %, Forestry 7 %, Tourism 9 %	34
Asia	Asia 89 %, Middle East 6 %, Europe 3 %	Agro-fuels 56 %, Food 15 %, Forestry 20 %, Industry 6 %	29
Latin America	Latin America 37 %, North America 35 %, Asia 13 %	Agro-fuels 33 %, Food 27 % Minerals, oil 24 %, Forestry 10 %	6

Source: Anseeuw et al. 2012: Figures 3-6. Verified grabs = reported and cross-referenced land deals.

are facilitated by, or co-authored by, national land grabbers, for instance in many of the case stories presented here. Nevertheless, there still exists a neo-colonial aspect arising from the fact that rich and powerful actors appropriate land resources already used by poor and not so powerful peasants and societies in order to supply expanding markets elsewhere.

See Figure 3 for an overview of where land deals have been closed. Box 2 sums up the new traits of the present phase of land grabbing.

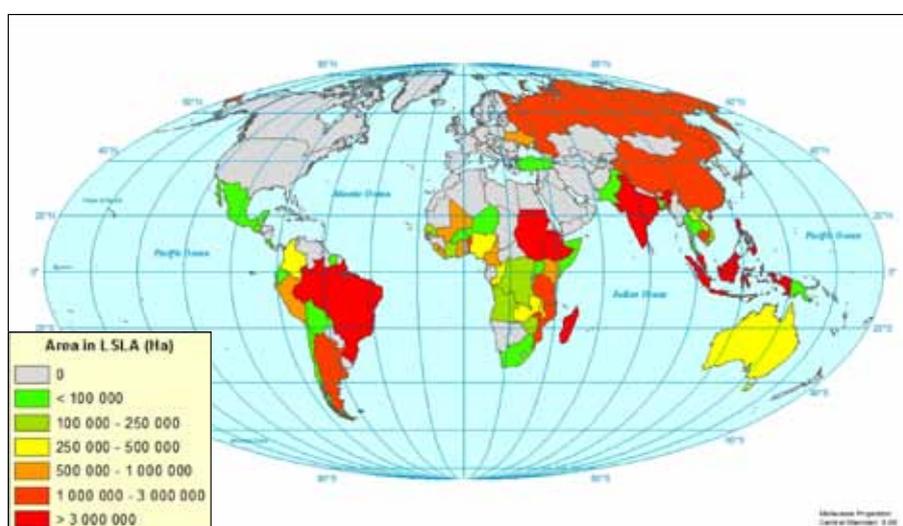
Assessments of the total land areas acquired vary, with 227 million hectares the highest reported for the period 2001-2010.¹⁴ There is much uncertainty regarding the overall scale of land grabbing – some deals are never carried through, some projects never implemented, some investments never made and some deals falsely reported. But we can be certain that land grabbing is on the increase, as shown by Figure 1. Another indication is that foreign direct investments (FDI) in agriculture have grown considerably in the last fifteen years, from an annual volume of 600 million USD in 1989-1991, to 3 billion USD in 2005-2007.¹⁵

Table 2 uses confirmed cases of land grabbing and shows that at least 71 million hectares (including Eastern Europe) were grabbed in 2000-2010. This is indeed an impressive area, larger than the

total area of Sweden (48,5 million hectares), Germany (35,7 Mha), France (54,9 Mha) or the United Kingdom (24,3 Mha).

According to the source used for Table 2, investments in agro-fuel feed stocks dominate the overall picture, followed by food and forestry. All in all, these three commodities account for almost 90 per cent of the verified grabs, with the following distribution: feed stocks for agro-fuels 58 per cent, food 18 and forestry 13 per cent.¹⁶ However, data is uncertain as well as patchy, and other sources indicate that food may be the main driver behind the grabs. An important difference in the objectives of the investments which may be generalized is that agro-fuels dominate for European and North American investments in poor countries, such as jatropha, sugarcane and palm oil. For Saudi Arabia and other investors based in the Gulf region, on the other hand, food production seems to be the main objective.¹⁷

The geographical pattern is clear. Most grabs have taken place in Africa, approximately half – 34 million out of 71 million hectares – are found here. Land grabbing should also be assessed in relation to how important it is to the country where the grabs occur, that is in relation to its available land resources (see Figure 4). Here it can be seen that a number of countries have had serious shares of their arable land grabbed, especially in southern Africa, the Andes and Southeast Asia.

Figure 3. Total areas in confirmed land deals 2000-2010

Source: Ohlsson et al 2012: Figure 1.

¹⁴Oxfam 2011:2. ¹⁵de Schutter 2010:3 and UNCTAD 2009: Table 4. ¹⁶Anseeuw et al. 2012, Figure 5. ¹⁷Ohlsson et al 2012:6

CASE 3. SOUTH SUDAN

South Sudan, Africa's newest state, already qualifies as one of the most grabbed nations worldwide, with 2.6 million hectares leased to corporations, states and individuals 2007-2010. One mysterious deal has been concluded between the Texas based Nile Trading & Development Inc (NTD) and the Mukaya Payam Cooperative. It concerned 600 000 hectares of "extremely fertile" community land in Lainya County, Central Equatorial State which were leased for 49 years, at a cost of 25 000 USD annually, or 0.04 cents/hectare. The deal also permits NTD to extend its lease with a further 400 000 hectares.

The deal is open-ended regarding the agricultural, forestry and mining activities which may be developed on the land, and it includes the permission for NTD to

sublease its possession. The local community is prohibited to oppose any of these uses of their land. However, the cooperative which concluded the deal with NTD does not represent the community. It appears to be a construct of the local elite without any authority to represent the community. In addition, the area that it has leased is three times larger than the communal land which is under formal control by the community.

The deal has not become operational, but as long as the legal status of the land is unclear, the local community and its 89 000 people are faced with the threat of having the base of their existence expropriated.

Source: Oxfam 2011 and Oakland Institute 2011.

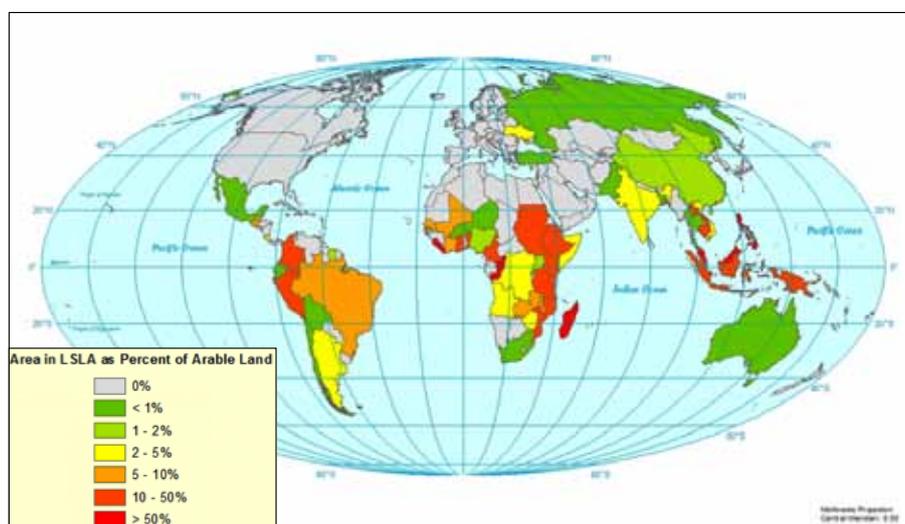
This pattern is also confirmed by FDI data which shows how a few countries have been targeted exceptionally hard. Here Cambodia, Laos, Malaysia and Ecuador stand out with agricultural land grabs accounting for more than 10 per cent of the total FDI. Tanzania, Mozambique and Peru follow suit just below the 10 per cent mark.¹⁸

There exists a great variety concerning the size of the areas of the reported land deals. According to a survey performed by the World Bank, areas vary from surprisingly small 700 hectares in Ethiopia to amazingly large 59 000 hectares in Liberia. The median, however, is impressive enough, 10 000 hectares.¹⁹ This makes one of the most noted land grabs (although never realized) an exception: in 2008, the South Korean conglomerate Daewoo signed a contract with Madagascar for a 99 year lease on 1.3 million hectares, possibly contributing to the subsequent fall of the government in 2009.²⁰

But although this aborted deal was exceptional, it is not unique. The Chinese government is reported to have grabbed 2.8 million hectares in the Democratic Republic of Congo for palm oil production, while the British bioenergy corporation Global Green Energy controls 900 000 hectares for agro-fuels in Mali, Guinea and Senegal.²¹ Pro Savana, is a joint venture in Mozambique involving Brazilian and Japanese actors.²² The land is on a 50 years' lease, mostly along the Nacala corridor, with the aim to introduce Brazilian techniques with Japanese funding. The reason is simple, explains a Brazilian cotton producer from the fertile Mato Grosso state:

*Mozambique is a Mato Grosso in the middle of Africa, with free land, without environmental impediments, and with much cheaper freight to China. Today, in addition to land being exceedingly expensive in Mato Grosso, it's impossible to get a license to deforest and clean an area.*²³

Figure 4. Land grabbed as a share of arable land, per cent



Source: Olsson et al 2012:Figure 3.

¹⁸UNCTAD 2009:Figure 3. ¹⁹World Bank 2011:62. The survey covered only six countries 2004-2009: Cambodia, Ethiopia, Liberia, Mozambique, Nigeria and Sudan.

²⁰"Madagascar scraps Daewoo farm deal", Financial Times, March 18, 2009. One of the first moves of the new government was to cancel the agreement with Daewoo, at least for the time being. ²¹Oakland Institute 2011a. ²²Via Campesina 2012a. ²³Augustin 2012.

BOX 2. SIX TRAITS OF LAND GRABBING

Although the present surge in land grabbing bears a clear resemblance to previous colonial patterns of exploitation, there are also new traits in the land rush which distinguishes it. Six salient characteristics stand out:

One, the scale of the land grabs has increased notably, fuelled by the price trends of food, feed stocks and fibres.

Two, although their role has been overplayed by media reporting, the fast growing economies like South Korea and China are new and important grabbers, as are oil-rich countries like Saudi Arabia and United Arab Emirates.

Three, land grabbing may appear as a consensual affair – which distinguishes it from its colonial predecessor where violence and occupation were essential to get access to and control over land. But while it is true that local governments and administrations play a key role in allowing the grabs to take place, the rights of the present users of the land are as a rule violated.

Four, private and public land tenure systems appear to be equally amenable to land grabbing, only communal systems of land control show a greater resistance to being grabbed, thus defending the rights of the land users. In some instances, the absence of private ownership of land, especially in Africa, allows states to transfer huge tracts of land into new hands.

Five, middlemen and gate-keepers play an essential role in facilitating the land grabs, which explains why they are frequently employed by foreign and international actors. The existence of such middlemen may also hide the real (foreign and/or corporate) grabber from sight.

Six, land deals, especially in Africa, are more often than not leases of land rather than outright purchases. The lease periods go from 49 to 99 years, often with options of renewal.

Source: Cotula 2012:672-673.

Finally, the span in the time horizon of the land deals is also wide, from simple short-term speculation to securing long-term returns of sovereign wealth funds and pension funds, via accessing in the medium-term a steady supply of strategic land-based resources.

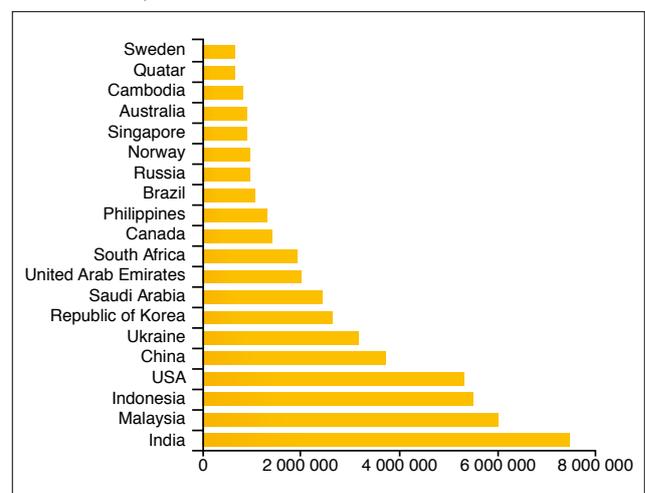
The most important investors globally (in area terms) come from Asia, and they are both states and corporations. Large investors in this group include India, China, South Korea, Saudi Arabia and United Arab Emirates. These investors are frequently included in the list of the major culprits driving the global land grab, but the pattern is more complex. See Figure 5.

Figure 5 shows that we have a wide range of grabbers, including the fast growing economies of the world but also with a fair number of not-so-often talked about grabbers, from the largest of them all, India, to the smallest of the 20 grabbers which qualify for inclusion, Sweden. In the Land Matrix database, however, Sweden occupies the 25th place among the top investor countries²⁴. Also note that the US appears as a significant investing country here, outdoing China, a role which frequently goes amiss in other accounts. Of course, were we to measure land grabbing per capita of the grabbing country, the hierarchy of grabbers would look quite differently, and Sweden and Norway would appear among the major ones. See Box 3 for a list of some of the Chinese investors.

The actors appropriating land also vary in another respect: in Asia and Latin America the largest shares reportedly fall on domestic investors, while Africa stands out with a dominant presence of foreign investors.²⁵

Attributing “nationality” to the land grabs runs the danger of obscuring the complex character of many of the land deals. China, India, South Korea, Saudi Arabia, United Arab Emirates and Brazil frequently mix private capital, state corporations, international agencies and finance institutions, including pension and development cooperation funds. Mauritian based companies are investing in Mozambique, Brazilian companies in Angola, Indian in the Philippines, South Korean in Indonesia, Singaporean in Surinam. Add to this, transnational corporations such as global food and agribusiness giants Cargill, Archer Daniels Midland, Du Pont, Deere and Monsanto. And add again private and publicly

Figure 5. The grabbers 2000-2010. Areas acquired by home country of the investor, hectares



Source: Olsson et al 2012: Figure 6.

²⁴Land Matrix 2012. ²⁵Oakland Institute 2011b.

owned oil corporations, from Shell to Brazil's Petrobras, and it soon becomes easier to say who is not involved in land grabbing than who is.²⁶

Frequently, these nexuses of actors coalesce into joint-ventures, a recent collection of examples list Cargill and Monsanto joining forces to produce feed stocks for cattle and agro-fuels, a clear illustration of the fungibility of crops. Cargill and Archer Daniels Midlands are liaising with Synergy Drive and the Malaysian government to become, according to Greenpeace, "the world's largest palm oil conglomerate". Other examples of mixed interests are the informal alliances, including private as well as public actors, which push for the expansion of feed stocks, for example the "ethanol alliance" including the US, Brazil, India, China, Mozambique and South Africa, and the "soy complex" involving Argentina and Paraguay.²⁷

Another new trend is the existence of intermediaries, or facilitators, which make sure that controversial deals are carried through. In southern Africa this role is played by South Africa and its corporations. In Latin America, Brazil and Brazilian firms may front on behalf of other investors, and in Asia a similar function has been detected for Vietnam and Thailand.²⁸

Although there is a multitude of actors, purposes and drivers behind the land deals, the impact on local populations are common features permeating the global race for land. The consequences that are facing farmers, local communities and indigenous peoples affected by the deals are by now well documented. We have seen frequent cases where human rights of the peasants have been violated. Small-scale farmers have lost their land, which they have cultivated and used since generations. Women are particularly vulnerable, since they often have the main responsibility for food production in the household, but they are often discriminated upon when it comes to ownership and control of the land. The large-scale land deals often further endanger food sovereignty as well as food security of peasant families and societies. The environmental load on the land is increased as industrial agriculture replaces small-scale and more sustainable forms of agriculture and land use. The local environment is often degraded since forests are cut down to make way for the cultivations, eco-systems are endangered and precious water resources run the risk of being depleted. Despite these severe drawbacks, there exists a number of legitimating discourses which constitute arguments in favour of land grabbing.

The empty land argument: The no-harm grab

The World Bank has entered the game of finding large land areas, the appropriation of which no-one would oppose since the land areas are not being used by anyone, or so the World Bank maintains. In a scoping exercise, it found 446 million hectares available world-wide for investments in commercial agriculture.²⁹ These are very large areas indeed: global crop land amounts to 1 500 million hectares, so what the World Bank has "detected" is equal to one third of all land which presently is being cultivated. The World Bank is not alone in finding such huge areas available,

waiting for investors: a similar exercise concludes on a similar note that there exists 320-702 million hectares of "marginal" land globally.³⁰

The estimates are arrived at by using satellite images of land to identify land use, thereby conflating land cover, which is identifiable from satellite pictures, with actual land use, which is not, a mistake "as people often have intentions behind land use that cannot be deciphered remotely."³¹ For instance, 50-200 million pastoralists and agro-pastoralists live on African dry lands which frequently are described as underused, marginal or empty.

BOX 3. CHINESE LAND GRABBING CORPORATIONS

A number of Chinese public corporations have joined the race for land. Here is a sample:

- Congqing Grain Group has set aside over 3 billion USD to acquire 200 000 ha of soybeans in Brazil, 130 000 ha of soy in Argentina, oilseed in Canada and Australia, rice in Cambodia and palm oil in Malaysia.
- Beidhuang is awaiting court approval to sign contracts with Argentinian suppliers covering 320 000 ha of soybeans and maize. It already sources rice and maize in the Philippines and has attempted to acquire 80 000 ha of farmland in Australia.
- Sanhe Hopeful has announced plans to invest in Brazil and Argentina to secure soybean supplies. The Brazilian deal is reported to yield an annual volume of six million tons.
- ZTE Corporation, a telecom giant, has acquired 30 000 ha of palm oil in Indonesia, 50 000 ha of cassava in Laos, 10 000 ha of maize and wheat in Sudan and 100 000 ha of palm oil in the Democratic Republic of Congo.
- Pengxin Group, a real estate company, has acquired 12 500 ha of soybeans and maize in Bolivia and 16 dairy farms in New Zealand, and is negotiating to buy 200 000 ha of soybeans and cotton in Brazil.
- Tianjin State Farms Agribusiness Group has acquired 2 000 ha of maize, alfalfa and sunflower in Bulgaria and is negotiating for another 10 000 ha.
- Shaanxi State Farm is leasing 10 000 ha of rice, maize and cassava in Cameroon.

Source: *GRAIN* 2012:7-8.

²⁶Dauvergne & Neville 2010:638-639, Holt-Giménez & Shattuck 2009:183, and Borrás et al. 2010:577-578. ²⁷Borrás et al 2010:577-578. ²⁸Cotula 2012:658-659.

²⁹World Bank 2011:xxxiv. ³⁰Nalepa & Bauer 2012:414. ³¹Nalepa & Bauer 2012:410.

BOX 4. THE WATER GRAB: A FREEBIE

Land without water is useless as a productive resource, so an important consideration for the land grabbers is to secure that access to water accompanies the land that they acquire. In water poor and water stressed regions this has serious consequences for the people who rely on these water sources.

The land grabbers realize the key role played by water in connection with land, as emphasized by the chairman of Nestlé, Peter Brabeck-Letmathe: "With the land comes the right to withdraw the water linked to it, in most countries essentially a freebie that increasingly could be the most valuable part of the deal".

Nestlé is not alone in valuing water. Willem Buiter, chief economist of Citigroup, says that in the not so distant future water will become "the single most important physical-commodity based asset class, dwarfing oil, copper, agricultural commodities and precious metals."

In Mali, the semi-autonomous region Office du Niger has accepted land deals covering over 500 000 hectares, simultaneously making water available from the Niger River, at one stroke doubling the volumes of water that today are withdrawn for irrigation in the country as a whole. Similar stories are told from Ethiopia, where land deals entered into by the government require nine times as much water as is today used for all irrigation in the country, overburdening the rivers Nile and Omo.

The crops that are contemplated in many of the deals require huge volumes of water – sugar cane for instance –

and most deals are premised on the government making irrigation water (so called blue water) available. No serious investor would just gamble on relying on the rains (so called green water).

As a consequence, the irrigation potential is already exhausted, for example in the Nile valley, where newly grabbed land of millions of hectares exceeds available water resources by about 60 per cent. Or to put it in areas: while the irrigation potential totals 8.5 million hectares, and while the area irrigated until recently (5.4 million hectares) fell well within this limit, new land leases to the tune of 8.6 million hectares, is now seriously overburdening the resources of the Nile river basin. Of course, people living downstream will suffer from such overexploitation. Forecasted water extraction from Lake Turkana in Kenya discloses that the lake's water table may sink by 8 metres until 2024.

At the other end of the spectrum, dams constructed to enable irrigation, will drown land which today are cultivated by millions of people. In Guinea, the planned Fomi Dam will reduce the floodplain area of the inner Niger delta by 136 000 hectares or 11 per cent.

Sources: Grain 2012a:14, IIED 2011, Oakland Institute 2011c, Woodhouse & Ganho 2011. The calculation of the overuse of water in the Nile basin is based on four countries: Ethiopia, Sudan, South Sudan and Egypt. Of the four, only Egypt still has a small overcapacity for irrigation.

The geographic concentration of the land identified as available by the World Bank is high, with only seven countries accounting for half of the total area: Sudan, Brazil, Australia, Russia, Mozambique and the Democratic Republic of Congo (in this order).³² The World Bank chose these vast areas based on three considerations: the areas are rainfed, hence they will not consume limited irrigation resources, nor do they require costly investment for irrigation; they are not used today, hence no conflict will arise with present uses and users; and they are located within 6 hours walking distance of roads so that the proposed future produce can reach the markets easily.³³

The way to access these areas available for grabbing is, counter-intuitively perhaps, to make sure that property rights to them are distributed, which would allow a posterior transfer of land and of land use. In the *World Development Report 2008*, the World Bank's flagship publication, the World Bank recognizes that:

*Secure and unambiguous property rights [...] allow markets to transfer land to more productive uses and users.*³⁴

Thus, "unambiguous property rights" become the vehicle for the usurpation of the rights of the peasants who today use these lands. The World Bank even admits that:

*very little, if any of this [land] will be free of existing claims that will have to be recognized by any potential investment.*³⁵

This echoes the conclusion reached by a previous World Bank study which claimed that 90 per cent of West African crop lands are "underused", and that therefore West Africa was a "sleeping giant", but it inadvertently recognized that:

*Virtually all areas are claimed by some individuals or groups or used in some way.*³⁶

³²World Bank 2011:79. ³³World Bank 2011, Chapter 3. ³⁴World Bank 2007:138. ³⁵World Bank 2011:78-79. ³⁶World Bank 2009:1 and 2.

Apart from questioning the existence of large areas of vacant land lying dormant, waiting for the investor to awaken it, the empty land argument is disingenuous also in another sense: why would land grabbers opt for such hitherto unused or marginal lands – should they exist – and not prefer the most easily accessible and most profitable lands? Indeed, studies of actual land grabs in Senegal, Mali, Mozambique and Rwanda show that investors, when they can, opt for:

*the best land in terms of water availability and irrigation potential, soil fertility, proximity to markets or availability of infrastructure.*³⁷

The climate argument: The green grab

The climate change discourse adds a new aspect to the fungibility of land areas and land-based resources by legitimizing “green grabs”, the acquisition of land allegedly for ecological purposes in order to provide agro-fuels, which supposedly are climate neutral. One aspect of this is the component of the climate regime called Reduced Emissions from Deforestation and Forest Degradation (REDD+), which purports to provide payment to countries in exchange for a promise to desist from deforestation in recognition of the fact that deforestation is one of the main drivers of climate change.³⁸ Today, logging, deforestation and unsustainable forestry account for as much as 12-17 per cent of the annual greenhouse gas emissions.³⁹ Although the driver here may be environmental concern, the outcome is likely to be that forests which today play a part in the lives, economies and cultures of indigenous peoples and peasant communities will be transformed into nature reserves and carbon sinks thus constituting a special case of land grabbing.

A similar environmental grab logic permeates the discussion of agro-fuels. Although the driver here probably is geopolitical as much as ecological – increasing agro-fuel in the energy mix reduces dependence on oil exporting countries – a large number of countries throughout the world have decided on mandatory blending requirements of ethanol and biodiesel of typically 5-10 per cent. Feed stocks for agro-fuels are estimated to capture as



Dancilla Mukashyaka from Taba, Rwanda, whose garden is flourishing through work with Vi-skogen. Photo: Lisa Brunzell

much as 13 per cent of the global production of coarse grains, 5 per cent of vegetable oil and 30 per cent of the world’s sugar by 2020.⁴⁰ The two most important drivers here are the requirement to increase agro-fuels in the local energy mixes of the US and the EU. The US has established that 137 billion litres of agro-fuels be sold on the US market by 2022 – twice the global production of ethanol today⁴¹ – while the EU has settled for reaching 10 per cent renewables in its fuel supply by 2020.⁴²

CASE 4. PERU

Peru is rich in minerals – copper, oil, fossil gas, gold – as well as in agricultural resources. In the Peruvian Amazon, oil and gas concessions cover 70 per cent of the territory, amounting to 10 million hectares for mining and 8 million hectares for timber.

This is the outcome of policies initiated by the previous governments of Alberto Fujimori and Alan García, who introduced 99 legislative decrees in order to further weaken the rights of the indigenous people to their land, thus opening the door to private investors to access resources in the Amazon. Dozens of protesting indigenous people were killed in the ensuing clashes.

Most of the deals are still hotly contested by local populations, whose right to a free, prior and informed consent regularly is breached as the government enters into agreements with national and international capital without consulting them. As a consequence, indigenous peoples, who make up one third of Peru’s population of 30 million, are losing the right to control the use of their land.

Violent conflicts, with several death casualties, have recently exploded after Peru accepted the plan for a gold mine in the northern Cajamarca region, Mina Conga. The mine, a joint venture between private Peruvian capital and the US company Newmont, is located at the headwaters of a river system and will replace four natural lakes with artificial reservoirs for drinking water as well as for storing mining waste. Protestors argue that water is a human right which cannot be privatized. The Peruvian Ministry of Mining has approved the deal, while the Ministry of the Environment requires further environmental impact assessments before it gives the go-ahead.

Source: Oxfam 2011 and press reporting.

³⁷Cotula 2012:655. ³⁸For REDD+ programmes, see <http://www.un-redd.org/>. The “+” stands for sustainable forestry, including reforestation, which initially was left outside of these programmes. ³⁹The lower figure from World Resources Institute, covering only the global South, <http://www.wri.org/chart/world-greenhouse-gas-emissions-2005>; the higher from IPCC, Fourth Assessment Report, http://www.ipcc.ch/publications_and_data/ar4/syr/en/figure-spm-3.html.

⁴⁰FAO & OECD 2011:15. ⁴¹EPA 2010. ⁴²EU 2009. ⁴³EU 2012.

CASE 5. UGANDA

A land grab which now is fourteen years old enables an assessment of the medium-term impact of the introduction of palm oil on 10 000 hectares of the Ugandan island of Bugala in Lake Victoria.

In 1998, the government of Uganda joined forces with the World Bank, the UN International Fund for Agricultural Development (IFAD) and one of the global leaders in palm oil production, Wilmar International, based in Singapore, to produce palm oil on the island. The project included an outgrower scheme on 3 500 hectares, which supposedly would give local employment in addition to the jobs held out on the 6 500 hectares of plantations of palm oil. Already at the outset, drawbacks were recognized as an environmental impact assessment warned that a number of negative environmental and social effects were to be expected: reduced forest cover, declining biodiversity,

loss of windbreaks, scarcity of water, less attraction to tourism, one of the main income sources of the islanders.

The assessment today is that all of these negative effects have come true – wetland loss, soil erosion, contamination of water sources – while most of the poorly paid jobs (one dollar a day) have gone to immigrants to the island. At the same time, land prices have begun to climb, stimulating further privatization of land.

One of the islanders, who was directly impacted by the project, sums up his experience: “We no longer have land where we can plant crops and there is an increasingly spread of some rare diseases which we had never heard about.”

Source: *Friends of the Earth International* 2012.

However, the green grab logic may backfire: monocultures of feed-stocks for agro-fuels have decidedly negative impact on biodiversity, and some of them oust other land uses and lead to the opening up of new lands which may cause further emissions of greenhouse gases, thus also questioning the environmental credentials of agro-fuel. This has prompted the EU Commission to recently propose to limit acceptable feed stocks for agro-fuels in an attempt to avoid competition with crops used for food and feed. No agro-fuel produced from today’s traditional feed stocks – sugar cane and maize for ethanol, soya, palm oil and rapeseed for biodiesel – is acceptable in principle if this proposal is accepted, which will not put an end to land grabbing but at least weaken one of the drivers to find more areas to produce agro-fuel feed stocks.⁴³

The modern agriculture argument: The development grab

By comparing actual to potential land use an argument may be constructed in favour of intensifying commercial agriculture for the benefit of the environment. In this tradition, the World Bank argues that “commercialization of agriculture” by

*increasing the productivity of intensive commercial production systems can relieve pressure for agriculture to expand into marginal zones, protecting them from eventual damage caused by unsustainable extractive methods.”*⁴⁴

Note that intensive commercial agriculture is pitted against traditional agriculture, which is supposed to be non-commercial, an assertion which is questionable. Also here, the World Bank knows what it is suggesting, doing away with the peasantry

which today is using the land in question as the World Bank openly admits that the intensive commercial agriculture that it is advocating will cause “environmental damage” but it finds this destruction “acceptable” as the alternative to this damage would have been

*even greater environmental damage occurring elsewhere as the result of expansion of low-productivity agriculture into highly vulnerable areas. [...] Intensification inevitably comes at some environmental cost, but arguably a lower one than might have been incurred with further extensification.*⁴⁵

It should be clear that the World Bank is presenting us with a choice between two negative routes of expansion of agriculture: extensification of present production systems which will require new land to be cleared, and intensification which will require more chemical and fossil-based inputs but may make do with smaller areas. The World Bank is linking potential agriculture, with hypothetical yields, to actual existing agricultural production systems, which are found wanting.⁴⁶ A “yield gap” of serious dimensions is identified and closing the gap by investing in large-scale, mechanized, monocultural farming depending on high levels of chemical and fossil inputs is seen as providing an efficient and area-saving solution to a real predicament: how to support a growing global population with the food, feed, fibres, fuels and forests it craves.

As we will see in the next chapter, this is not the only alternatives available, but by framing the choice which we face globally in this way, the World Bank reduces our options and in fact leads us to the foregone conclusion: intensification beats extensification, without discussing if there are other intensifications systems

⁴⁴World Bank 2009:163. ⁴⁵World Bank 2009:11-12. ⁴⁶In a following chapter, the World Bank’s dichotomy modern-traditional will be questioned with the help of the inverted relationship farm size – area productivity, a fact which is disregarded in the World Bank discourse ⁴⁷Oxfam 2011:11.

CASE 6. INDONESIA

A long-standing conflict over a land deal has been going on in West Kalimantan, Borneo, involving indigenous people in 11 villages and the Indonesian/Malaysian joint venture PT Menara Alfa Semesta (PT MAS). The deal gave PT MAS access to land for 35 years for a palm oil plantation. PT MAS promised in exchange to provide the local communities with housing, schools, a health clinic and drinking water. The deal also included that each family would be given 2 hectares for their own use where they could plant palm oil.

However, the communities claim that the land which was made available to them is less than promised, and that it is impossible to survive on the plots. Violent conflicts between the PT MAS plantation and the local communi-

ties have ensued, and five members of the local union of smallholders have been arrested.

Furthermore, the lease has a clause which turns the land over to the state after the end of the contract, with the option for the state to lease it out again for another 95 years without consulting or obtaining the consent of the people concerned.

The Malaysian partner to the deal, palm oil giant Sime Darby, is a member of the Roundtable of Sustainable Palm Oil, but it has neglected to follow one of the safeguards required by the Roundtable, the right of the affected indigenous people to the principle of Free, Prior and Informed Consent (FPIC).

Source: Oxfam 2011.

Table 3. Job creation associated with land deals

Commodity	Jobs per ha
Grains	0.01
Forestry	0.02
Wheat	0.02
Soybean	0.02
Sugarcane, mechanized harvesting	0.2
Jatropha	0.42
Rubber	0.42
Sugarcane, manual harvesting	0.7

Source: Oakland Institute 2011d.

which hold out greater promises than the one route – monocultural and input dependent – advocated by the World Bank.

A crucial issue is job creation, and here land grabbing holds out few prospects, most of the grabs which result in actual production on the ground – many deals are speculative and hence may only lead to a change of control and ownership of land, but not to any investment in production – have dismal figures in terms of employment (see Table 3). Assuming an average job creation potential of land grabs of 0.1 jobs/ha seems to be about right. As summed up by Oxfam, the limited employment creation that accompanies land grabs yields, in the best of cases, jobs which are

*few, short lived (as the planting phase ends or the project shifts towards greater mechanization), seasonal and low-paid.*⁴⁷

Add to this that paid work outside of agriculture or in competing agricultural settings – such as job on plantations – tend to compete with the peasants' own need of labour, thus in fact constituting one more aspect of the conflicts which arise from land grabbing, this time around the labour power available to peasant households.

To such drawbacks of land deals we must add that land frequently is given away free of charge or with only minor fees paid. In Africa, prices range from 1 to 12 USD per hectare, with the brunt of the deals in the lower region of the span, real bargain prices for fungible land areas. And the bargain holds not only in comparison to land prices in the North, also in Argentina and Brazil equivalent land costs 5-10 000 USD/ha. See Table 4. With such differences, a land grabber in Africa could pay his ridiculously low fee for hundreds of years without coming close to what an equivalent area would have amounted to elsewhere.

At times the sweet pill of a low fee is further sweetened by allowing the grabbers extended periods of exemption from having to pay even these low fees, for instance in land deals in Ethiopia where the annual fees of 3-10 USD/ha⁴⁸ were only supposed to be charged after five years of grace.⁴⁹ Furthermore, once operational, the land grabbers are subsidized on a number of counts, from taxes to duties. See Box 7.

The likely future: more land will be grabbed

The drivers pushing for ever more land for food, feed, fibres and fuels will not subside, on the contrary. With a growing world population coupled with a wealthier life style and a greater share of meat at the same time as the global demand for agro-fuels continue to increase, the demands on land areas are bound to

⁴⁸Oakland Institute 2011b. ⁴⁹Cotula et al 2009. ⁵⁰Bruinsma 2009:5. ⁵¹FAO 2006:5 and FAO & OECD 2011:14.

Table 4. Land fees in Africa vs farmland prices elsewhere

Location and deal	USD/ha/yr	Terms	Location	USD/ha
Ethiopia: Saudi Star	Free land rent	10 000 ha, 60 yrs	New Zealand: dairy	23 000
Ethiopia: Karuturi	1.25, renegotiated at 6.75	300 000 ha, 99 yrs	England (average)	22 000
Mali: Malibya	Free land rent	100 000 ha, 50 yrs	US: dryland in corn belt	16 000
Sierra Leone: Sierra Leone Agriculture	2	43 000 ha, 45 yrs	Poland	4 550 – 8 125
Sierra Leone: Quifel Agribusiness SL Ltd	5	126 000 ha, 49 yrs	Brazil (Mato Grosso dryland)	7 000
Sudan: Nile Trading and Development	0.04	600 000, 49 yrs	Argentina (Central provinces)	5 000- 10 000

Source: Oakland Institute 2011d.

increase. The FAO takes these prospects seriously, and in one of its most influential scenarios it estimates that the demand for food and meat production will increase (in volume) by 50 and 85 per cent, respectively, by 2050 (compared to 2005/07).⁵⁰

There are reasons to believe that these drivers will strengthen the trend towards land grabbing as they co-exist with a slowing down of the growth of agricultural productivity. During the last forty years, the annual increase in area productivity of cereal production – wheat, maize and rice, the mainstay of the global

diet – has declined decade by decade. The annual increase was 3.7 per cent in the 1960s, 2.5 in the 1970s, 1.4 in the 1980s, and 1.1 per cent 1990-2001. This decrease is forecasted to continue for the foreseeable future.⁵¹

This does not mean that production is decreasing, only that we cannot expect growth rates to keep up with an increasing demand, let alone hope that arable land will be freed up to allow for a likely expansion of areas to be grabbed without conflicts over land use.



Wild potatoes found in the forests are an important complement for the rural households, Kampong Speu, Cambodia. Photo: Nicolas Axelrod

Agro-fuel mandates are part of a wider movement to increase the use of biomass for energy, and also the demand for wood chips and pellets is set to increase. Most of this will have to be met by importing biomass, and expected suppliers include traditional biomass exporters such as Canada, Russia and the US, as well as newcomers such as Australia, South Africa, Chile and Vietnam. In spite of the transport costs, which militate against producers far away from markets, the area productivity of tropical forests is so much higher that plantation forests in countries such as The Democratic Republic of Congo, Mozambique, Brazil, Indonesia and Cambodia have a competitive edge against the slow growing forests of North America, Europe as area productivity of forests vary according to climate zone. In temperate forests growth rates are 1-4 cubic metres/ha/year, in sub-tropical plantation 10-30 m³/ha, and in eucalyptus plantation they reach 60 m³/ha/year, 15-60 times faster than in temperate forests.⁵²

To the energy drivers for land, we should add yet one more land use: the area requirements caused by the continuing urbanization, which by the year 2030 is expected to occupy another 120 million hectares of land. Most of this area is today dedicated to quite valuable and specialized agricultural production (such as vegetables and fruits in addition to traditional food crops).⁵³

The conclusion that powerful actors will attempt to grab ever more land is difficult to escape.

⁵²IIED 2011a. ⁵³Seto et al 2012.

BOX 5. SUBSIDIES TO LAND GRABBERS IN THREE AFRICAN COUNTRIES

Country	Investor/Deal	Subsides/Incentives
Mali	Malibya	Right to transfer out of Mali all dividends and proceeds of any kind as well as proceeds of liquidation or sale of their belongings; no land fees, no limits of water use; total exemption from all duties and taxes for 30 years; exemption for the first 8 years from company taxes and license fees.
Mozambique	EmVest Limpopo	Exemption from customs duties on capital inputs, from VAT, and from income tax (5 years), reduced profit tax (80 % cut until 2015, 50 % 2016-2025); optional repatriation of total equity.
Tanzania	Agrisol Energy	Once Agrisol obtains status as a “strategic investor” it will be exempt from duties on diesel, agricultural and industrial equipment and supplies as well as from corporate taxes.

Sources: Oakland Institute 2011d.



Ilda Kahomba and Maria Nsindo are members of the natural resource management committee Umoji in Metangula district, Mozambique, which is ensuring the communities' rights to land. Photo: Kajsa Johansson

SWEDISH INVOLVEMENT IN LAND INVESTMENTS

Karin Gregow⁵⁴ & Kenneth Hermele, Forum Syd

It is difficult to get a complete picture of the extent to which Swedish corporations and investment funds are involved in land grabbing, but according to the land deals reported in the Land Matrix database, Sweden ranks as the 25th largest investor country.⁵⁵

The major Swedish land investments in terms of areas have so far taken place in Eastern Europe. The most notable investor here is Black Earth Farming Ltd, where Kinnevik and the Lundin sphere's Vostock Nafta join hands, controlling hundreds of thousands of hectares in Russia and Ukraine.

Another major investor, also specializing in Eastern Europe, is Alpcot Agro. Their investments are basically for food production, but also include some raising of cattle. Alpcot Agro's owners include one of the major Swedish banks, SEB, one public pension fund, Andra AP fonden, and yet another bank, Swedish-Finnish Nordea, each with 7-9 per cent of the shares. According to its webpage, it held 179 500 hectares in Russia and 101 800 hectares in Ukraine in mid-2102.

Box 6 shows a couple of examples of large-scale land acquisitions with Swedish connections in developing countries. These examples are typical for the land rush in the sense that they combine various purposes – paper, logging and agro-fuels – and use various sources of finance.

Swedish companies in controversial deals

During 2009, plans by Swedish SEKAB to invest in sugar cane plantations for production of ethanol in Tanzania created controversy. SEKAB, however, sold its much criticised ventures in Africa. The company Agro EcoEnergy Tanzania is carrying forward plans for sugar cane plantations in Bagamoyo on the Tanzanian east coast. The Bagamoyo project comprises of around 11 000 hectares of sugar cane plantations. The company states that the production of sugar and ethanol is primarily for the domestic market.⁵⁶ The newly founded EcoEnergy Africa Ltd, which is based in the tax haven Mauritius, will act as a holding company for the different African subsidiaries.

One of the more controversial land investments with Swedish connections during recent years took place in Sierra Leone. Addax Bioenergy is a subsidiary of Addax and Oryx Group, which operates within extractive sectors such as oil and gold and has its financial base in the tax haven British Virgin Islands. Addax and Oryx Group is owned by the Swiss billionaire and entrepreneur

Jean-Claude Gandur. Addax Bioenergy has acquired 57 000 hectares of land for sugar cane plantations to produce ethanol and electricity.⁵⁷ The Swedish public aid fund Swedfund has invested around 10 million euro in the project.⁵⁸ The subsistence farmers who depended on the land for their livelihood were promised jobs, schools and hospitals in replacement of their land. Angry villagers told Swedish journalists who investigated the case that they felt cheated when the jobs turned out to be short term contracts and other promises were not fulfilled.⁵⁹

Addax Bioenergy has obtained far-reaching tax and duties exemptions, thus making it questionable to what extent the deal will carry development benefits to Sierra Leone. Out of the 4 000 jobs promised, only 700 had been offered by May 2011.⁶¹ Addax has leased the farmland for 50 years and the contract provides the company with an exclusive right to water resources. Villagers are reported to be facing water shortages.

Peasants in the areas acquired by Addax are paid approximately 8 USD per hectare every year, which is more than initially agreed by Addax.⁶⁰ But the land is still leased at bargain prices. Peasants were not made part of the negotiation process, violating the Free, Prior and Informed Consent (FPIC) rule, neither has the promised complaints mechanism been established.

Swedfund is financed from the Swedish aid budget. It is highly questionable that Swedish aid money is financing a project, where a large share of the revenues of the investment might disappear in a tax haven and where there are many uncertainties about the overall development benefits for the target country. The European Investment Bank (EIB) withdrew from the project in November 2011, with the justification that the project did not fulfill the environmental requirements by EIB.

Despite the criticism that has been raised towards Addax Bioenergy's investment in Sierra Leone, Swedfund is in September 2012 stating that they are convinced that the project is dealt with and managed in a sustainable way. A review of the project commissioned by Swedfund, states that "the Addax project is remarkable in the comprehensiveness of its environmental and social management plans".⁶²

⁵⁴Karin Gregow, Policy advisor, Forum Syd. Email: karin.gregow@forumsyd.org ⁵⁵Land Matrix 2012. ⁵⁶Agro EcoEnergy Tanzania 2012. ⁵⁷Olsson et al 2012:10-12. ⁵⁸Swedfund 2012. ⁵⁹Swedish Radio 2012. ⁶⁰Nippon Koel 2012:10 ⁶¹Olsson et al. 2012 and Bread for All 2011.



*Maria Nsindo, a member of the natural resource management committee Umoji in Metangula district, Mozambique, which is ensuring the communities' rights to land.
Photo: Kajsa Johansson*

Pension funds

Pension funds worldwide are among the biggest institutional investors in commodities in general and in farmland in particular. Pension funds globally hold around US\$23 trillion in assets. Close to US\$100 billion are believed to be invested in commodities and out of this, around US\$5-15 billion are reported to go into farmland deals. Both commodity and farmland investments are expected to double by 2015.⁶³

Andra AP-fonden, the second Swedish national pension fund, has become involved in land investments. It has joined forces with the Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF), a US teachers' pension fund, and Teays River Investment (TRI) a US agricultural investment fund. The share of Andra AP-fonden in TIAA-CREF's Global Agriculture program is 24 per cent and in TRI 10 per cent. Jointly, these funds have acquired 38 000 hectares in the USA, 26 000 hectares in Brazil and 22 000 hectares in Australia. About two thirds of the investments are in cereals, oil crops and cotton, with a further 17 per cent in the dairy sector.⁶⁴

Sugar cane only amounts to 2 per cent, but although it constitutes such a small share of the investments, Andra AP-fonden devotes a lot of space in its annual report to defend itself against the allegation that it has carried out land grabs. Its investment in agro-fuels in Brazil takes place in collaboration with the Brazilian ethanol

giant Cosan, which also is one of the world's leading producers of sugar cane. According to Andra AP-fonden, land grabbing cannot occur in Brazil, since property rights are clear and contracts are concluded between equal partners. Hence, Andra AP-fonden maintains that they are engaged in "responsible investments".

Cosan has been found to employ workers in violation of Brazilian law, which prompted the Brazilian development bank BNDES to threaten to cancel loans, and the global chain store WalMart to temporarily abstain from buying Cosan's sugar.⁶⁵ TIAA-CREF is more blunt in its argument in favour of land investments. They stress that the global supply of arable land is shrinking, while, at the same time, the demand for food, feed and fuels is increasing. And since the prices in Brazil are lower than those in countries with similar land characteristics, they see a "virtuous cycle of investment" in the future.⁶⁶

Andra AP-fonden, together with other investment funds, has established its own Principles for Responsible Investments in Farmland, which do not live up to international human rights standards.⁶⁷ For example, they have no complaint and redress mechanism, and when they do refer to international human rights law they dilute the principle of Free and Prior Informed Consent (FPIC) by only talking about consultation and not consent. They have also not included representatives of the people and communities affected by land deals.

⁶²Swedfund 2012. ⁶³GRAIN 2011:1. ⁶⁴Andra AP-fonden 2012. ⁶⁵Folha de São Paulo 2011. ⁶⁶TIAA-CREF 2012. ⁶⁷Andra AP-fonden 2011.

BOX 6. CASES OF SWEDISH LARGE-SCALE LAND INVESTMENTS IN DEVELOPING COUNTRIES

Sector	Owners, funders	Purpose	Countries
Tree plantations	ZeroMission	Tree plantation and energy production to neutralize carbon emissions of Swedish clients, for instance dairies (Arla), construction (NCC) travels (Fritidsresor), hamburgers (Max)	Trees: Malawi, Mexico, Mozambique, Nicaragua, Tanzania. Energy: Cambodia, China, Colombia, India
	KIA Motor Sweden	Plant jatropha as climate compensation for the use of the company's cars in Sweden	Mali
Forestry	Stora Enso	Fast growing eucalyptus for pulp and paper	Brazil, China, Thailand, Laos
	Swedwood/IKEA	Secure supply of raw materials for furniture etc	China, plans for Argentina, Brazil, South Africa
Fuel	Global Solidarity Fund, started by the Diocese of Västerås, Sweden, the Church of Norway, Dutch Sticing Pension Fund	Sugar cane for ethanol, eucalyptus for pulp and paper	Mozambique
	Addax Bioenergy with support from Swedfund	Sugar cane for ethanol	Sierra Leone
	Agro EcoEnergy Tanzania, possibly with Sida and Swedfund support in the future	Production of agro-fuels and electricity	Tanzania
	Scania	Supply of agrofuel as part of bidding for Johannesburg public transport	South Africa (pending decision on tender)
	Buchanan Renewables/Vattenfall/Swedfund	Biomass electricity	Liberia

Sources: Orgut 2011, Olsson et al 2012.

The following is one of the conclusions in a report from Friends of the Earth Mozambique (Justiça Ambiental) and the Mozambican peasants' union UNAC. The report contains a mapping of landgrabbing in Mozambique and found several examples where Nordic companies violated laws and were in conflict with the local communities.

“It was noted that investors in Nordic countries, despite in their countries of origin meeting the highest standards of respect for human rights and all public participation processes in any enterprise that presents potential environmental and social impacts, behaviour and standards are completely differently in Mozambique. Their practices feed a corrupt system, benefitting from the flaws in the implementation of the current laws in the country and thus aggravating the already precarious living conditions of most rural communities.”

Justiça Ambiental and UNAC, 2010, Os Senhores da Terra, Maputo

LAND TENURE AND GOVERNANCE

Kajsa Johansson⁶⁸ & Diamantino Nhampossa,⁶⁹ Swedish Cooperative Centre

In this chapter we will give a general background to the importance of land tenure rights. Following this, some different forms of land tenure governance and their respective advantages and disadvantages to different groups in society are being discussed.

Importance of land tenure rights

Over half of the world's extreme poor depends on farming and farm labour for their livelihood. Of the 1.4 billion people living in extreme poverty (less than 1,25 USD per day) in 2005, approximately 1 billion lived in rural areas. In East Asia, the rural share of total poverty has been reduced to just over 50 per cent. In Latin America, the Caribbean, the Middle East and North Africa a majority of the poor now live in urban areas. In South Asia, South East Asia and Sub-Saharan Africa, on the other hand, over three-quarters of the poor live in rural areas.⁷⁰

A World Bank analysis of land policies in 73 countries between 1960 and 2000 shows that countries with more equitable initial land distribution achieved growth rates two to three times higher than those where land distribution was less equitable. Land reform in China, in the late 1970s and early 1980s, has contributed to the largest and fastest rate of rural poverty reduction in modern times.⁷¹

There are several reasons why Sub-Saharan Africa deserves special attention while discussing land tenure and governance. Firstly, there is a positive global trend in terms of number of hungry people, but unfortunately Africa breaks this trend. In Sub-Saharan Africa, more than 60 per cent of the rural population lives in extreme poverty, and almost 90 per cent lives on less than US\$ 2 per day.⁷² Secondly, Africa is the prime target of the land rush.⁷³ Thirdly, while many developing countries have deficient land governance systems, Sub-Saharan Africa's systems are also characterized by dual land tenure systems, where customary land rights co-exist with formal property rights. Such dual systems do not necessarily lead to inefficiencies, but they may present challenges with the advent of large-scale investment projects, which alter the rules of the game.⁷⁴

As stated by the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, the eradication of hunger and poverty as well as the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land and natural resources. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources.

They are the source of food and housing security, central to social stability, the basis for social, cultural and religious practices as well as a central factor in economic growth.⁷⁵ The importance of land rights and land governance for the economic performance of agriculture has long been recognized. Particularly in phases of agriculture transitions, well-functioning land markets with well-defined and enforceable land rights help to facilitate efficiency-improving structural changes.⁷⁶

How people, communities and others gain access to land is defined and regulated by societies through systems of tenure. Tenure is broader than ownership. It refers to a bundle of both rights and obligations – rights when it comes to owning, holding, using, managing or transferring resources, and obligations when it comes to paying taxes, fees and other duties as well as using resources in such a way that it does not harm others. The tenure systems may be based on written policies and laws, as well as on unwritten customs and practices.

Secure land tenure rights is an issue of governance and how decisions over land and investments are taking place. Secured land tenure rights for poor people are threatened by weak democratic governance with deficits in transparency, accountability as well as weak popular empowerment. In addition, land and economic governance at both national and international levels, including agriculture policies, fail the poor. Some reasons for this are centralised control over land and prioritisation of large-scale investments instead of investments in small-scale agriculture that would increase peasants' production and productivity.⁷⁷

Tenure rights and investors' choice

Tenure systems increasingly face stress as a result of a number of mutually reinforcing circumstances. One reason is a growing population, which requires food security, another one being environmental degradation and climate change, which reduce the availability of land and natural resources. At the same time, land grabbing further limits the availability of land for local communities. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflicts and environmental degradation when competing users fight for control of these resources. Developing countries are currently experiencing an increased pressure on their agricultural lands, as described in the first chapter.

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⁷⁰IFAD 2010. ⁷¹IFAD 2008. ⁷²IFAD 2010. ⁷³Ward A et al. 2011. ⁷⁴Ward A et al. 2012. ⁷⁵FAO 2012b. ⁷⁶Ward A et al. 2012. ⁷⁷Ward A et al. 2011.

There is a threat of investors exploiting weak land tenure systems to their advantage. Analysis based on the Land Matrix database⁷⁸ shows that when distinguishing between target and investor countries, it is clear that land tenure security is highest for those countries that are only investors, and lowest for only target countries. This supports the claim that investors prefer countries with weak land tenure systems.

However, the same source also claims that the land tenure systems do not only influence the investor's choice, it is also likely that the investors have repercussions on the local land tenure system. More specifically, the presence of an investor may alter the significance and role of formal land rights that are often held by the state and sometimes by local actors. For example, the position of a village chief can be transformed through increased demand for land.

The right rights for the right people

In the height of the large scale land acquisitions or land grabbing, there is increasing need to specify the nature of land rights – be they full private ownership or land use rights – and the holders of these rights – community, individual, family, village, ethnic group, State – in order to determine where there is more need to secure the rights. Promoting private ownership by setting up land surveying systems and distributing formal individual legal titles is not always the best solution, as it is expensive and may benefit elite groups that can influence formalization processes. Besides, holders of the individual land titles who are not able to invest in the land due to lack of appropriate agrarian policies can become landless because they can easily sell their rights to corporate investors for survival. Securing land-use rights through improved tenancy arrangements may better meet the interests of small-scale and landless farmers and poor rural producers.

Below, we discuss three different sets of approaches to land rights; namely formal versus informal land rights, collective versus individual rights, private ownership versus leasing.

Formal and informal land rights

Many national and local systems are made up of a multiplicity of overlapping (and, at times, contradictory) rules, laws, customs, traditions, perceptions and regulations that govern how people's rights to use, control and transfer land are exercised. There is no single 'land' issue, and the forces that bear upon access to, and control over, land among poor rural women and men vary from region to region, from country to country, within single countries and from one community to the next. The answer to one group's land issue may mark the beginning of difficulties for another.

When there is no risk to harm the existing mechanisms for tenure and access to land formal titles can be an option. However, national and multilateral policy frameworks need to accommodate and build upon customary norms and practices, acknowledge the multiplicity of rights and the coexistence of statutory and customary tenure systems, allow for regional variations and promote the coherent development of pluralistic systems. Existing systems are capable of providing steady and trustworthy context-specific solutions.

Many less developed countries, especially those in Africa, have seen their customary systems overshadowed by the colonial rulers. The independence processes did not always succeed in reconstructing these customary systems nor their underlying values and principles. Poverty, injustices and conflicts today have their roots in this context. While there is no blueprint solution, the point of departure should be the local land governance system and its economic, political, socio-cultural and ecological contexts. It is often better to build on and foster the progressive evolution of traditional land administration systems (subject to minimum requirements regarding inclusiveness and security of rights) instead of establishing new formal systems at the outset. This is particularly relevant for communal and common property land, which is very important for the livelihoods of poor rural people and their cultural values. Sustainable and effective solutions always need to be embedded in a national policy and development planning context.

Land and territories should be defined beyond geopolitical boundaries in order to consider indigenous peoples, nomadic and pastoralist communities and fisher folks. This requires multilateral and regional policy frameworks and common development solutions. Moreover, national policies and agrarian reforms should arise and be entrenched in the existing customary practices. Local communities, often comprising of poor women and men in their highly complex and diversified realities, can provide local solutions to the land issues.⁷⁹

Collective and individual rights and the commons

With poverty reduction at the forefront of global discussions, a better understanding of common property regimes and more action to secure access and tenure to common property is needed. An estimated 2 billion people live on the world's commons, drawing their subsistence-based livelihoods from these lands. The failure of states and corporate institutions to recognize and legitimize access to the commons and instead view them as mere economic resources for exploitation has led to the privatization of historically common land, resulting in dispossession of large numbers of the rural poor, including indigenous peoples and women as well as to the destruction of environment.

The commons play an important role in securing the livelihoods of the most vulnerable and poorest members of society. It is on the commons that resource users have the least tenure security and right of access. It is here that resource users often suffer the least tenure security. It is also on the commons that many of the 'bottom billion' live, drawing on the commons for their livelihoods and subsistence as well as contributing to the preservation of environment.

Common property regimes allocate rights of ownership, management, use, exclusion, or access of a shared resource to a collective user group. The common-pool resources within the commons may be used and controlled by individuals or by groups; multiple rights to the same resource may exist, creating complex systems that regulate seasonal use and other use patterns. For example, a commonly-held forest area can be used for timber, fodder, fruit,

⁷⁸Ward A et. al. 2012. ⁷⁹IFAD 2008.



Francis Olenyo Onyango on his farmland in Kenya. Photo: Riccardo Gangale

firewood, medicinal herbs, shrubs and other forest products. This regime brings together the users into a more participatory process where various human dimensions are addressed (material and spiritual) and this contributes to the sustainable use of the resources and respect for the rights of the coming generations.

The dynamic and complex nature of the multiple use character of common property regimes makes it difficult for governments to develop policies and regulations protecting common land, especially those who inherited colonial policy frameworks, designed to explore resources. In most cases, rights to resources and tenure on common property are not secure. Furthermore, the commons and people's abilities to access resources therein are facing a number of threats. These threats can be categorized into a few thematic areas such as market-related development, population pressures, legal inadequacies, ambiguous government policies and conflicts.

Strengthening the security of access to the commons is critical for the long-term survival of the millions of people who rely on common property for their livelihoods. Securing access has taken different forms including legislative and policy reform, decentralization of state authorities, support of local institutions and collective action initiatives. In fact, common property arrangements in land control can be efficient economically.⁸⁰ Promotion of exclusive, alienable and legally registered individual land rights is not always the best solution for poor rural people, many of whom depend on more flexible, diversified, decentralized and common property systems over which they can often exert greater influence and that are more conducive to optimum uses of land.⁸¹

Private ownership versus leasing

There is consensus that unmediated sales markets do not assist poor and landless households to access land. Failed experiences of the "willing seller and willing buyer" principle in the market-led land reforms have proved this in some countries. Poor people enter that market in a very weak position, exposing themselves

to enormous insecurities. The most "insecure" place/institution in this world is the "market"! You put land into the market, and you transform secure control by the rural poor into something very insecure. Once privatized, land can easily be gone from small farmers and their communities; and once gone, it will be gone forever. The market is a place where people come with different degrees of power and ability to buy and sell. It is about power.

Poor households face numerous obstacles to participating in sales markets, including access to information, lack of market power and access to credit. These reduce both the equity and efficiency of sales markets. There may be potential for land speculation to develop where land transactions are newly introduced. Rental markets are seen as having both greater political feasibility and more potential to benefit poor and landless families, if long-term leases can be negotiated. In leasing arrangements, it is necessary to balance the interests of both the tenant and the owner, so that fairness underpins rental agreements.⁸²

Private ownership of land is often viewed as a strategy for economically sustainable private investments. This argument is always based on purely economic reasons and logic. But people consider land not only as an economic factor. To them, it is also a cultural, social and political institution that cannot be reduced to any monetary value. Privatizing land actually completely ignores these non-economic dimensions of land, with far-reaching negative consequences.

Privatizing land, from the perspective of privatization advocates, means putting these lands in the hands of the most economically efficient producers. This would mean that many people, who are judged as less efficient or non-efficient producers, would be expelled from their land. So what happens when the corporate world needs their land but not their labour? What if they have nowhere to go to work or construct alternative livelihoods? This means a few emerging elite owners of the land, who are cultivating alongside rural and urban-based landless poor with no work nor livelihood.

⁸⁰World Bank 2003. ⁸¹Ward A et. al. 2011. ⁸²IFAD 2008.

Land users or owners

Land users are not necessarily the same as land owners. Information from the Land Matrix shows that the main vendor of land is the state (51 per cent), followed by smallholders (14), communities (14) and private companies (11). However, land has predominantly been used by smallholders for cultivation (56 per cent) or communal use (16) but smallholders with private property only account for a small fraction of the group of land owners. This discrepancy between users and formal owners implies that those who are selling or leasing land are not the ones who are actually using it. While large amount of land in many parts of the world, and in Sub-Saharan Africa in particular, are being used by smallholders on the basis of customary, and sometimes communal, use rights. These farmers often do not own the land formally. In Kenya, for example, women provide 70 per cent of agricultural labour but only 1 per cent of them own land.⁸³

As mentioned above, private property regimes for land implies a commodification of a resource which according to many should not be a commodity at all, and opens the door to land grabbing. However, state or public ownership also facilitates land grabbing via the large tracts of land to which peasants only have user and customary rights, but where the legal authority rests with the state. This is frequently said to be the case for African land regimes, but although African states more frequently than states of other regions have the legal authority to dispose of land as they see fit, African land tenure systems are more varied than normally recognized, see Box 7. In a study by Wily,⁸⁴ it was found that most (13 out of 20) of the African countries inventoried do in fact leave some space for local communities to be recognized as legal owners or users of common resources, especially in relation to forests, rangelands and wetlands.



Yum Leum (88) in Kampong Speu, Cambodia lost 3 ha of rice farmland and received land in compensation, which was not cultivable. Photo: Nicolas Axelrod

BOX 7. WHO OWNS THE NATURAL RESOURCES?

Provisions on natural resources	Countries
All natural resources are property of the state	Angola, Cambodia, Ethiopia, Mozambique, Peru, Vietnam
All natural resources but minerals, seas and waterways may be privately or communally owned	Brazil, Liberia, Pakistan
All natural resources but minerals are property of the state	Uganda
All natural resources but rangelands (which may be privately owned) and forests and rangelands (which may be communally owned) are properties of, or administered by, the state	Kenya
Open (by being silent or opaque on the issue)	DR Congo, Madagascar, Mali, Laos, Sudan, Tanzania
Both states and citizens can own all natural resources	Lithuania, Ukraine

Source: Wily, 2011:21. Number of countries inventoried: 20. The countries were chosen after the existence of FDIs.

⁸³Ward A et. al. 2012. ⁸⁴Wily 2011:21.

As shown, there are significant differences between the countries. The level of protection of common property correlates quite positively with the areas which have been grabbed. On average, the lower the level of protection, the more land is lost to foreign and commercial grabbers. Also where public ownership is established in the constitution, the fact on the ground may be that land is “the private property of governments”, rather than resources controlled by and used for the benefit of the entire population.⁸⁵ This also substantiates the claim that land grabbing correlates positively with the level of weak tenure systems and with bad governance in general.

Land tenure and gender equality

Law reform to give legal recognition to women’s rights to land is often the first necessary step to promote gender parity in land and property rights. Many land laws that have been successful in promoting a more equal land distribution take into account and respect customary law but challenge the aspects that are discriminatory to women. One reason for the importance of customary law for gender equality, is that women might have more power in an informal decision making structure than in a formal. Another reason is that the formal process is costly and may benefit groups that can influence the formalisation process.

However, given the widespread acceptability of patriarchy in customary tenure, the removal of legal clauses that discriminate against women will not change cultural and social behaviour. The result is that not much will change on the ground, because women will still be discriminated against in customary land tenure. This calls for the need to actively engage to influence traditional norms, values and laws in order to allow women to own and control land.⁸⁶

Looking at land rights from a gender and poverty perspective is not only about ownership but also about guaranteeing the security of tenure for a cause. This includes lease of public land or user right to communal land and also the question on individual versus collective land rights.

A study done in eleven countries in Southern Africa shows that ten out of eleven countries have, or are in the process of getting, a land law, which has a clause recognizing the independent rights of women. However, the law enforcement is weak and the rather radical laws are not accompanied by reforms changing the point of departure that is unequal not only in gender terms but in terms of, for example, economic class. This highlights the need for courage and political will to challenge existing power and economic structures, strengthen local and national authorities as well as the need for strong grass-root movements that holds the government into account and demand the people’s right to land. Thus, women’s actual participation and influence over such movements are crucial.

The study mentioned above, lists some of the factors constraining women from owning and controlling land. These factors include: (1) Women can legally not own or inherit land. (2) Application of customary law and patriarchal attitudes. (3) Unmarried women aged below 21 years have to obtain the consent of their parents in all property transactions. (4) Women who marry become minors unless they explicitly marry under out-of-community-of-property regime. (5) Women lack the means (assets, capital and labour) to productively use the land.



Pamela Owino, a member of Miriu Integrated Project in Kisumu, Kenya, which is practicing agroforestry to increase and diversify agricultural production. Photo: Kajsa Johansson

⁸⁵Wily 2011. ⁸⁶Mutangadura 2004.

Mozambique, where all land belongs to the state, is one example where all major legislation relating to land, including the constitution and the family law, are explicitly supportive of women's land rights. The implementation of the law also faces many problems related to the absolute poverty and weak institutional environment. Even though the implementation and enforcement are challenging, the first four factors are legally overcome but the constraints lie with the fifth due to weak investment in the agricultural sector. A critical factor determining if women get independent land rights is whether or not women are equipped with the economic and social resources to be able to own and meaningfully benefit from land ownership.⁸⁷

A land law – and so what!?

The actual land laws seem to be one relatively small step in guaranteeing the right to land. And even taking a legalistic approach – it is not only about land laws but about a set of laws that are interlinked, such as land, inheritance, family law and even the constitution. Law as an instrument of social change needs to be supported by efficient law enforcement and by awareness of rights in order to promote a change of institutions, governments, leaders at different levels and among women and men. It is about strengthening both the state as the duty bearer as well as the population as rights holders. The challenge of fulfilling this in the countries most targeted by large-scale land acquisitions cannot be underestimated. Mozambique stands out as a good example, where a massive land campaign to disseminate the new land law were made. However, even though a massive campaign was undertaken, given the geographical size of Mozambique not

all communities were reached by the campaigns to sensitize them about the new law and the land rights. Thus there is a continuous need to educate the public about the new land law. While policies, constitutions and legal frameworks might be put in place, the extent to which they ensure land tenure rights, depend on whether these policies are explicitly translated into action; and whether mechanisms are put in place to enforce the policy.

The large amount of officially unused land, due to lack of formalised user or property rights, led to two opposite approaches in many developing countries. One called for support for small-scale farmers to increase land use and productivity. The other called for foreign plantation investments to make the technology leap, leaving agricultural development to the private sector with a limited role of the state. However, ensuring the right to land in practice also means ensuring that local communities, on collective and individual basis, have the right to the means to productively use the land. Hence, agricultural policies at national level, supporting smallholders' production is necessary.

In Africa, an area twice the size of France has already been sold or leased. Many leasing contracts are fixed for 99 years, which means that this African arable land cannot be used by the local population for generations to come.⁸⁸ There are several cultural and social aspects of this that are impossible to grasp in even the best of land laws. For example, when talking about time and space – do the concepts mean the same for a foreign company and the local village? And can land really be traded and negotiated at all if it is an essential part of our history and identity?



Members of an agroforestry training centre in Niassa, Mozambique, which promotes sustainable agriculture adapted to climate change in collaboration with local peasants' associations. Photo: Kajsa Johansson

⁸⁷Mutangadura 2004. ⁸⁸Østigård 2012

CAMBODIA – FARMLAND UP FOR GRABS

Karin Gregow, Forum Syd

A majority of Cambodia's 15 million population, around 80 per cent, live in rural areas and more than 70 per cent depend primarily on agriculture for their livelihoods. Of the country's total area of 18 million hectares, only 6.5 million are considered arable.⁸⁹ An average rural household cultivates between 1-3 hectares, mainly rice, and has a small homestead. In addition to this, the subsistence farmers depend on non-timber forest products and fish for their livelihood. Land use in Cambodia has been greatly impacted by the country's recent history with civil war and the Khmer Rouge regime 1975-79, which led to massive displacement and forced collectivisation.

Rapid sell-off of land

During the last years, the country has seen a dramatic increase in land grabbing. More than 2 million hectares of land in Cambodia have been granted to private companies as concessions for agro-industrial plantations.⁹⁰ Many cases have been reported of peasants and indigenous communities being deprived of their farmland and denied access to forests as foreign and domestic investors are grabbing the country's productive land.

Farmers have been forcibly evicted from their land and there have been severe violations of human rights. According to Cambodian human rights groups, more than 400 000 people have been af-

ected by land grabbing and evictions since 2003. Land disputes are already Cambodia's most urgent human rights issue. In 2011, over 11 000 additional families were drawn into land conflicts.⁹¹

Cambodia lacks an effective land tenure system and the majority of the poor people do not have official titles to the land that they farm. The country's land tenure system was destroyed under the Khmer Rouge regime, when private property was abolished. The current Land law from 2001 allows people to apply for official titles to their land, but the procedure is cumbersome and expensive. Hence, only few poor people hold proper titles to their land, even if they have lived on it for decades and are entitled to possession rights.

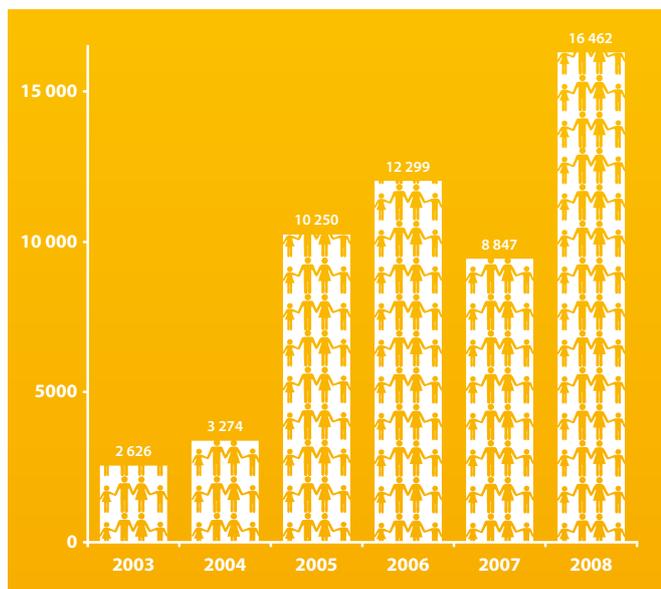
The rapid sell-off of fertile farmland is facilitated by Cambodia's land concession scheme, which is provided for in the Land law. The government can grant Economic land concessions (ELCs) to investors for agro-industrial production on maximum 10 000 hectares as leases up to 99 years.⁹² The area of farmland covered by concessions has doubled since the beginning of 2009.⁹³ In 2011, a record 800 000 hectares were granted as concessions.⁹⁴

There is generally a lack of transparency around the concessions, which are mostly granted without sufficient consultation of the affected communities. There are many examples showing that villagers who have lost their land are often not provided with adequate compensation for the loss of their livelihoods. If communities are offered replacement land, this is often land of poor quality or less accessible land, which makes life harder for the villagers. In addition, poor people who are affected by land grabbing have very limited access to legal remedies and independent dispute resolution mechanisms. According to Cambodian NGOs, 70 per cent of the land conflicts documented in 2009 remained unresolved.⁹⁵

Environmental impact assessments are seldom being carried out, even though this is stipulated by the law. As trees are often being cut on concessions for industrial plantations, the soil is being depleted and the surroundings are becoming even more vulnerable to draughts and floods. Hence, the agriculture and traditional livelihoods are being further damaged.

There is a high interest among investors to acquire land in Cambodia. The country currently ranks as number 11 among the top target countries according to the Land Matrix database.⁹⁶ Chinese and Vietnamese companies are among the most common foreign investors that are flocking to Cambodia. Along with domestic companies, often owned by powerful people with close links to

Figure 6. Number of families affected in land cases 2003-08.



Source: LICADHO 2009

⁸⁹Open Development Cambodia 2012. ⁹⁰LICADHO 2012. ⁹¹LICADHO 2012 ⁹²Land Law 2001:Article 8 ⁹³LICADHO 2009. ⁹⁴FIDH 2012.

Figure 7. Economic land concessions in Cambodia

Source: *Open Development Cambodia 2012a*.

the country's ruling elite, they are carving up the country for large-scale agricultural plantations. The main crops are sugar cane, cassava, rubber, palm oil, acacia and teak.

Serious human rights abuses

The escalation of human rights abuses in connection to land concessions is well documented by a number of Cambodian civil society organisations as well as UN representatives. The UN Special Rapporteur on the situation of human rights in Cambodia stated in a report presented in September 2012 to the Human Rights Council that "there are well documented serious and widespread human rights violations associated with land concessions that need to be addressed and remedied". After a human rights fact-finding mission, he reported that local communities are often not aware of when and how a land concession is being granted nearby. Villagers informed him that they are seldom consulted by the authorities or the companies in a meaningful way.⁹⁷

Several human rights organisations have reported a dramatic rise in the number of protests related to land rights abuses. According to the Cambodian human rights group ADHOC, protests against land grabs by local people led to the arrest of 95 people and the detainment of 48 people in 2011.⁹⁸ The use of excessive force, including military force, to carry out evictions is becoming more common.

A recent trend is that land concessions are increasingly being granted inside protected forest areas. The Ministry of Environment has granted concessions on around 346 000 hectares in 13 conservation areas to private companies for rubber plantations.⁹⁹ A large part of this is located in pristine forest areas. Environmental groups are concerned that deforestation rates will increase and that areas of high conservation value will be further destroyed. The Ministry of Environment, however, has denied that the escalation of concessions in protected areas is affecting biodiversity and livelihoods and is arguing that the concessions are only allowed on the fringe of the protected area.¹⁰⁰

Mining companies are also rushing to Cambodia in their search for gold, iron ore, copper and other precious minerals. Already,

1.9 million hectares have been granted as concessions for mining.¹⁰¹ The mineral wealth in Cambodia is still largely unexploited and so far little extraction of minerals has been conducted in the mining concessions.

The dramatic increase in land concessions and human rights violations following in their foot steps has caused significant concern among civil society organisations, human rights groups, environmental organisations, UN agencies, and also increasingly among donors. However, the Cambodian government has stated that this is a sound economic model for development and poverty reduction. "The big increases in economic land concessions are made in compliance with the government's development policy in alleviating poverty for the country", the law maker of the Cambodian People's Party, Cheam Yeap, stated in *The Cambodia Daily* in March 2012.¹⁰²

But, nevertheless, the Cambodian Prime Minister Hun Sen imposed a temporary halt to new economic land concessions in May 2012. The aim with the moratorium was to ensure that decisions "do not jeopardize people's means of livelihood, so that economic concessions can bring real benefits to the nation and its people".¹⁰³ But the freeze contains a loophole: it allows the government to grant land concessions that were under negotiation or "agreed in principle" before the Prime Minister's directive. At least twelve new economic land concessions have been granted, covering over 80 000 hectares, since the moratorium.¹⁰⁴ Since the whole process around land concessions is characterized by a lack of transparency this exception effectively means that the granting of concessions can continue.

Industrial sugar plantation – the case of Kampong Speu

Sugarcane is one of the leading crops and drivers behind the current surge in land grabbing in Cambodia. During the last few years, there has been a rapid expansion of the sugar industry in the country. Up to 2010, more than 80 000 hectares had been granted as land concessions to private investors for industrial sugar cane production. Two such concessions are found in the Kampong Speu province.

Almost 20 000 hectares of land in Thpung and Oral districts in the Kampong Speu province have been granted to two Cambodian companies as land concessions for large-scale sugar cane plantations. These concessions have involved violations of human rights and serious conflicts with local people.

Impact on local communities

In September 2009, Kampong Speu Sugar Co. Ltd requested the Cambodian government for a land concession of 10 000 hectares in Oral district in order to plant sugar cane. At the same time, Phnom Penh Sugar Co. Ltd requested the government for a concession for sugar plantation on 10 000 hectares in the same district. In February 2010, the government awarded a land concession to Kampong Speu Sugar Co. Ltd amounting to 9 052 hectares located in Thpung district and another concession on 9 383 hectares in Oral district to Phnom Penh Sugar Co. Ltd.¹⁰⁵

⁹⁵APRODEV 2011:11. ⁹⁶The Land Matrix 2012. ⁹⁷Subedi, S. P 2012:2. ⁹⁸Phnom Penh Post 2012:1. ⁹⁹Cambodia Daily Weekend 2012:7.

¹⁰⁰LICADHO 2012a. ¹⁰¹Cambodia Daily Weekend 2012:6. ¹⁰²Cambodia Daily Weekend 2012:7.

Both companies are controlled by Oknha Ly Young Phat, one of Cambodia's most influential businessmen and also a senator from the ruling Cambodian People's Party and former Special Economic Advisor to Prime Minister Hun Sen. Ly Young Phat is involved in land deals in Cambodia on at least 74 000 hectares for agro-industrial production, including 60 000 hectares in sugar concessions.¹⁰⁶ Through his political connections, he and his affiliated companies have been able to bypass and break national laws.

Ly Young Phat is violating the land law, which limits the size of land concessions to 10 000 hectares that can be granted to the same person(s) or institutions/companies governed by the same person(s).¹⁰⁷ To circumvent this in Kampong Speu, one company is registered in his own name and the other in the name of his wife, Kim Heang. However, in the business group's (L.Y.P Group) own brochure both concessions are listed as the group's investments in Kampong Speu.¹⁰⁸

BOX 8: WORLD BANK SUSPENDS LOANS TO CAMBODIA

In 2011, the World Bank President Robert Zoellick made an extraordinary move of suspending all new lending to Cambodia until the situation regarding the land rights of communities around the Boeung Kak lake was resolved. In 2006, the communities were wrongly denied the right to have their claims to the land adjudged under a land titling project financed by the World Bank. Hundreds of households are claimed to have been evicted from their land. Activists, on behalf of the lake residents, took their case to the World Bank's complaints mechanism, the Inspection Panel, in 2009. The Panel found that the villagers had been denied an appropriate process under the project. The Cambodian government, however, failed to implement remedial measures, and the Bank froze its lending.

This was apparently a strong signal because within a few months, the Cambodian government issued a sub-decree granting land titles to most of the affected people. But the conflict has not been resolved. In May 2012, 15 members of the Boeung Kak community were arrested following a peaceful protest and they were sentenced to between 0.5 and 2.5 years imprisonment. After 34 days in jail, the persons were released following an appeals court, but their sentences remain. Currently there is a campaign to free two other female land activists, who are in jail, one of them from the Boeung Kak community.

Sources: Bretton Woods Project 2012a, World Bank 2011a, Oxfam 2012a.

The concession granted to the Phnom Penh Sugar company encroaches on more than 2 000 hectares of farmland belonging to over 1 000 families in Amliang community in Thpung district.¹⁰⁹ In 2010, the company started to clear local people's land and access to community forests was restricted. Some families were offered replacement land by the company, but this was at the foot of a mountain and not suitable for cultivation. During February and March 2010, there were several incidents where protests by villagers led to the eruption of violence between the local people, company staff and security forces. As a consequence, soldiers were sent to guard the land that was being disputed. In September 2010, villagers reported that 1 000 hectares of community land had already been cleared and that people were prevented from planting rice. People were reported of sleeping in their fields, in order to prevent their land from being cleared during the night.

At several occasions, villagers have been summoned to the Kampong Speu provincial court accused of inciting violence and destroying company property. Cambodian civil society organisations, such as Cambodia Human Rights Action Committee, have organized lawyers for the villagers. Several persons have been arrested and charged. In March 2010, police arrested two community leaders under unclear circumstances and only set them free after villagers had occupied the National Highway, demanding their release.

The planting of sugar cane started in 2011. The company has built one factory for producing white sugar in Amliang community. The villagers have lost valuable land used for rice and vegetable cultivation and their livelihoods have been seriously impacted. They have also lost access to forests, where they used to collect firewood, search for beehives or collect bamboo shoots. The non-timber forest products are important supplements to their own crops. The concessions have reduced the land available for grazing by the villagers' cattle. Some local people have lost their residential land and their homes. Villagers have also reported water shortages because of the sugar cane plantations and clearing of forests.

In August 2010, the government reduced the size of the company Phnom Penh Sugar's concession from 9 393 hectares to 8 343 hectares. In this way, the government allowed villagers to remain on 1 050 hectares along National Road 52. Simultaneously, other villagers who would be evicted were told to move into this area. These villagers reported that there were already people living on the land that they were offered.¹¹⁰

Export to the EU

The sugar will be exported to the EU under the union's Everything But Arms Initiative (EBA). This initiative grants tariff and quota free access to the European market for Least Developed Countries (LDCs). It also stipulates a minimum price for sugar. The export of sugar from Cambodia to the EU has increased following the liberalization of the EU sugar sector, which took effect in October 2009. The Cambodian sugar exports to the EU amounted to 10 100 tons in 2010, while the union only imported negligible amounts of Cambodian sugar the year before¹¹¹ In 2011, the export had more than doubled, amounting

¹⁰³Oxfam 2012a. ¹⁰⁴Pilorge, N 2012. ¹⁰⁵Cambodia Human Rights Action Committee 2012. ¹⁰⁶Bridges Across Borders Cambodia 2010:2 ¹⁰⁷Land Law 2001: Article 59.

¹⁰⁸L.Y.P Group 2012. ¹⁰⁹Bridges Across Borders Cambodia 2010:4. ¹¹⁰Bridges Across Borders Cambodia 2010 and Cambodia Human Rights Action Committee 2012.

¹¹¹APRODEV 2011:17. ¹¹²APRODEV 2012. ¹¹³The companies include Tate & Lyle (UK), American Sugar Refining Inc, Mitr Pohl.

to 22 500 tons.¹¹² The sugar companies¹¹³ have confirmed that their priority is to produce sugar for export, not for the local market.

A number of European and Cambodian civil society organisations have called on the European Commission to investigate the escalating human rights abuses in Cambodia that result from the granting of economic land concessions for agro-industrial development, in connection with agricultural goods being exported to the EU under the EBA. The organisations are questioning whether trade preferences under the EBA should be applied to sugar exports from Cambodia under the investment model of large-scale land concessions.¹¹⁴

According to EU legislation, preferences can be withdrawn in cases of serious and systematic violations of principles laid down in international conventions. The EU Trade Commissioner has stated that the European Commission is aware of the legitimate concerns regarding human rights violations in Cambodia, but that there, in their view, has been some progress with the recent moratorium on new economic land concessions announced by the Prime Minister.¹¹⁵

According to Cambodian civil society organisations, some of whom have come together in the Cambodian clean sugar campaign, the EBA initiative is fuelling the expansion of large-scale industrial sugar plantations, which are implicated in severe human rights abuses. But the EU Charge d'Affairs in Cambodia has dismissed any connection between the EBA and human rights violations in Cambodia.¹¹⁶ The Swedish Member of the European Parliament, Cecilia Wikström, has called on the EU to act on the situation related to land grabbing in Cambodia.

Though the EBA program was designed to help poor countries by stimulating their exports, it has had some unintended downsides. In Cambodia, it suddenly revived sugar production, which had been halted since the 1970s, by turning sugarcane into a high-demand crop. The EU should send a high-level delegation to assess land grabs in Cambodia and suspend Cambodia's benefits under the EBA until a full report is released.

Cecilia Wikström, Swedish Member of the European Parliament¹¹⁷



Mrs Yeun in her home garden in Kampong Speu, Cambodia. Photo: Nicolas Axelrod

¹¹⁴APRODEV et al. 2012. ¹¹⁵de Gucht, K 2012. ¹¹⁶Bridges Across Borders Cambodia 2010:8. ¹¹⁷Wikström, C, Sochua M 2012.

MOZAMBIQUE – PEASANTS’ VOICE HAVING AN IMPACT

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Marja Wolpher¹¹⁸, Afrikagrupperna

“I don’t accept that you call the land you are planting on unproductive and useless. Our families have survived on these lands for centuries, it has given us everything we have and everything we are.”

A member of the peasants’ union in Licole, Niassa, in northern Mozambique during a meeting with a foreign forestry company, which claimed that they were only planting pine on unproductive and useless land.

“If the company doesn’t change the way it operates, we, the population of the village, will move. Then the company and the leaders can sit here all by themselves.”

Cristina António, member of the peasants’ union in Licole, explaining to the Swedish Minister for Development Cooperation, Gunilla Carlsson, what she and her fellow-peasants thought about the large-scale forest plantation taking place in the village.

This chapter looks into the case in Mozambique in regards to land rights. The focus is on how civil society actors, especially the peasants’ union, influence land related issues including the land law and investments in agriculture. The last section of the chapter presents some of the recommendations from civil society and communities in relation to future investments.

Agriculture and land based investments in Mozambique

Mozambique is one of the poorest countries in the world and contains vast areas of land that, at a first glance and officially, seem unoccupied. Different estimates say that 12-19 million hectares of land are available for agriculture, forestry or cattle.¹¹⁹ A majority of the country’s population, between 70-80 per cent, lives in the countryside practicing small-scale agriculture. An average family cultivates about 1.4 hectare but depends on at least 35 hectares, taking into account all natural resources needed for its livelihood including firewood, construction material, medicinal plants, grazing areas and areas for hunting.

International agencies and the Mozambican state have reduced support for farming, and left agricultural development to the private sector. According to the National Peasants’ Union (UNAC), the family agriculture sector has stagnated due to lack of for

example agriculture inputs, markets, improved seeds, agriculture extension services. Yields, which generally are much lower than yields obtained in other countries in the Southern African region, constitute only 20 to 50 per cent of the potential. The traditional local way of farming includes the practice of slash and burn, which is used in order to fertilize the soil.

The lack of private interest in the peasant sector led to emphasis on foreign investment, with large scale concessions to foreign companies. Between 2004 and 2010, Mozambique granted concessions to foreign companies of close to 1 million ha (73 per cent forest and 13 per cent for agro-fuels and sugar). Sugar production increased from 30 000 ha in 2000 to 180 000 ha in 2006.¹²⁰

According to Mozambique’s constitution, land is owned by the state and cannot be owned or mortgaged. The land law establishes that the right of use and benefit of land (DUAT) is acquired by a community occupying the land, by individual Mozambicans using the land in good faith for at least ten years or in response to an application.¹²¹ Land can be leased to investors for 50 years, renewable for another 50 years, but only after local communities agree to it or local people accept that the land is not used.¹²² Provincial governors can authorize DUATs on up to 1 000 hectares, the Minister of Agriculture up to 10 000 hectares and the Council of Ministers above that.¹²³

¹¹⁸Marja Wolpher, Theme officer, Afrikagrupperna. Email: marja.wolpher@afrikagrupperna.se ¹¹⁹Norfolk & Hanlon 2012:3. ¹²⁰Norfolk & Hanlon 2012:3.

¹²¹Hanlon 2011:8. ¹²²Norfolk & Hanlon 2012:3. ¹²³Hanlon 2011:8.

The largest land concessions in Mozambique have been for forests. Those that are promoting forestry investments in Mozambique argue that these are highly profitable, good for the climate (earning carbon credits) and support sustainable local development. Nearly all of the large concessions have run into conflict with local communities. Several studies on large-scale land investment in Mozambique show that consultations with the local communities are insufficient. Often only a few people in the community are consulted, and sometimes paid. Promises made by the investors are not written down and the contracts between the investor and the government are secret so the community cannot see what the investor have told the state about their commitments to the community. In many cases, jobs for community members are promised and this is also often the reason why they grant their land to investors. In reality, there is a need for a large work force in the beginning of the projects to clear the land and plant the seeds, while after 3-4 years the need for work force are much less. Yet, another reason for conflicts has been seasonal contracts, implying that a person signs a work contract for the planting season. This means that the peasants do not plant on their own fields since they are working on the plantation. When the planting season is over, they have neither job nor food.

Foreign investors tend to use land close to the communities, which has already been cleared by local peasants or close to water supply. There are several concrete examples, showing that promises of jobs and benefits for the communities are not fulfilled. On a national level, there is growing critique against the investments as part of an economic policy that contributes to a high economic growth. It is questioned whether the growth contributes to reduced poverty and improved living conditions for the majority of the country’s population. Mozambican researchers call it an extractive economy. People in the street or in the field ask what the difference is between the present economy and the colonial rule. The land investments are to a large extent done by foreign companies, who benefit from tax reductions, pay minimum wages and do not respect the rights of the local population.

Participation in the making of the new land law

The process that ended with the approval of the Land Law in Mozambique in 1997 is probably the most participative experience in the law making exercise since Mozambique gained its independence in 1975. There were two land laws before the current one. The first one was the discriminatory indigenous law inspired by the colonial system which had some improvements in 1960 to formally recognize the right of the Mozambican natives to own land. The second one approved in the early years of the independence was inspired by the Marxist ideology and had some sentences directly retrieved from the Soviet Constitution.¹²⁴ The common aspects in both laws were, firstly, the fact that land could only be transferred to users, private or collective users, through a title deed provided by government. Secondly, both laws did not consider the customary land transfer practices.

Although the Constitution protected the rights of land users in general, acquiring a title – according to the 1979 Land Law – to formally secure the user rights was out of reach for the major-

ity of the rural poor. This is due to high expenses that had to be incurred but also to bureaucracy that one had to go through. The governing officials and military elites who had control of the system started to register large portions of land for themselves. In most cases, they were registering rights over land which was under possession of small peasants and communities. These episodes triggered the debate around land rights in the country where civil society organizations, the National Peasants Union (UNAC) and the Rural Organisation for Mutual Support (ORAM) played an important role. This debate resulted in the revision of the 1979 Land Law.

A Land Committee, a multi-sectoral task force consisting of government land experts, FAO staff, UNAC and ORAM, was commissioned to draft the law and conduct a consultation process in order to come out with the draft bill which would be submitted to the Parliament. UNAC conducted a broad consultation process in the country that came out with concrete proposals which were broadly accepted by the members of the Land Committee and later on approved by the Parliament in October 1997. These were a) the maintenance of State ownership of land; b) customary law; c) the occupation right and d) community consultation. This “bottom-up” approach allowed the Committee to have inputs on the basis of which they would draft a law which would better respond to the social, cultural and economic context of the country. This would contribute to solve the existing conflicts and prevent future conflicts in the community as well as between the community and incoming investors.

State ownership of land was to prevent concentration of land amongst small capable elites who would privatize the land, something that was considered the main cause of discrimination of the poor and vulnerable during the colonial era. The acceptance of the customary law for the first time in formal legal system, took into account most of the traditional practices used to transfer land amongst families and communities for generations, prior to state authorizations and confirmation. The law would only recognize the customs that do not violate the Constitution of the Republic – for example by recognizing practices that do not discriminate women. The occupation right became a way to protect and confirm the rights of people who, in good faith, have remained on the land for a period of more than 10 years.

People who have occupied land in good faith are not obliged to seek a written title, since the latter has equal legal value as the former. This proposition has relieved the majority of the people living in the rural areas who, under the previous law, had to secure their land rights only by a written title. The fourth proposition is a requirement for all private investors who are willing to acquire DUAT for economic activities to consult communities. They have to consult communities to know whether there is land available and if the community agrees with the kind of investment proposed or not, before they can get the final government authorization to use the land.

Community consultation is the most important mechanism in the law through which the community can negotiate with the private investor and make specific demands to protect the interests

¹²⁴E.g. “The Land is property of the State and cannot be sold or otherwise alienated, mortgaged or encumbered....” (Extract from 1979 Land Law)

of their communities now and those of the coming generations, before they can allow the investment to be implemented.

Although the law appears to be a valuable tool to overcome the existing conflicts and promote a better distribution of wealth to the majority, its implementation has faced innumerable difficulties. Firstly, the law was approved in height of the Structural Adjustment Program in which the move produced opposite results. Donors, who were the major contributors to the State Budget, were pushing for liberalization and privatization of the economy and elimination of all forms of state intervention in the economy. The State institutions that had the responsibility to oversee and encourage the implementation of the land law were weak, without human and material resources to regulate land management and propose amendments to the law according to the reality on the ground. Secondly, although most land was used for agricultural purposes and was in the hands of small peasants, there was no comprehensive long term vision for the agricultural sector aiming at supporting it to achieve increased production, productivity and markets. Most of the land lay idle and small peasants were labelled as unproductive in opposition to the private investors who were seen as major factors of change of the future.

It is also interesting to note, thirdly, that some government officials were either against the provisions of the Law or did not understand it, since they became barriers to its implementation by boycotting the community land delimitation and demarcation processes and violating the principles and procedures of land consultations. The obvious conclusion of these factors was that the law was being hindered from preventing conflicts and promoting better distribution of wealth - a remedy that the patient has never taken. Today, as we speak, land conflicts have spread out in the whole country. There are conflicts among communities and between the communities and investors. The government does

not show leadership in the land and natural resources management and it appears to support large-scale agriculture and mining ventures promoted by multinational enterprises.

Fifteen years after its approval, the land law remains unchanged and there is large consensus among the people and politicians in general that this law is still valuable and it can make valuable contributions to the economy and balance social relations in the country. It is, however, necessary for government institutions, the judiciary, and other relevant bodies (mainly UN agencies) to play a role in pushing for its implementation, since land remains the last resort for the poor and vulnerable to overcome poverty. It is necessary to have a multi-sectoral forum to follow up on the mandate of the Land Committee that would serve as a watch dog to the implementation of the land legislation, focusing its attention on the central aspects of the relationship between the communities and the investors as well as the role of the State at provincial and local levels as facilitator and mediator in the processes triggered by investments.¹²⁵ Community based organizations, traditional leaders and peasants' organizations need to be better informed about the land law and trained on the use of various tools designed for the transfer of land.

Influencing investments and development paradigms

Niassa is the largest province in Mozambique (129,056 km²), and with a population of around 1.4 million it is the least densely populated province, with an average of eight people per square kilometre. Niassa has highly fertile soils, good rainfall and a suitable temperature for agricultural production of major commodities, including crops and livestock. Despite the high potential, the agriculture is highly underdeveloped and largely consisting of subsistent small-scale farmers, each cultivating an average of



The peasants' union in Lussanhando, Mozambique, is working to defend the interests of their members of which the majority are women. Photo: Kajsa Johansson

¹²⁵Åkesson et al. 2008.

1.2 hectares, producing mainly for household consumption. The problems facing small-scale farmers described above are all present in Niassa. The Niassa Provincial government claims that the production areas as well as productivity are on the increase.

Since 2005, Niassa is one of the provinces where the Mozambican government together with international donors, such as Sweden, has been promoting large-scale investments in tree plantations, mostly exotic species like pines and eucalyptus. According to the Reforestation Strategy, plantations should be set up in Niassa on around 335 000 hectares until 2030, of which around 320 000 ha are industrial tree plantations. The Strategic Plan of the provincial government sets the aim of attracting private investment for commercial plantations for 240 000 hectares until 2017.¹²⁶ During a forestry seminar in Lichinga in April 2012, the forestry companies expressed plans for the future where they wanted to, even if they understand that it might be difficult, have planted 500 000 hectares in 35 years. The planted area so far is only around 32 000 hectares, mostly pines. There are currently six plantation companies in Niassa including UPM, that has plans to build a pulp mill in the area.

One of the six investors in Niassa is the Global Solidarity Forest Fund (GSFF) founded by the Nordic Lutheran Churches, Västerås Stift, the Norwegian Lutheran church and a large Dutch pension fund ABP. GSFF's aim is to have 400 000 hectares of forest in Mozambique in four projects. Chikweti Forests is one of them, operating in Niassa. Chikweti stated from the beginning that they aimed to have new fast growing pine and eucalyptus trees planted in marginal areas mixed with protected native forest. This particular investment, as well as several of the others, has caused conflicts and discontent in the local communities. The communities claim that the land law has not been respected in terms of community consultations. In some cases, consultations have been made, but just with the local leaders not representing the interest of the whole community. Exchange of land for jobs for selected people has occurred, which is a violation of the land law as well. There are several cases where the community claims that what was agreed upon in a consultation has not been respected by the company that is invading the fields of the peasants. The forestry plantations are established very close to the villages and even to the houses, and the distance between the homes and the fields of the peasants are increasing. The expansion of the forestry plantations has also caused a reduced access to areas for animal grazing, collection of firewood and construction material, medicinal plants and other natural resources that the peasants depend on.

There are other deeper dimensions of the conflict between the company and the villages, departing from the different perspectives of land where the peasants feel that the companies are not respecting the historical, cultural and social value of the land. The communities have in some cases found the dialogue with the company so troublesome that they have protested through the burning and destroying of plantations. The peasants' frustration with the company is also confirmed by data in several studies, including one from the Mozambique National Directorate of Lands

and Forests, which states that Chikweti are using 32 000 hectares illegally and invading on local communities' land.¹²⁷ The same report describes that the relationship between the company and several communities as well as local authorities lacks confidence and trust, and that it is very conflictive.

Results from local action against investments

Below are some examples of the resistance and reactions from local communities and peasant's associations.¹²⁸ Even though the struggle to guarantee the right to land is far from finished, organisations and communities have made some great achievements and shown that it is possible to influence the development agenda in one province as well as making their voices heard at national and international levels. In 2007, when the first complaints regarding conflicts between communities and investors were raised, it was almost impossible to bring it up with the provincial authorities and even more difficult with the national ones, since the paradigm on large-scale investments was so dominant. Five years later, the issue is on top of the provincial as well as national development policy agenda. Below, we list some of the factors that we believe contributed to these important steps towards ensuring local communities their right to land. The most profound factor is collaboration and solidarity – between different actors in different positions and geographical locations.

Small-scale farmers in Niassa have made a great effort to mobilise and organise themselves. The steps began with associations at village level getting together to form district unions. In the end of 2008, a provincial peasants union (UPCN) was founded that now has around 19 000 registered members all around the province of which the majority are women. UPCN represents the national peasants union UNAC. The fact that peasants are increasingly organized in member-based organisations from village to national level has played a crucial role in challenging the development paradigm in general, and individual investors in specific. Through the peasants' union, it became obvious that what was first seen as isolated problems in some villages with some investors was in fact a pattern in several districts of the province. Collecting the stories from distant communities has been one of the functions of the provincial peasants union. This evidence based on primary information has been the foundation of the critique against the way that the investments have been carried out in the province. The provincial peasants' union has been able to transport the stories to the national level where UNAC has gathered the stories from all the provinces, making possible a legitimate involvement and influence in the national policy dialogue on land-based investments.

However, the peasants' union has not been working in isolation. There are several networks of organisations working in the province, one of them being an environmental network called ROADS. ROADS has organisations as members and no individual membership. One of the key tasks of ROADS has been to train local communities on the land and environmental law. The awareness of these laws has been key in the empowerment of the population of the local communities to claim their rights in

¹²⁶FIAN International 2012:15. ¹²⁷Hanlon 2011:8. ¹²⁸More information on the case: Justiça Ambiental & UNAC 2011, Brandão, H 2012, Åkesson, G et al. 2009.

relation to the local authorities as well as to the investors. Another function of ROADS has been to collaborate with the peasants unions in lobby efforts towards government and private sectors.

ROADS has strengthened its capacity through collaboration with various other actors such as academic researchers and consultants. One concrete example is that activists from ROADS accompanied the consultancy team carrying out one of the first comprehensive studies on land rights in Niassa in 2008. The activists were trained on how to make enquiries as well as compile and analyse information. This capacity has been further strengthened through collaboration with the national research institute IESE, working together with grass-root organisations on, for example, how to carry out enquiries and how to monitor and analyse a public budget. These capacities have been essential in ensuring an increased credibility in the information presented by civil society organisations.

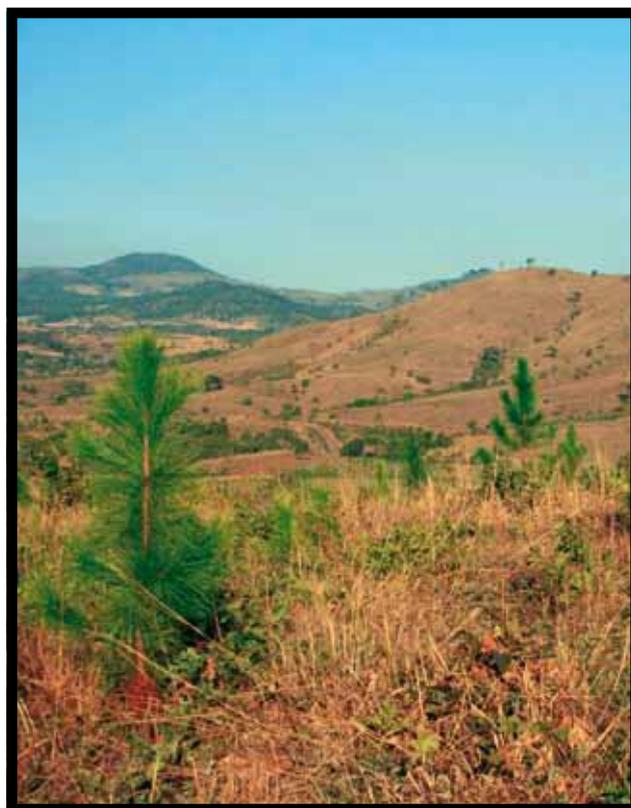
Except from the vertical collaboration within Mozambique, the local organisations have also worked together with international organisations. This collaboration has consisted of, among other things, financial support enabling the implementation of the local organisations’ programmes but also a support in lobby and advocacy efforts. An example of the latter is connecting the local organisations to politicians from countries of origin for the investments. The peasants’ union has met the ministers of development cooperation from Norway and Sweden, where they took the opportunity to present their experience of and reflections on the investors from these two countries. International organisations have also played a role in putting pressure on their respective embassies as well as companies from their countries of origin. The peasants union has made contact with international press, and the challenge of the forest plantations has been covered by media in Holland, Sweden, Brazil, South Africa and Norway. It has also been raised by international news agencies such as the ATP, spreading the information internationally.

Connecting to the discussion in the chapter on the potential of peasant agriculture on the need for an agriculture policy that supports small-scale farmers, as a means to ensure both food sovereignty and land rights in practice, the peasants’ union’s work described above, has gone hand in hand with efforts to increase peasants’ participation in and influence over implementation of public agricultural support programmes in Niassa as well as collaborating with the provincial department for agriculture in improving peasants’ access to rural extension, improved seeds and access to and influence over markets. Some achievements have been made but great challenges remain.

Some recommendations on the way forward

As said above, several important steps have been taken to strengthen the voice of the local communities and to guarantee their right to land. However, the struggle must continue. In various documents, civil society organisations have made important recommendations on how they would like to see the way forward. These recommendations include:

- Local communities need to have awareness of their rights and duties as DUAT holders according to the land law. They need to be empowered in public consultation processes.
- It is necessary that signed minutes of meetings during the public consultation processes are requested and made accessible to the local population. Contracts must be drawn up detailing all the promises made to communities, including deadlines for achieving these with proposed penalties for non-compliance.
- There is a need to establish mechanisms for monitoring the entire process of local investment and interaction with local communities in order to avoid future conflicts. The state should provide free legal assistance to communities in cases of conflict.
- The State should suspend the issuing of DUATs to new investments until it has established the technical and institutional capacity for analysing proposals and monitoring of approved investments, and until all existing conflicts over land are resolved.
- Local government officials need to be trained in matters of the Community Land Law.
- The implementation of various existing agrarian policies directed to agricultural production and small-scale subsistence farmers is recommended, ensuring that concrete steps are taken to improve agricultural productivity and marketing of products.
- It is important to define the areas available for any new investment, with clear distinction and definition of community areas, differentiating between small and medium investments.
- The legalization of portions of communal land must be promoted, although not required by laws, since it allows for greater legal security.



One of the pine plantations in Niassa, Mozambique. Photo: Kajsa Johansson

VOLUNTARY GUIDELINES – SOLUTION OR WHITEWASH?

Karin Gregow & Kenneth Hermele, Forum Syd
Kajsa Johansson, Swedish Cooperative Centre

As land grabbing has grown in scale, and as criticism of the dispossessing of peasants and indigenous people has been increasingly voiced by many stakeholders, especially by peasant organisations, NGOs, academics, and human rights organisations, guidelines and standards for “responsible” investments have been presented as a way to mitigate the negative aspects of these investments and make them acceptable to all parties concerned. A recent summary of these guidelines elaborated by GRAIN lists as many as 17 initiatives, spanning the whole spectrum from recommendations from the UN Special rapporteur on the right to food, via UN and international institutions such as the FAO and the World Bank, regional organisations, such as the African Union (see box 9) and the Asia Pacific Economic Cooperation, to codes of conducts promoted by corporations and their associations.¹²⁹ The most prominent standards are the FAO Voluntary guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, whose adoption has been marked as a milestone by many stakeholders.

While this surge in guidelines can be seen as important first steps for improved governance of land tenure, questions must be posed as to whether these initiatives really address the fundamental drawbacks and faults related to large-scale land deals, or if they merely legitimize land grabbing, a position which is held by many peasant organisations and critical NGOs, particularly in target countries.¹³⁰

BOX 9. GUIDELINES FOR AFRICAN LAND POLICY

In Africa, guidelines on land policy have been developed, which were endorsed by the African Union Summit in July 2009 and which have attracted strong political support from African governments as well as civil society. The overall objective of the guidelines is to strengthen land rights, enhance productivity and secure livelihoods. The Guidelines stress that sustainable growth and development in Africa will continue to depend largely on the manner in which land and land-related resources are secured, used and managed.

Source: *African Union et al 2009.*

Several issues are raised in connection with these guidelines, and most of them are found wanting on a number of critical counts. First, the guidelines are voluntary and not mandatory; secondly, they fail to institute complaints and compensation mechanisms; and, thirdly, they avoid the crucial issue of transparency and participation in the various phases of the land deals, from negotiations of the terms of the contracts, via realization of the deals to follow-up. Furthermore, many of the guidelines – a notable exception being the FAO sponsored Voluntary guidelines, see below – have been elaborated without the participation of the people and communities concerned by the land rush, thus breaching one of the fundamental human rights principles.

In this chapter, we start with a discussion on guidelines on land investments in relation to human rights. This is followed by an elaboration of the FAO Voluntary guidelines on governance of land tenure and a critical look at the World Bank principles for ‘responsible’ agriculture investment. We conclude the chapter with some reflections on to what extent the FAO guidelines are part of a solution towards supporting small-scale landholders and stopping land grabbing.

Guidelines and human rights

Guidelines on land governance and land investments, the UN Special rapporteur on the right to food Olivier de Schutter reminds us, should be based on the binding human rights obligations valid for states as well as for international financial institutions and corporations. Furthermore, there exists a mandatory obligation for states to assure that corporations based on their territories do not violate human rights anywhere, not only within their own jurisdiction (see Box 10).

The very principles of human rights require that guidelines and standards are arrived at through a participatory and transparent process, where the interests of the peoples and communities affected are voiced and taken into consideration. In addition, no guideline is stronger than its complaint and redress mechanism. To present sets of guidelines and norms of good behaviour without considering how individuals and groups of peoples and communities shall have their rights secured in the face of actual, or claimed, violations fails to respect and protect the human rights of the people concerned.

¹²⁹GRAIN 2012b: Box 2. ¹³⁰Fian et al 2010.

BOX 10: HUMAN RIGHTS OBLIGATIONS

Since the human rights obligations of international financial institutions as well as the responsibilities of states for the extra-territorial performance of corporations based on their territories still are not recognized by all parties, a small digression is warranted. When it comes to the human rights obligations of international institutions such as the World Bank, the International Court of Justice has ruled that: “International organizations are subjects of international law and, as such, are bound by any obligations incumbent upon them under general rules of international law”.¹³¹

A framework was recently established for human rights obligations for corporations by the UN Human Rights Council, including the obligation of corporations to respect human rights, to protect against breaches of human rights and to remedy in case of non-fulfilment of rights.¹³²

Regarding the extra-territorial obligations of states,¹³³ the UN Committee on Economic, Social and Cultural Rights has underlined that states have the obligation to prevent corporations from violating rights in other countries.

Source: de Schutter 2009:4.

A number of pre-conditions for securing the rights of the individuals and groups of individuals affected by land grabbing have been identified, based on de Schutter’s human rights principles for large-scale land investments:¹³⁴

First, states must confer legal security of tenure to those persons, households and communities affected, be it individual titling or collective registration of rights.

Second, forced evictions must be ruled out, at the same time as a procedure for effective remedy to those whose rights have been violated, should prevention fail, is instituted. This may sound contradictory, but the principle recognizes that there might be cases where a government will want to accept land deals in the face of resistance from the people concerned, and that in such cases adequate remedy and compensation must be secured.

Thirdly, indigenous peoples have special rights, and special care must be taken to acquire their Free, prior and informed consent (FPIC) to any land deal being considered.¹³⁵ The FPIC principles are part of binding international human rights law and confirm the right of indigenous peoples to approve or reject proposed actions or projects that may affect them or their land,

territories or resources. For instance, the African Commission on Human and People’s Rights has adopted a resolution on a human rights based approach to natural resources governance which confirms that all necessary measures must be taken by the State to ensure participation, including the Free, prior and informed consent of communities, in decision making related to natural resources governance.¹³⁶ The principle of FPIC should furthermore be accompanied by agreements on fair and just compensation and the option of return to the land that the affected people have lost, if possible.

Fourthly, workers employed on the land have human rights of their own, which have to be respected, protected and fulfilled, for instance by adhering to the ILO’s core conventions, among them the right to associate and a prohibition against discrimination.¹³⁷

Fifthly, the use of revenues accrued to the states selling or leasing land should be reported transparently. The purpose should serve to fulfil the rights of the populations to development, among them “equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income”, to quote a UN General Assembly resolution on human rights-based economic development.¹³⁸

Sixthly, any set of guidelines and standards which aspire to be seen as following international human rights law should explicitly refer to agreed and binding international law, thereby indicating that the standards are being elaborated in order to meet a legal obligation. This procedure will at the same time recognize and strengthen the validity of human rights in international legal proceedings.

FAO Voluntary guidelines

A new framework, The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, was adopted on the 11th of May 2012 by the FAO Committee on World Food Security. The Guidelines seek to improve governance of tenure of land, fisheries and forests through internationally accepted principles and standards. This is the first time that the issue of land tenure has been dealt with thoroughly at the international level. The Guidelines address land tenure and the management of natural resources through a human rights based approach, which has not been seen in international law before.

The guidelines were elaborated through a series of consultations during 2009-2010. Regional consultations were held in Brazil, Burkina Faso, Ethiopia, Jordan, Namibia, Panama, Romania, the Russian Federation, Samoa and Vietnam. These consultations brought together almost 700 persons from 133 countries, representing the public and private sectors, civil society and academia. In addition, four consultations were held specifically for civil society, which were attended by almost 200 representatives from 70 countries. These procedures make the FAO guidelines quite extraordinary in the context of other sets of rules whose

¹³¹de Schutter 2009:4. ¹³²Guiding Principles on Business and Human Rights 2011. ¹³³de Schutter 2009:4. ¹³⁴de Schutter 2009. ¹³⁵ILO 1989.

¹³⁶African Commission on Human and People’s Rights 2012. ¹³⁷ILO’s eight core conventions relate to Freedom of association, Forced labour, Discrimination, and Child labour, <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

¹³⁸de Schutter 2009:14.

process of negotiations and agreements usually are insufficient in respect of accountability and transparency.

The three years process of bottom-up consultations has been lauded by civil society organisations for being inclusive and an achievement in itself. The process managed to bring voices of a wide range of actors into the debate. Representatives of Via Campesina commended the process for “providing the opportunity for civil society and representatives of small-scale food producers to participate at all stages, to draw attention to the real life issues and make concrete proposals”.¹³⁹

The guidelines aim at setting a single standard globally on land tenure in the context of national food security. Using food security as a point of departure is progressive and a welcome step by many civil society organisations, which are working on the issue. The scope of the framework is very broad and stretches from issues related to legal recognition of customary land tenure via how markets and investment in land operate to transparent record keeping. The guidelines have been based on a foundation of agreed upon human rights principles and they refer to different UN human rights instruments. Furthermore, they recognize that smallholder producers in developing countries provide a major share of agricultural investments that contribute significantly to food security.¹⁴⁰

The guidelines are clear on the responsibility of companies when it comes to human rights and land rights: “Non-state actors, including business enterprises have a responsibility to respect human rights and legitimate tenure rights”.¹⁴¹ The framework also defines what ‘responsible’ investments should do, for example safeguard against dispossession of legitimate tenure right holders and environmental damage as well as strive to contribute to food security and sustainable use of land.¹⁴²

The guidelines have been welcomed as a first step by many civil society organisations worldwide, but at the same time organisations have pointed out that the guidelines fall short in several areas and that much more is needed in order to ensure local and indigenous peoples’ rights to land and natural resources. For example, there is a lack of a strong monitoring mechanism to ensure accountability of governments and investors. Another drawback is that water was excluded from the scope of the guidelines, and that the right to return in post-conflict situations was not reaffirmed.¹⁴³ The guidelines accept the transfer of tenure rights through market transactions, which might disadvantage the poor in cases where an appropriate state regulatory framework is lacking (as described in the chapter on land tenure governance). The guidelines do not call for a moratorium on large-scale land transactions.

The guidelines recommend that safeguards be put in place in order to protect tenure rights of local people, human rights, livelihoods, food security and environment from risks that could arise from large scale land transactions.¹⁴⁴ It is the responsibility of states to provide such safeguards, which could include introducing ceilings on permissible land transactions and regulating how transfers exceeding a certain scale should be approved.

Many investors are arguing that their investments are responsible and legal, since they have respected the laws, consulted representatives of local populations and signed contracts. But this does not mean that the deals necessarily are legitimate. The laws might be insufficient and the consultations that they have held might have been with the village chief or community leader, who is not always representing the interests of the poor farmers or the women in the village. This is described in more detail in the chapter on land tenure and governance.

The FAO Committee on World Food Security will hold a two-year consultation process to develop principles for responsible investments in agriculture that respect rights, livelihoods and resources.¹⁴⁵ The principles are supposed to be complementary to the Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests and will build on existing frameworks and guidelines. The principles will address all types of investment in agricultural value chains and food systems as well as the concerns of both host countries and investors.

World Bank and “responsible” agricultural investment

Following the massive increase in land grabs around the world, the World Bank in 2010 initiated a set of principles in order to try and promote so called ‘responsible’ farmland investment. Three UN agencies (FAO, IFAD and UNCTAD) co-sponsored the principles for Responsible Agricultural Investment (RAI), see box 11. The seven principles include resource rights, food security, social and environmental sustainability. With these principles, the World Bank seeks to make land deals a “win-win” situation for both investors and host countries. The principles have been rejected by many civil society organisations worldwide and accused of legitimizing land grabs. Civil society organisations have described the principles as “an attempt to cover up power imbalances so that the land grabbers and state authorities who make the deals can get what they want”.¹⁴⁶

The RAI principles have also been criticized within the World Bank, for example for being top-down. The World Bank will, however, test the principles on existing investments and see whether these investments live up to the RAI principles. Conclusions from the 15 cases that will be studied more in-depth will be completed by May 2013.¹⁴⁷

The RAI principles are based on the assumption that large-scale industrial agriculture can increase food production and promote economic growth in host countries. The question is whether this initiative is a way for the World Bank to legitimize its own involvement in land grab deals. And although the principles are minimal and vague, the World Bank is still not following them in its own investments, as shown by the large number of complaints which have been filed against the World Bank and its private sector lending arm, the International Finance Corporation (IFC). Since 2008, as many as 21 formal complaints have been lodged against the World Bank and the IFC by affected populations concerning breaches of its own rules and principles

¹³⁹FAO 2012c. ¹⁴⁰FAO 2012b:21, paragraph 12.2. ¹⁴¹FAO 2012b:4, paragraph 3A.3.2. ¹⁴²FAO 2012b:21, paragraph 12.4. ¹⁴³ActionAid et al 2012:4.

¹⁴⁴FAO 2012b:21, paragraph 12.2. ¹⁴⁵FAO 2012d. ¹⁴⁶Bretton Woods Project 2012. ¹⁴⁷GRAIN 2012b.



Members of the peasants' union in Lussanhando, Mozambique are learning how to use animal traction in order to increase agricultural production. Photo: Kajsa Johansson

in relation to the financing of land deals. The complainants hold the World Bank and the IFC responsible for not having been adequately consulted, resettled and/or compensated for deals relating to their land. Conflicts over land deals financed by the IFC constituted the majority of cases which the IFC complaints mechanism has had to consider during 2001-2010.¹⁴⁸

This is serious since the IFC's standards set an example for the rest of the financial sector. 15 development finance institutions, such as regional banks, 32 export credit agencies and 77 commercial banks, known as the Equator Banks, all model their own standards on those of the IFC.¹⁴⁹ In effect, this means that if the World Bank justifies land grabbing at the same time as the IFC weakens the reliance on internationally agreed human rights standards further, the impact will be multiplied throughout the world and may contribute to reinvigorating the quest for land and land-based resources globally.

BOX 11. THE PRINCIPLES FOR RESPONSIBLE AGRICULTURAL INVESTMENT (RAI)

1. Respecting land and resource rights
2. Ensuring food security
3. Ensuring transparency, good governance and a proper enabling environment
4. Consultation and participation
5. Economic viability and responsible agro-enterprise investing
6. Social sustainability
7. Environmental sustainability

Source: FAO et al 2010.

Are FAO's Voluntary guidelines a solution?

As mentioned above, several civil society actors lauded the process with the FAO Voluntary guidelines for being bottom-up and providing the opportunity for civil society and representatives of small-scale food producers to influence. According to the International Food Security Network (IFSN) and ActionAid,¹⁵⁰ the Voluntary guidelines are the only existing global reference for the best practices in governance of tenure of land, fisheries and forests backed by international consensus of governments, international organisations, civil society and the private sector. The same organizations argue that the guidelines have marked a historic milestone for everybody working for land rights, even though there are shortcomings.

The Voluntary guidelines are not legally binding and thus, do not replace existing international laws or treaties, and governments are not obliged to act on or implement the guidelines in their national legal systems. Nevertheless, the guidelines can carry a normative legal force by providing a template and a normative framework or benchmark. They form what is part of "soft international law". The guidelines re-emphasise existing international obligations of States, particularly in relation to human rights, as they aim at safeguarding people's rights of access to land.

The question whether the Voluntary guidelines are a solution or a whitewash, is not easily answered. The fact that they are voluntary obviously offers no possibility to hold governments accountable. On the other hand, the guidelines put food security at the top of the agenda and thus challenge the paradigm of large-scale investments putting food security at a risk. Several parts of the content of the guidelines relate to legally binding covenants and declarations, such as the UN Covenant on economic, social and cultural rights (signed and ratified by 106 countries).

¹⁴⁸Oxfam 2012a:9. ¹⁴⁹Oxfam 2012a:12. ¹⁵⁰Action Aid & International Food Security Network, 2012.

BOX 12. OXFAM CALLS FOR FREEZE ON WORLD BANK LAND INVESTMENTS

In a report launched in October 2012, Oxfam demanded that the World Bank institute a moratorium for half a year on its own large-scale land investments. Such a freeze would create space to develop policy and institutional protections to ensure that no Bank-supported project results in land-grabbing and would allow time for the wider impact of land transfers on poverty and food security to be assessed.¹⁵¹ The background is not only the complaints which have been lodged against the World Bank for breaching its own guidelines, but more importantly the central role of the World Bank and the International Finance Corporation (IFC) as global benchmark setters.

The World Bank, however, in an official response to Oxfam, maintains that it is “continually learning and refining [its] approach with inputs from stakeholders and [their] own experience”, implying that a moratorium would block the advances on the World Bank’s impact on land investment issues. The World Bank goes on to claim that it “does not support speculative land investments or acquisitions which take advantage of weak institutions in developing countries or which disregard principles of responsible agricultural investment.”

Source: Oxfam 2012a, World Bank 2012.

The following two articles are examples of this:

Article 1.2: All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 11.2: The States parties to present covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

1. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
2. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

As Via Campesina puts it: “Therefore, we will have to demonstrate tactical intelligence to be able to use this new international instrument against land grabs, probably by highlighting the paragraph of the text that explicitly refer to the Universal Declarations on Human Rights, the UN Declaration on the Rights of Indigenous Peoples and the other rights of peasants and other rural persons.”¹⁵¹

It is also crucial to keep in mind that the implementation of the guidelines will depend entirely on legal frameworks and law enforcement in each country, as well as the capacity of civil society actors and communities to monitor and demand the right to secure land tenure, as mentioned in the chapter on land tenure and governance and the case study on Mozambique in this publication.



Chie Yat is planting trees on 1.5 hectares of land in Kampong Speu, Cambodia. Photo: Nicolas Axelrod

¹⁵¹Via Campesina 2012:8.

THE POTENTIAL OF PEASANT AGRICULTURE

Kenneth Hermele, Forum Syd

Proponents of large-scale commercial agriculture claim that it is a high-productive and efficient production system, something which more traditional forms of agriculture should attempt to emulate. This advantage supposedly arises from its use of scientific-based know-how (for instance high yielding varieties, chemical inputs and irrigation) as opposed to peasant agriculture which is described as inefficient and hostile to technological progress.

For instance, in an article celebrating the “miracle” of commercial agriculture in Brazil, *The Economist* compares “productive giant operations” to “inefficient hobby farms”. This is not an innocent choice of terms as it leads the reader to think that it probably is a good idea to substitute the former for the latter.¹⁵² In this way, a bias in favour of large-scale and mechanized monocultures is justified, in turn giving credence to the benefits which land grabbing in general, and concentration of land ownership into modern farms in particular, may yield.

This way of framing the challenges which confront the global agricultural system, pitting large-scale and efficient commercial farms against small-scale and inefficient family agriculture, is unfortunately not restricted to *The Economist*. Even José Graziano da Silva, the head of the FAO who, you would think, should support smallholder agriculture, prefers large-scale investments in farms in Russia, Ukraine, Kazakhstan and Turkey. In an article in the *Wall Street Journal* which he co-authored with the head of the European Bank for Reconstruction and Development (EBRD), industrial agriculture is seen as superior to “small and uneconomically sized farms”. They wish for private corporations to “fertilize this land with money” and talk of agriculture as just another “industry”.¹⁵³

Peasants feed themselves and the world

However, small-scale family farms in Eastern Europe are quite efficient producers of food surpluses. In Ukraine they produce 55 per cent of the agricultural output on as little as 16 per cent of the arable land, in Kazakhstan 73 per cent on half of the land.¹⁵⁴ The situation is similar throughout the world, the contribution of peasant agriculture to the total food supply is disproportionately large. In Latin America, 17 million peasant farms account for 51 per cent of the supply of maize, 77 per cent of beans and 61 per cent of potatoes on only 35 per cent of the cultivated land.¹⁵⁵

That small-scale agriculture plays such an important role should not surprise us: 525 million family farms exist globally, providing a livelihood for 40 per cent of the earth’s population. 90 per cent of these farms are less than two hectares, the customary definition of “small-scale” in Africa and Asia. Most of these farms – 87 per cent – are located in Asia, but it is in Africa that small-scale agriculture is most predominating with 90 per cent of the total output originating in the peasant sector.¹⁵⁶ However, it should be recognized that the definition of what constitutes small-scale farms is place specific, what is small in Latin America may be considered medium or large in Africa or Asia.

Small-scale agriculture continues to be the rule, especially in Africa and Asia, but also to a surprisingly high extent in Latin America (where average farm size in the family sector is larger, approximately four hectares). In Asia and Africa, the average area of farms is now down to approximately one hectare.¹⁵⁷

In North America and Europe, on the contrary, the average farm size has grown, from approximately 10 to above 100 hectares. Simultaneously, farms have become utterly dependent on fossil inputs, rendering them quite inefficient in energy terms.¹⁵⁸ It is this latter large-scale, industrial agricultural model which is replicated worldwide through land grabbing.

Size must not be confounded with efficiency, however, and small-scale peasant farms are highly productive in area terms, in fact so much so that an “inverse relationship” area-productivity has been established as a general case for agriculture. The larger the average size of farms, the lower the productivity per area; the smaller the size, the higher the productivity.¹⁵⁹ Small-scale peasant agriculture has a competitive edge when it comes to output per area and energy input, in part because it is poly-cultural, which means that it plants not just one but several crops on the same land. (This is a different measure of productivity from the one which focusses on labour. Here, mono-cropping and industrial agriculture as a rule is superior.)

This is not the way we are used to viewing small-scale versus large-scale agriculture being assessed. Customarily, the latter is held out as modern and efficient, while the former is considered traditional and found wanting in terms of productivity (just as in the quote from *The Economist* above). Misconstruing the relative strength of peasant agriculture in relation to large-scale mono-cropping in this way is achieved by disregarding the dif-

¹⁵²The Economist 2010. ¹⁵³Chakrabarti & da Silva 2012. ¹⁵⁴Via Campesina et al 2012. ¹⁵⁵Altieri 2008:2. ¹⁵⁶IAASTD 2009:8.

¹⁵⁷Eastwood et al 2010:Figure 2:1. ¹⁵⁸IAASTD 2009:9. ¹⁵⁹Barry 2011:637, Rosset 1999:6.

ference between “crop yields” and total productivity on the land. While the World Bank may be correct in lamenting that peasant agriculture fails to achieve high levels of crop yields compared to what could be reached if optimal conditions and methods were at hand, this reasoning fails to assess the actual output per area.¹⁶⁰ In general terms, multiple crops in small-scale agriculture achieve 20–60 per cent higher production per area compared to mono-cultural industrial agriculture.¹⁶¹

What is modern agriculture?

There are several reasons why small-scale agriculture is more efficient in area terms. It is well known that smallholder family peasants make better use of the land than industrial agriculture via a number of routes. They cultivate multiple crops in sequences, mix crops (so called inter-cropping) and they integrate crops, fodder, fruit trees, vegetables, livestock and aquaculture, thus making more use of and reaping more from the same area. In other words, small-scale poly-cultural systems “are more desirable than those of monocultures” as they, comparatively speaking, are

*more productive, utilize soil resources and photo-synthetically active radiation more efficiently, resist pests, epidemics, and weeds better, produce more varied and nutritious food, better utilize local resources and non-hybrid, open pollinated, locally adapted seeds, and contribute to economic stability, social equality, and farmers’ direct participation in decision making.*¹⁶²

This may be an overly rosy picture of small-scale agriculture, as it is based on its potential rather than its actual performance. But it is no different from the yield gap exercises which are common in dissuading governments from supporting peasant agriculture and instead embrace large-scale, industrial agriculture. See Table 5.

Table 5. Yield gaps, per cent

Region	Maize	Palm oil	Soy-bean	Sugar cane
Asia	38	26	53	32
North Africa and Middle East	38	n a	9	5
South America	35	13	33	7
Sub-Saharan Africa	80	68	68	46

Source: World Bank 2011: Table 3.3. n a = not available. The yield gap is calculated as potential yield less current yield/100.

The hypothetical gaps are large, especially in Sub-Saharan Africa, where yields could be 46–80 per cent higher if only optimal production methods were applied. Also in Asia and Latin America, the hypothetical gains are quite substantial.

This perspective serves to further legitimate large-scale industrial agriculture, thus strengthening the general tendency of a “land-lord bias” in agricultural policies worldwide as

*government policy often favours large “progressive” farmers and large “capitalist” or “commercial” farms to the neglect of peasant cultivators and small family farms.*¹⁶³

Such biases come in numerous shapes as they impede that policies are instituted in support of small-scale peasant agriculture and peasant societies generally, for instance extension services, agricultural research, credit schemes, irrigation and other infrastructural investments.¹⁶⁴

The difference in approach when assessing productivity is important: if you only consider the hypothetical yield gaps, you may overstate the potential for increasing output, which in turn may lead to a justification of the application of mechanized, fossil-based mono-cropping methods (as argued by the head of the FAO and the EBRD above).

The procedure may soften the controversies concerning land grabbing. If traditional agriculture suffers from such huge yield gaps, especially in Africa, does not the transfer of land from family peasants to modern, mechanized, advanced, commercial agriculture seem less objectionable? This is not to argue that the output performance of small-scale peasant agriculture is satisfactory as it stands today, clearly it is not, not even in the sense of safe-guarding ecological sustainability. But although it is true that subsistence and small-scale agriculture has been the main driver of land use change historically, it is only with the advent of industrial agriculture that this change becomes really large-scale and seriously detrimental to the local and global ecosystems, damaging biodiversity and causing salinization, soil erosion and climate change. A conclusion in a review of different agricultural production systems recognizes this:

*modern agricultural land-use practices may be trading short-term increases in food production for long-term losses in ecosystem services, including many that are important to agriculture.*¹⁶⁵

Sadly enough, the historical experience is that such industrial agriculture is threatening to oust small-scale peasant agriculture throughout the globe, a process which is now being speeded up by land grabbing. The consequences of such industrial systems of agriculture have been devastating: increasing fertilizer use has led to degradation of water quality in many regions at the same time as irrigation has led to the loss of 1.5 million hectares of arable land annually on account of salinization. Furthermore, “modern” production methods lead to large-scale loss of land to soil erosion, assessed at 10 million hectares annually, amounting to perhaps 75 billion tons of fertile soil lost per year.¹⁶⁶

Overall, industrial agriculture causes a huge loss of arable land: in the US, the rate of destruction of fertile land is ten times faster than the rate of natural replenishment, in China and India 30–40 times. All in all, approximately 30 per cent of the earth’s

¹⁶⁰Rosset 1999. ¹⁶¹Altieri 2008:2. ¹⁶²Altieri et al 1983:46–47. ¹⁶³Griffin et al 2002:316.

¹⁶⁴Griffin et al 2002:316–317. ¹⁶⁵Foley et al 2005:570–571. ¹⁶⁶Foley et al 2005:570.

croplands have become unproductive, most of it caused by “modern”, intensive, industrial farming practices.¹⁶⁷

Agro-ecology: Building on sustainability

However, the potential exists to combine small-scale, ecologically sustainable and highly productive agricultural production in one system. Improving the performance of small-scale family farms – instead of evicting the peasants who today cultivate the land – can be attained by promoting practices which simultaneously respect principles of human rights, sustainability and food security. Promising results have been reported from projects in Africa, Asia and Latin America, with impressive increases in output, averaging 79 per cent in the largest survey to date. A smaller but still significant sample of African projects reached a still greater improvement as yields more than doubled, increasing by as much as 213 per cent.¹⁶⁸

Such improved agricultural systems have been given various names depending on which improvement is singled out as the most important one, for instance, agro-ecology, agroforestry, or organic agriculture.¹⁶⁹ But they all have a common trait in that they are based on the idea of “food production that makes the best use of nature’s goods and services while not damaging these assets”.¹⁷⁰

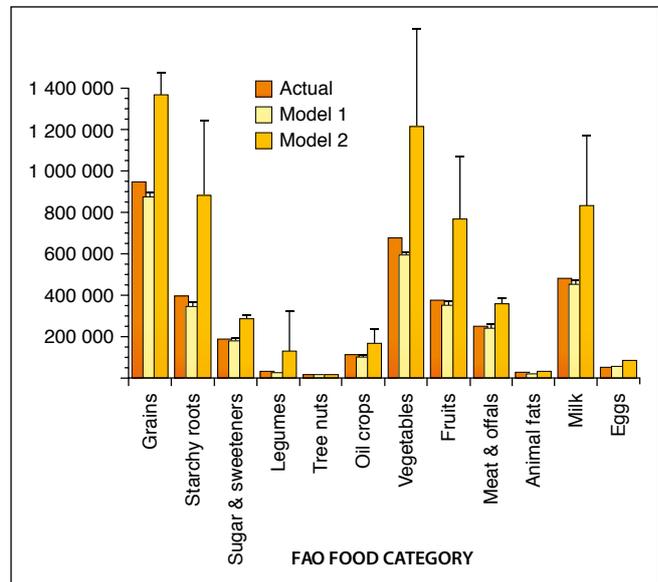
In this way, these alternatives are presented as an antidote to industrial and large-scale mono-agriculture, and they combine advanced scientific knowledge and principles of sustainable agriculture, refusing the customary dependence on fossil inputs and chemicals. In other words, the favourable results achieved here are not the outcome of a return to a pre-fossil agriculture but rather the consequence of scientific progress combined with basic principles of sustainability. Thus, this kind of sustainable agricultural models use crop rotation, cover cropping, agroforestry, addition of organic fertilizers, and more efficient water use to reach their superior outcome.

A comprehensive review of the literature has recently provided a fuller understanding of the implication of opting for sustainable small-scale agriculture. Comparing the yields for various crops, a transition to organic or agro-ecological production would imply marginally diminished returns compared to industrial agriculture but considerably increased yields compared to typical peasant agriculture of the low-productive kind. The overall outcome, balancing these two effects, is estimated to be a greatly improved availability of food, reaching as much as 4 380 calories per capita per day, almost twice the recommended daily calorie intake for adults.

Compared to the total agricultural production today, sustainable agriculture may lead to a global output increase of 57 per cent. Hence, the worry that sustainable agriculture of this kind cannot support the present or future global population appears unwarranted. In fact, a transition to sustainable agriculture world-wide might liberate large areas of today’s croplands and in general reduce the pressure on land, in this way lessening the drivers behind land grabbing.

Figure 8 shows examples of the global production potential for various crops under different agricultural systems. Model 2, which is the relevant one for our discussion, has significantly higher yields for all the crops listed than industrial agriculture.

Figure 8. Global food supply under organic (Model 1 and 2) and non-organic (actual) production systems (in 1000 Mg calories)



Source: Badgley et al 2007, Figure 1. Model 1 = the same decline in productivity as in the North assumed for the whole world after the transfer to sustainable agricultural production systems; Model 2 = the decline in the North applied to the North, the increase in the South applied to the South.

Three more arguments in favour of small-scale peasant agriculture can be made, all of them based on considerations which add to the efficiency argument in defence of peasant agriculture.



Mr San is planting trees in Kampong Speu, Cambodia. Photo: Nicolas Axelrod

¹⁶⁷Pimentel 2006: 119, 123. ¹⁶⁸Pretty et al 2006, and Pretty et al 2011.

¹⁶⁹Altieri et al 1983, Pretty et al 2006 and 2011, and IAASTD 2009. ¹⁷⁰Pretty et al 2006:1114.

BOX 13. THE MULTI-FUNCTIONALITY OF AGRICULTURE

Functions	Environmental	Social	Food security	Economic	Cultural
	Ecosystem resilience, mitigation of climate change, biodiversity, water retention	Social stability, poverty alleviation, employment, gender relations	Food security, food safety	Sustainable growth, employment, foreign exchange, tourism	Cultural identity, diversity and heritage, landscape maintenance, social capital, indigenous and local knowledge

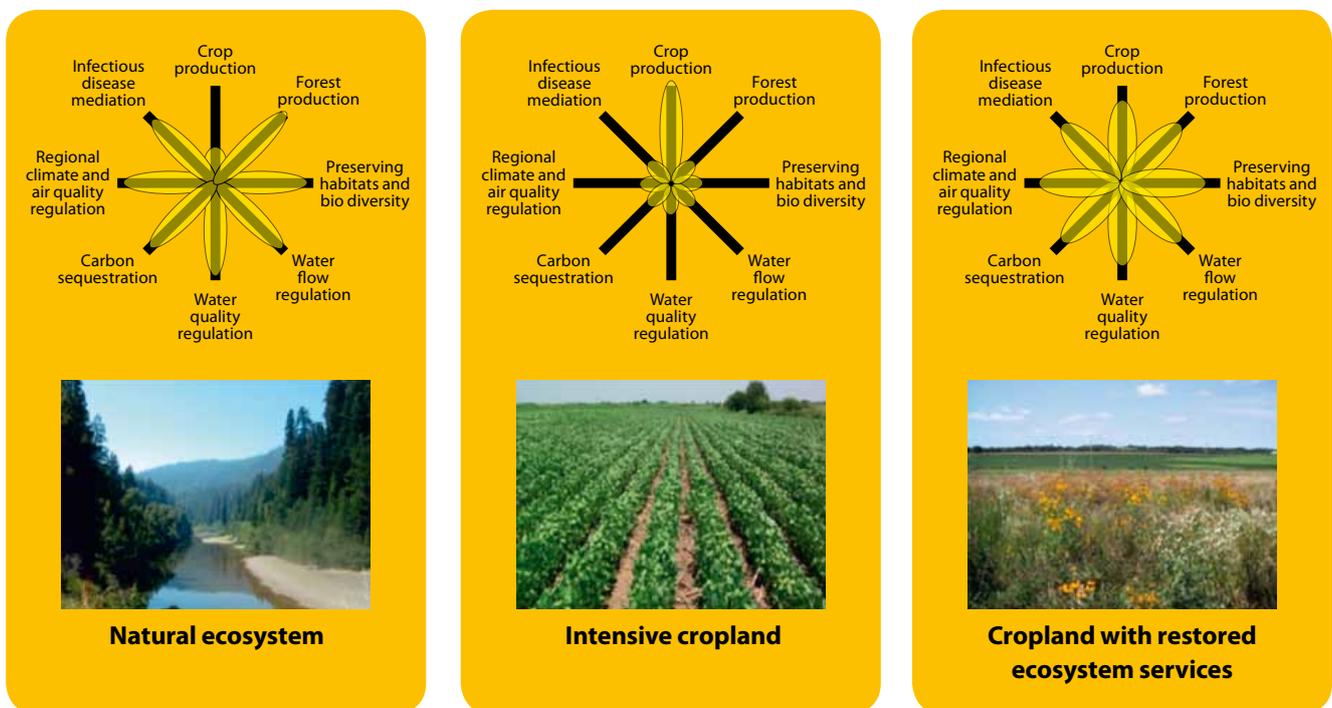
Source: IAASTD 2009: Table 2-1.

Agriculture is multifunctional

First, agriculture is multifunctional, that is it has many social, economic and ecological functions in addition to the fact that it is the source of food, feed, fibres and fuels (see Box 13). Multifunctionality holds for all forms of agriculture, at least as a potential attribute, but what is striking about peasant agricultural systems is that they perform decidedly better on all or most of these functions, for instance by safeguarding ecological sustainability and by providing food security to local societies and in recognizing the principle of food sovereignty.

Thus, substituting peasant agriculture for industrial agriculture will, in addition to increasing yields per area, also improve the long-term ecological, social and economic functions of agriculture. While natural ecosystems – the left-hand system in Figure 9 – provide a full scale of the various required ecosystem services, they are not strong in producing food. Intensive systems, on the contrary, succeed in bringing forth food (for a limited time period) but fall short on the ecosystem services front. Only agro-ecology or agroforestry – the right-hand idealized production system – manages to combine the provisioning of food and ecosystem services in a sustainable manner.

Figure 9. Comparing different land use systems in terms of provision of ecosystem services



Source: Foley et al 2005: Figure 3. Reprinted with permission. Along the axes of the flower diagrams, a qualitative assessment of the provisioning capacity of three ideal systems is shown.

Development and farm size

Secondly, small-scale peasant agriculture has a long-proven positive relationship to economic growth, diversification and development.¹⁷¹ One reason for this is the employment generating impact of small-scale agriculture which is beneficial in the initial phases of development of societies, as proven by historic experiences, from Sweden to South Korea. In fact, a number of fast growing economies in East Asia all have a common history of land redistribution and/or support for their peasant sectors. This is not a new understanding of what propels growth and social transformation and we have successful cases of land reform and redistribution of land after the Second World War when the US initiated (or supported) land reform in Taiwan, South Korea and Japan, thus laying the foundation for the posterior economic growth that they experienced. More recently, the economic trajectories of China and Vietnam have been built on a similar understanding of the advantages of the peasant sector.¹⁷²

Small-scale peasant agriculture contributes more effectively than large-scale industrial agriculture to reducing poverty and social inequity, and it also has great potential to supply the local, regional and national food markets, thus easing the foreign exchange constraint otherwise caused by the need to import basic foodstuffs.¹⁷³

However, the scale of agriculture is not the only consideration here, the concentration of ownership equally influences the role of agriculture in development. It is no coincidence that successful economic pathways in Asia have been accompanied by equitable land distribution, for instance in South Korea (with a gini coefficient of 0.34 in 1990), Vietnam (0.53), Taiwan (0.47) and China (0.43 in 1995). At the opposite end of the distribution spectrum we find the Latin American countries with gini coefficients around or above 0.8: Argentina (0.83), Brazil (0.85), Colombia (0.79), Paraguay (0.93) and Peru (0.86).¹⁷⁴

Concentrated land ownership tends to inhibit development by militating against the creation of rural surpluses which are put to productive use. Development experiences in various parts of the world argue in favour of supporting small-scale peasant farms, at least as a vehicle for transforming the country-side and not just abandoning it by leaving it at the mercy of commercial agriculture, which through the process of land concentration and the concomitant eviction of peasants create a land-less class of former land-holders who all too frequently end up unemployed and marginalized in the urban and peri-urban shanty towns of the South.

The small-scale peasant farm quite simply appears to be the best rural form which caters to a more productive and a more equal development path:

Except in a handful of entrepôt city-states (for example, Singapore) and mineral economies unusually successful both in responding to their poor and in managing their surpluses (for example, Botswana), there are almost no examples since 1700 of mass dollar poverty



*Choun Nop is planting trees on his land in Kampong Speu, Cambodia.
Photo: Nicolas Axelrod*

*reduction that do not start with sharp rises in employment and self-employment income due to higher productivity in small family farms.*¹⁷⁵

In other words, historic forms of development have passed through a phase of accumulation in the small-scale agricultural sector. The likelihood that this development option can be replicated today depends on the possibility to redistribute land, especially in Latin America, where land ownership is the most unbalanced.

Alternative perspectives on agriculture

Thirdly, in Box 14, seven alternative perspectives are listed which frame the issue of agriculture in a different light from the one dominating the land grabbing discourse, where land simply is a commodity to be bought and sold just like, for example, pots and pans and agriculture just another economic activity.

The commodification of land disregards its special importance as the basic precondition for the very existence of humanity: the food we eat, the water we drink, the air we breathe, in addition to forming the economic basis for the livelihood of half of the earth's population.

¹⁷¹Badgley et al 2007, Eastwood et al 2010, Lipton 2005, Griffin et al 2002. ¹⁷²Griffin et al 2002:320.

¹⁷³Hazell et al 2007. ¹⁷⁴Griffin et al 2002 and FAO 2012. ¹⁷⁵Lipton 2005:9.

BOX 14. SEVEN ALTERNATIVE PERSPECTIVES ON AGRICULTURE

Perspective	Features	Institutional backing (examples from Latin America)
Food security	To assure a fair distribution of food across regional food production, distribution and consumption systems	State-societies partnerships, for instance Fome Zero (No hunger), Brazil
Food sovereignty	Fomenting a policy agenda which empower peasants, fishermen, indigenous people to define their own food and agricultural systems	Via Campesina
Autonomy/self determination	Indigenous peoples demand autonomy and self-determination in a logic which transcends national borders and institutions	Zapatista Movement, Mexico
Land reform	Redistribution of land to poor peasants and agricultural workers	MST (Landless Workers' Movement) in Brazil
Ethical markets	Environmental and labour friendly production systems	Fair Trade Labelling Organisation International
Community governance of natural resources	Access to common pool resources regulated by the users concerned	Communal control over water in Cochabamba, Bolivia
Rights of Nature	Establishing that nature and eco-systems have rights to exist and flourish	Ecuador's 2008 constitution

Source: *Safransky & Wolford 2011.*

The first two perspectives constitute the most frequently voiced reasons to oppose large-scale land grabbing as well as industrial agriculture. And they also present a different rationale for defending the existence of small-scale peasant agriculture in the global agricultural system without needing to show its potential contribution in feeding the world, as if peasant agriculture had no right to exist in the absence of such merits. Food security and food sovereignty, on the contrary, recognize the right of peasants to a safe and secure supply of food as well as their right to define for themselves how they would like to see their own agricultural systems and their societies evolve, implying an empowerment of the peasantry.

Food security stresses access to safe and healthy food to guarantee the livelihoods of rural populations. When peasants are bereaved of their land they may have access to food sold on the market, but this supply may not be continuous or healthy, and

the peasants themselves may lack the monetary means by which to acquire the food they need. In other words, land grabbing endangers their food security as the produce most frequently is intended for markets far away from the peasants whose lands were grabbed. Other alternative perspectives go still further in questioning the commodification of land, for instance by demanding a redistribution of land to the tillers and in viewing nature as a holder of rights, implying that such rights must be respected by states as well as corporations engaged in investing in agriculture.

Taken together, these alternatives make a strong case for viewing small-scale peasant agriculture with a great potential as a progressive production system which secures rights, food security and food sovereignty as well as an ecologically sustainable land use, today and in the future.

RECOMMENDATIONS

The failure to secure the rights of poor farmers and to prevent the adverse impact on local communities in the current wave of large-scale land acquisitions is evident. The different actors all have a role to play: the countries where the investors originate (home country governments), target countries of the investments (host country governments), the investors themselves and financiers.

The following are our recommendations to the different actors:

Home country governments should:

- Implement nationally and adhere to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests adopted by the FAO Committee on World Food Security in May 2012.
- Ensure that international human rights law guides decision-making regarding land use and land acquisitions, especially by recognizing their own responsibility for the extra-territorial human rights violations of corporations within their jurisdiction.
- Ensure that international as well as national financial institutions recognize and act on their human rights obligations.
- Recognize and support the potential of small-scale agricultural production in achieving food security in an efficient and sustainable manner.

Host country governments should:

- Recognize and protect land use rights, including customary rights, held individually or communally.
- Ensure that local communities have given their free, prior and informed consent before granting land concessions and concluding land deals.
- Demand transparency and ensure full disclosure of information, including details of contracts, in connection to land acquisitions.
- Demand that investors carry out comprehensive and independent social and environmental impact assessments before any land deal is finalised.
- Establish appropriate redress mechanisms in order to resolve land disputes and remedy and compensate affected individuals and communities.
- Promote good land governance that recognizes the central role that local communities, peasants and particularly women play in land use and land management.

- Recognize and support small-scale agricultural production in order to achieve national food security in an efficient and sustainable manner.

Investors should:

- Acknowledge and respect land use rights of peasants and local communities and refrain from any land acquisition that implicates a forced transfer of land resources from peasants and local populations.
- Ensure that decision making over land is inclusive and seek the free, prior and informed consent of local rights-holders and communities before engaging in any land-related activities.
- Conduct comprehensive and independent social and environmental impact assessments before engaging in any land-related activities.
- Disclose all information, including details of contracts, in relation to land acquisitions and ensure transparency throughout the process.
- Adhere to internationally agreed standards for responsible governance of land tenure, particularly the FAO Voluntary guidelines adopted in May 2012.
- Accept their human rights obligations following the UN “Protect, Respect and Remedy” Framework for business and human rights.

Financiers (such as the World Bank, the International Finance Corporation, aid funds, pension funds, sovereign wealth funds) should:

- Refrain from financing any land deal that implicates a forced transfer of land resources from local populations.
- Review cases where there is evidence of local peasants and populations being negatively impacted, and remedy and resettle affected communities.
- Design and implement fair redress mechanisms.
- Recognize and embrace their human rights obligations as subjects of international law and in conformity with the Universal Declarations of Human Rights.



Suos Sarey is planting trees on their land in Kampong Speu, Cambodia. Photo: Nicolas Axelrod

ABBREVIATIONS AND ACRONYMS

EBA	Everything But Arms
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
ELC	Economic Land Concession
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign Direct Investment
FPIC	Free Prior Informed Consent
GSFF	Global Solidarity Forest Fund
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IFSN	International Food Security Network
ILO	International Labour Organization
LDC	Least Developed Countries
NGO	Non-Government Organisation
ORAM	Rural Organisation for Mutual Support Mozambique
OECD	Organisation for Economic Cooperation and Development
RAI	Principles for Responsible Agricultural Investment
REDD+	Reduced Emissions from Deforestation and Forest Degradation
UN	United Nations
UNAC	National Peasants' Union of Mozambique
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Program
UPCN	Provincial Peasants' Union, Niassa, Mozambique

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