

ICAS Working Paper Series No. 001

## **Towards a Broader View of the Politics of Global Land Grab: Rethinking Land Issues, Reframing Resistance**

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May 2010

Published jointly by Initiatives in Critical Agrarian Studies, Land Deal Politics Initiative and Transnational Institute. We acknowledge the financial support by Inter-Church Organization for Development Cooperation (ICCO), the Netherlands .



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## **Towards a Broader View of the Politics of Global Land Grab: Rethinking Land Issues, Reframing Resistance<sup>1</sup>**

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*The phrase ‘global land grab’ has become a catch-all framework to describe and analyze the current explosion of (trans)national commercial land transactions related to the production and sale of food and biofuels. Initially deployed and popularised by activist groups opposed to such transactions from an environmental and agrarian justice perspectives, the significance of the phrase has quickly moved beyond its original moorings, as it gets absorbed into mainstream development currents that push for ‘win-win’ arrangements and a ‘code of conduct’, which is critically examined in this paper. The remainder of our discussion concerns the political dynamics of changes in and struggles over land use and land property relations in the context of contemporary (trans)national land deals that target, principally though not solely, ‘non-private’ lands. We argue that the political dynamics around land are further exposing the inappropriateness of the aggressively promoted mainstream ‘toolkit’ of ‘land governance’. And while we agree with much of the radical critique of the global land rush that it is likely to lead to massive enclosure and dispossession, we also raise the need for nuanced analysis (e.g. more class analysis) and careful empirical inquiry (e.g. less speculation). We then consider the possibilities of an alternative perspective, which for lack of a better term, we call here ‘land sovereignty’, as a potentially more inclusive and relevant conceptual, political and methodological framework..*

### **Introduction**

The phrase ‘global land grab’ has emerged as the catch-all to describe the explosion of (trans)national commercial land transactions (and land speculation) that has been occurring in recent years around the large-scale production, sale, and export of food and biofuels. The emphasis on land grabbing builds on familiar, iconic images from the past of Northern companies and governments enclosing commons, dispossessing peasants and indigenous peoples, and ruining the environment in the South. It rightly calls attention to the actual and potential role of current land deals in creating a new cycle of enclosures

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<sup>1</sup> This is a revised version of the paper prepared for the Agrarian Studies Colloquium Series, Yale University, 30 October 2009. We thank the Colloquium participants, as well as Henry Bernstein, Ian Scoones and James C. Scott for their helpful comments. The section on the critique of the ‘Code of Conduct’ draws on Borras and Franco (2010a), while the section on the politics of changes in land property relations draws on Borras and Franco (2010b).

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and dispossession, and therefore the urgent need to resist them. But like all ‘catch-all’ phrases intended to frame and motivate political action, this one too suffers from limits and weaknesses that have made it vulnerable to capture by undemocratic elite agendas.

Initially deployed by activists opposed to such transactions from environmental and agrarian justice perspectives, use of the phrase has been moving beyond its original progressive moorings as it gets absorbed into de-politicised mainstream development currents. Increasingly, the image of ‘global land-grabbing’ is being appropriated by those who are bent on re-casting the phenomenon itself as a golden opportunity to further extend capitalist agro-industry in the name of pro-poor and ecologically sustainable economic development. This extremely dubious agenda is now being consolidated around the dangerously seductive call for a ‘code of conduct’ to discipline big bad land deals and transform them into supposedly more ethical ‘win-win’ outcomes.

Given this latest twist, it is clear that a sharper political response is needed – one that combines exposing global land grabbing with proposing credible alternatives to both ‘corporate social responsibility’ (CSR) schemes and the anti-poor development agenda they seek to promote. In this paper we attempt to begin to craft such a response by broadening and deepening the analysis of global land grabbing, and then from there, linking and dialoguing with ongoing efforts to explore alternatives, tentatively putting forward the concept of ‘land sovereignty’ as a possible vehicle for doing this.

## Background

In 2007 the absolute number of people living in urban centres worldwide overtook the number of people living in the countryside for the first time ever, and it is estimated that by 2010 the rural world will be 3.3 billion people-strong with another 3.5 billion living in urban communities.<sup>3</sup> This shift in the rural-urban balance is both dramatic and recent. Of the total world population of a mere 3.7 billion people in 1970, 2.4 billion were rural dwellers and 1.3 billion were urban. The change in the agricultural/non-agricultural population was even more dramatic during the same period. In 1970, the agricultural population stood at 2.0 billion people and the non-agricultural population at 1.7 billion. By 2010, this is expected to radically reverse, with a 2.6 billion agricultural population versus 4.2 billion non-agricultural.<sup>4</sup> Yet even as the urban population overtakes the rural, the absolute number of rural dwellers remains significant.

What’s more, the percentage of rural *poor* people continues to be higher than urban poor: three-quarters of the world’s poor today live and work in the countryside. Poverty is often associated with hunger, and in 2008 there were an estimated 1 billion hungry people in the world.<sup>5</sup> At the height of the recent food price crisis, the Food and Agriculture Organization (FAO) announced that in order to meet the world’s growing needs, food production would have to double by 2050, with the required increase mainly in developing countries, where the majority of the world’s rural poor live and where 95 per cent of the population increase during this period is expected to occur (FAO 2008a).

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<sup>3</sup> Estimates by the UN Food and Agriculture Organization Statistics (FAOSTAT), [www.faostat.org](http://www.faostat.org) downloaded 03 November 2008.

<sup>4</sup> FAOSTAT. For an excellent analytical review of past and present scholarship on the links between rural and urban, agricultural and industrial sectors, see Kay (2009).

<sup>5</sup> FAOSTAT data; see fn.1 for data source information.

A convergence of global crises (financial, environmental, energy, food) in recent years has been contributing to a dramatic revaluation of and rush to control land, especially land located in the global South. Transnational and national economic actors from various business sectors (oil and auto, mining and forestry, food and chemical, bioenergy, etc.) are eagerly acquiring, or declaring their intention to acquire, large swathes of land on which to build, maintain or extend large-scale extractive and agro-industrial enterprises. National governments in “finance-rich, resource-poor” countries are looking to “finance-poor, resource-rich” countries to help secure their own food and energy needs into the future.

To be sure, land in the global South has been coveted for multiple reasons, historically. But today, there is momentum building behind an apparently newer idea: that long-term control of large landholdings beyond one’s own national borders is needed to supply the food and energy needed to sustain one’s own population and society into the future.

As a result, we are seeing a rise in the volume of cross-border large-scale land deals. Various estimates suggest that the total lands transacted in this context reached 20 million hectares between 2005 and mid-2009 (GRAIN 2008, Cotula et al 2009, IFPRI 2009), although just how much land actually changed control remains unknown (thus warranting empirical investigation). Many of the large-scale land deals are TNC-driven and in some cases, foreign government-driven, but almost always in close partnership (or collusion) with national governments.<sup>6</sup> In some cases too national governments are actively shopping around for possible land investors. The convergence of the various crises has led to a revaluation of land, towards significant increases in economic value – which does not bode well the world’s rural working poor.

### Competing views of land-grabbing

The earliest reports of a significant rise in (trans)national commercial land deals leading to (or threatening) a massive enclosure of remaining ‘non-private’ lands and to dispossession and displacement of rural poor came from radical environmental-agrarian and human rights activists. Several networks have long been documenting cases of land grabbing worldwide and bringing them to public attention. The FoodFirst Information and Action Network (FIAN) deserves mention here. But a report put out in 2008 by the NGO GRAIN was perhaps the first to declare a global trend in land grabbing linked especially to ramped-up biofuels promotion and food-for-export initiatives (GRAIN 2008). Soon other civil society groups and media outlets offered additional critical accounts. Then in April 2009 the Washington DC-based International Food Policy Research Institute (IFPRI), a member of the CGIAR (Consultative Group on International Agricultural Research), issued a statement claiming that, since 2006, 15 million to 20 million hectares of farmland in developing countries have been sold or leased, or were under negotiation for sale or lease to foreign entities. The report identified several cases mostly in Africa.<sup>7</sup> The London-based International Institute for Environment and

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<sup>6</sup> Some national governments of countries that cannot produce their own food sufficiently, e.g. Middle East and North African countries, South Korea, and India were shocked by the 2007-2008 world food price crisis. Thinking of their own national food security, many of them rushed to the global South to find lands and labour who can produce food for them.

<sup>7</sup> IFPRI (2009), as reported by Reuters, 30 April 2009.

Development (IIED) followed with their own report focusing on transnational land deals in Africa as well. The IIED report revealed that some 2.4 million hectares of land had already been allocated, though not necessarily yet fully utilized (Cotula, et al. 2009).

Since then, the issue has received a lot of attention globally, in the media and in policy circles, and by activists and non-activists alike. One news article in early July 2009, citing UN and other sources, reported an estimate of at least 30 million hectares of land 'being acquired to grow food for countries such as China and the Gulf states who cannot produce enough for their populations'.<sup>8</sup> The UN Special Rapporteur on the Right to Food, Olivier de Schutter, also began stressing the potentially devastating impact of the unfolding global land grab on already deep and widespread food insecurity amongst the world's poorest. In a German news interview, de Schutter explained, "The countries targeted by these deals, particularly in sub-Saharan Africa where labor is relatively cheap and where land is considered plentiful, will be potentially increasingly dependent on international markets to achieve food security. So they will produce more food, but this food will be exported. This is one of the things we saw during the global food crisis of 2007/2008. Countries that are the least self-sufficient and most dependent on international markets have been most severely affected increasingly volatile prices".<sup>9</sup>

Scanning the literature and media reports, it might be tempting to see a consensus emerging against this unfolding global wave of 'land grabbing'. Yet not all those raising concern share the same analysis of the problem, or especially of what is to be done and for what strategic vision. Beyond recognition of the phenomenon of mega land deals, there are competing views on how to respond. Different groups view commercial land transactions differently, ranging from outright opposition to eager embrace, with shades in between. The diversity can be seen, even within civil society at different levels (local, national and international), as well as within local communities. The differences are not trivial. They are partly linked to contending social class standpoints and/or ideological and political viewpoints that have strategic implications for policy advocacy and action, as well as for alliance work.

To illustrate, at the global level, the two most numerically and politically significant organizations of farmers today are Via Campesina and the International Federation of Agricultural Producers (IFAP). Founded in 1946, IFAP is composed of commercially oriented small, medium and rich farmers. Groups from the industrial world have dominated its leadership historically. Its ideological position on key agricultural issues tends to be influenced by middle-rich farmer commercial class interests within this global federation. By contrast, Via Campesina is an international movement of poor peasants and small farmers in developing and industrialized world. Agrarian movements from the global South have an important voice within this global coalition. Its ideological position on key agrarian issues is shaped by the class interest of its mass base among poor peasants and small-scale farming. IFAP and Via Campesina represent the two main polar positions on biofuels.<sup>10</sup> Where one sees an opportunity, the other sees a threat (see table

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<sup>8</sup> <http://www.guardian.co.uk/environment/2009/jul/03/land-grabbing-food-environment> accessed 17 December 2009.

<sup>9</sup> <http://www.dw-world.de/dw/article/0,,4524232,00.html> accessed on 17 December 2009.

<sup>10</sup> Edelman (2003), Borras, Edelman, and Kay (2008) and Borras and Franco (2009) provide relevant discussion on the class background on these two groups.

below), although such clear positions are likely to soften the further ‘down’ into a complex organisation such as these one moves.<sup>11</sup>

Table 1. Contending Views on Biofuels

IFAP <sup>12</sup>	Via Campesina (2008)
<p>“The production of food and feed remains paramount for the farmers of IFAP; however, biofuels represent a new market opportunity, help diversity risk and promote rural development. Biofuels are the best option currently available to bring down greenhouse gas emissions from the transport sector and thus to help mitigate climate change...</p> <p>Recently, biofuels have been blamed for soaring prices. There are many factors behind the rise in food prices, including supply shortages due to poor weather conditions, and changes in eating habits which are generating strong demand. The proportion of agricultural land given over to producing biofuels in the world is very small: 1 percent in Brazil, 1 percent in Europe, 4 percent in the United States of America, and so biofuel production is a marginal factor in the rise of food prices.</p> <p>The misconceptions about biofuels are important to overcome for a farming community that has long suffered from low incomes. Bioenergy represents a good opportunity to boost rural economies and reduce poverty, provided this production complies with sustainability criteria. Sustainable biofuel production by family farmers is not a threat to food production. It is an opportunity to achieve profitability and to revive rural communities.</p> <p>Further research and development are needed in order to avoid competition between food and fuel uses of certain crops and also to get the right signals regarding the development of biofuel production worldwide. Therefore, bridging the knowledge gap on biofuels through information dissemination and capacity building programmes to support farmers in developing ownership of the value chain are of utmost importance.”</p>	<p>“The current massive wave of investment in energy production based on cultivating and industrial processing of... corn, soy, palm oil, sugar cane, canola, etc, will neither solve the climate crisis nor the energy crisis. It will also bring disastrous social and environmental consequences. It creates a new and very serious threat to food production by small farmers and to the attainment of food sovereignty for the world population.</p> <p>It is claimed that agrofuels will help fight climate change. In reality, the opposite is true... If we take into account the whole cycle of production, transformation, distribution of agrofuels, they do not produce less greenhouse gases than fossil fuels, except in some cases.</p> <p>Meanwhile, the social and ecological impacts of agrofuel development will be devastating... They drive family farmers, men and women, off their land. It is estimated that five million farmers have been expelled from their land to create space for monocultures in Indonesia, five million in Brazil, four million in Colombia...</p> <p>While TNCs and investment funds increase their profits, a large part of the world population does not have enough money to buy food. Agrofuels are estimated to be responsible for 30% of the current [2008] food price crisis.”</p>

<sup>11</sup> The views of the rural poor affected by recent mega development projects may diverge from those of the organized ranks of rural-oriented civil society and social movements. The dynamics of issue-framing and demand-making, as well as the underlying motivations involved, are likely to vary across different and different kinds of civil society groups. These are also likely to vary between organized advocacy groups and rural poor people at the grassroots in affected villages. While a social movement activist may oppose oil palm from being sold as ingredient in shampoo to feedstock for biofuel because of possible negative environmental consequences, ordinary folks in the affected village may frame their issues and demands solely based on the terms through which they produce and sell their palm oil. They may not care whether their produce is used for shampoo or car fuel, in Jakarta or the Netherlands.

<sup>12</sup> FAO (2008), Annex.



## Code of Conduct (CoC): consolidation of land-grab agenda

*(This section briefly summarises the CoC proposal and why we think it is not a good idea. A fuller discussion is published, in print and electronically, by Yale Human Rights and Development Law Journal, vol. 13, no. 1, April 2010)*

While the global land grab is now well underway, the main “storyline” about it is being transformed. There is a perceptible attempt in mainstream development circles to shift the discourse from alarm over global land grabbing, to acceptance of it. This new acceptance is founded on the idea that there is an important “opportunity” in the ongoing land deals for rural development; which must be grabbed. Moreover, the emphasis in this changing narrative is on gathering “multiple stakeholders” to unite around a set of basic principles as a step toward instituting an international “Code of Conduct” (CoC) that can craft so-called “win-win” development outcomes. This re-framing is best illustrated by a statement made by IFPRI last year when it proposed its version of a CoC, calling for “making virtue out of necessity”.

The starting point of this new narrative on land-grabbing is a particular vision of successful national capitalist economic development. In this view, what is at issue is not a land problem, but an investment problem. This perspective is very well reflected in the title of the most recent articulation of CoC in the 2010 joint proposal by FAO, IFAD, UNCTAD and the World Bank: “Principles for responsible agricultural investment”. Here, more large-scale investments are seen as the main solution to (rural) poverty. The purported benefits of such investments are said to be the following: creation of farm/off-farm job employment, the boosting of smallholder incomes, the transfer of needed technology, an increase in food production, the building-up of rural infrastructure, improved access to basic services, and the opening up of export opportunities.

There are several key elements of the emerging argument in favor of a CoC for land-grabbing. First, proponents of the CoC resurrect an old belief – most persistently held up by the World Bank --in the ‘need’ for a particular kind of “better land management” (e.g., cheaper and more efficient in administrative terms) as a way to bring order out of chaos when it comes to land issues and conflicts. Second, they emphasize new revelations (based on high-tech satellite imagery) about the existence of so-called “reserve agricultural land” – a vast global reserve of untapped land that could be tapped and harnessed (for ‘rural development’, or at least their version of such) -- without harming existing food production or local land rights, and, with the added virtues of rehabilitating ‘degraded’ land and contributing to renewable energy supplies in the process. Third, they magnanimously insist on the need to recognize the potentially harmful social and environmental impacts of new large-scale investments in agriculture. But – and this is the fourth element – the recognition that large-scale land transactions is likely to undermine poor people’s access to land and land interests is framed as a mere ‘side-effect’ of an essentially beneficial ‘cure’. These are risks that can be managed in order to make possible a larger good. These are not taken as direct impacts that are so severe and unjust that they call into question the very validity of the cure—e.g., the land deals themselves or the development model being pursued through this type of foreign direct investment.

What are the “risks” of land grabs according to proponents of the new narrative?

The risks include: neglect of land users, short-term speculation, absence of consultation, corruption, environmental harm, violent conflict over land rights, polarization and instability, undermining food security and loss of livelihoods, and failure to keep promises (local jobs, facilities, compensation).

How then can these “risks” be managed or even avoided? For those who recognize them but still see the need to encourage foreign direct investment in the form of big land deals, one element of successful risk avoidance or management involves ensuring the proper policy environment in the host countries. Both the World Bank and IFPRI give attention to the larger policy environment, and in similar ways. A beneficial policy environment would include: well-defined land rights and authorities, with an emphasis on a private property rights system; clear identification of land that is available and clear mechanisms for transfer of public land rights; improved investment climates through rule of law and contract security; evidence-based agricultural policies in relation to incentives, markets, technologies, and rural infrastructure; facilitation of contract-growing and out-grower schemes; enhanced market information systems; improved knowledge and extension services (including rural banking); and decentralized (community-based) negotiation. None of these items is new; many have been on the agenda of mainstream development institutions for years.

What is new is the other element of the proposed risk management: an international Code of Conduct that would govern the making and keeping of transnational land deals in ways that protect local people and environments, while still allowing them to be profitable in the conventional sense. This is the “magic bullet” in the new narrative on land-grabbing: the inauguration of an international “code of conduct” mechanism, whereby all “stakeholders” can come together and make agreements based on predefined principles of acceptable behavior and outcomes. Here, the proposal put forward by IFPRI, captured in the table below, is illustrative.

#### Highlight of IFPRI’s CoC proposal

Transparency in Negotiations	Existing local landholders must be informed and involved in negotiations over land deals. Free, prior, and informed consent is the standard to be upheld. Particular efforts are required to protect the rights of indigenous and other marginalized ethnic groups. The media and civil society can play a key role in making information available to the public.
Respect for existing rights	Those who lose land should be compensated and rehabilitated to an equivalent livelihood. The standards of the World Commission on Dams provide an example of such policies.
Sharing of Benefits	The local community should benefit, not lose, from foreign investment in agriculture. Leases are preferable to lump-sum compensation because they provide an ongoing revenue stream when land is taken away for other uses. Contract farming or outgrower schemes are even better because they leave smallholders in control of their land but still deliver output to the outside investor. Explicit measures are needed for enforcement if agreed-upon investment or compensation is not forthcoming.
Environmental Sustainability	Careful environmental impact assessment and monitoring are required to ensure sound and sustainable agricultural production practices that guard against depletion of soils, loss of critical biodiversity, increased greenhouse gas emissions, or significant diversion of water from other human or environmental uses.
Adherence to national trade policies	When national food security is at risk (for instance, in case of an acute drought), domestic supplies should have priority. Foreign investors should not have the right to export during an acute national food crisis.



This type of two-pronged approach (favorable policy environment plus an international CoC), it is declared, offers the best chance for the big land deals to lead to “win-win” outcomes for all concerned. A win-win outcome is one in which the development needs of both the resource-poor countries and resource-rich countries are met, while at the same time the investors’ needs and interests (i.e. profits) are served and poor people’s incomes and livelihoods are enhanced. What the resource-poor countries need are to secure supplies of food and fuel in order to sustain their current patterns of food consumption and production. What the resource-rich countries need are new investments in agriculture that would create jobs, support small farmers, and bolster exports. What investors need is an improved, clear, stable, and secure investment climate (indeed, clear property rights to secure investments). In this way, as IFPRI puts it, “virtue” can be made out of “necessity.”

In theory, the application of a CoC in this context might seem to be relevant and beneficial, or at the very least, harmless. One might expect that applying the technique in this case would not do any further harm than is already being done by the illicit land grabs themselves. Would it not be beneficial for society to bring untapped (or under-tapped) land under cultivation if it could be done in ways that do not undermine local rights, threaten local food security, or harm the environment? Would it not be useful to have clarification on land ownership and use rights? And would it not be useful to have agreement on different stakeholders’ responsibilities (and not just their rights)? If the essential value of institutions is that they establish rules where previously there were none, thus making it possible to regulate behavior and outcomes, then would not the current global land rush be just the kind of situation where instituting a CoC would be especially appropriate? We now turn to some of the problematic aspects of this proposed win-win formula as a response to the global land rush and offer some of our doubts and concerns.

First, proposals for a CoC for land deals necessarily operate within and seek to sustain or extend the existing global industrial agro-food and energy complex. Positing a CoC as an overarching framework in response to globalized land-grabbing therefore does not address serious problems associated with the extractive mining of land (and water) in the Global South to meet the food and energy demands of industrialized countries and to sustain corporate profits. It explicitly or implicitly assumes that there is no fundamental problem with existing industrial food and energy production and consumption patterns tightly controlled by TNCs.

Second, the CoC is being promoted in tandem with the notion of the existence of “reserve agricultural land,” combined with images of agro-industrial systems playing a beneficial role in restoring degraded land to health, utilizing marginal land more fully, and reinvigorating idle land. In addition to new satellite imagery (which does not picture people or their historical land-based social relations and livelihood practices), the assumption of “reserve land” is often based on standard nation-state claims derived from official census data about land use and land property relations, which are notoriously unreliable in many countries, for a variety of reasons. The very notion of “reserve” more or less automatically renders such land, by definition, “available,” amenable to, and appropriate for transformation into global granaries or new oil wells. And in the process, other possible or actual uses are rendered “illegible”— a term we borrow from James Scott (1998), who examined how state officials reinterpret diverse local societies in order

to facilitate central state regulation and administration. Historically, “seeing like a state” has involved simplifying observed (local) social practices:

[L]ocal practices of measurement and landholding were “illegible” to the state in their raw form. They exhibited a diversity and intricacy that reflected a great variety of purely local, not state, interests. That is to say, *they could not be assimilated into an administrative grid without either being transformed or reduced to a convenient, if partly fictional, shorthand.*”

Accepting the notion of reserve agricultural land necessarily consigns existing local land-based social relations and practices that are diverse and distinct to being vestiges of the past — to be acknowledged, but in the end, not worthy of being taken seriously enough to protect and advance into the future. They simply do not “fit” the economic development grid envisioned by today’s proponents of a CoC; they are not the beneficiaries of the envisioned “responsible agricultural investment.” Instead, based on past experience, what we can expect from this kind of framing of land is more dispossession in the name of transforming “marginal” land into economically productive spaces. Moreover, the rehabilitation of so-called “degraded” lands often comes in the form of industrial mono-cropping that is portrayed as environmentally friendly, but actually undermines the lands ecologically (e.g., industrial tree mono-cropping, including palm oil and eucalyptus plantations, is now often referred to as “reforestation”).

Third, advocates of a CoC argue that without clear land property rights (usually taken as individual and private) the “risk” of dispossession is high. Implicit here is a belief that formal land property rights removes this risk and serves as a guarantee that people will not be displaced and dispossessed by these large-scale land deals. Such a view converges with years of mainstream advocacy for the privatization of the remaining commons and formalization of land rights, targeting public lands worldwide. Yet this view is deeply flawed. There is much evidence to show that formal land property rights are no guarantee against dispossession, and they even often appear at the leading edge of it.

The introduction of formal land property rights first requires answering in practice (in power-differentiated settings marked by conflicting interests) the complex series of questions posed earlier in this discussion — who has (or should have) what rights to which land for how long and for what purposes. Formal land property rights are contested terrain, since they involve decisions about who counts and who does not. Introducing formal rights for indigenous landholders is not necessarily pro-poor in and of itself; but it does “recalibrate the arena of struggle.” Gaining legal recognition of poor people’s land rights has never alone guaranteed that they will actually be respected and protected in the courts or on the ground. For the rural poor, there remains a difficult and contested process involving struggles to actually claim those rights and “make them real.” In short, formal-legal land rights are formulated, interpreted, disputed, and implemented by numerous state and non-state actors with their own interests and embedded in power structures at multiple levels, and thus can (and more often than not do) lead to outcomes that cannot be considered pro-poor. Neither categorically pro-poor outcomes, nor even “win-win” outcomes, are ever guaranteed. Clear land property rights (private or otherwise) have certainly not guaranteed win-win outcomes in many of the land deals, nor have they

automatically protected the rural poor from various forms of dispossession or “adverse incorporation” into the food-fuel production enclaves.

As Cotula and Vermeulen argue, using empirical material from Africa, clear and secure land property rights are necessary but not sufficient to guarantee protection of rural poor land rights. We agree. But we would also add another critical point: *secure* property rights should not a priori, only or always, mean *private* property rights. In many parts of the world, an inductive approach is needed that is based on a deep understanding of the societies where intervention is targeted.

Fourth, the assumption that negative consequences of current mega land deals ensuring can be avoided by ensuring that transactions among “multi-stakeholders” are formal and transparent, and where possible, decentralized-localized, is only partly correct. Certainly, any land deal should at least be transparent, but transparency does not necessarily guarantee pro-poor outcomes. Transparency is not the same as accountability, and transparent transactions do not necessarily guarantee accountability, especially to poor “stakeholders”. Moreover, the question of representation of social groups, especially in rural communities in the Global South, is problematic, uneven, and politically contested—whether negotiations are transparent or not. In many places, a minority elite section of a community often claims to represent the poor even when it does not. On many occasions in many countries, local elites forge formal contracts with investors in the name of their communities despite having no real consultative process and mandate. Often in such situations, the rural poor have little opportunity to set the record straight, while other, more powerful, stakeholders have little interest in ensuring that oppositional voices are even heard, much less taken into consideration, if doing so could mean scuttling the deal altogether. Different social groups join the negotiation table with different degrees of political power. Finally, the World Bank has a special bias towards decentralized-localized negotiations, as explained by Klaus Deininger. But it is at the local level that local elites and bureaucrats who stand to gain in new investments can easily manipulate negotiation processes and where local communities of the poor can easily be isolated from their potential national allies.

Fifth, inherent in a CoC is the *voluntary* nature of agreements. Violations are difficult to pin down; violators are impossible to make accountable. Even where there is formal adherence by the parties concerned to the principles of free, prior, and informed consent (FPIC), these principles are rarely observed and enforced in practice, and it would take much political power, time, and resources to ensure that they were. Sawyer and Gomez (2008) have observed the paradox that, simultaneously with an increase in and institutionalization of international treaties, voluntary guidelines, and FPIC principles intended to protect indigenous peoples, there have been unprecedented violations of the rights of indigenous peoples and the penetration of their territories worldwide.

Sixth, “partnership” is also a key concept in a CoC. It comes in many component forms, including state/private sector/civil society partnerships, which are assumed to promote transparency and build win-win outcomes into any land deals. But such a notion of partnership is usually based on a depoliticized and unrealistic vision of engagement between various actors that strips them of possibly conflicting interests and attempts to place them on equal footing. Imagining equal footing and complementary interests where none exist is more likely than not to lead to the poor losing out. Another type of partnership is the “TNC-farmer” partnership, also known as contract farming, where

peasant producers are incorporated into the global agro-industrial food/energy complex through a variety of contractual arrangements. It is perhaps the most commonly cited type of incorporation of poor peasants and small farmers into large-scale agro-industrial schemes and is thought to result in win-win scenarios. Over time and in many diverse settings, however, this has proved not to be the case. Instead, such arrangements generally result in processes and outcomes that mainly favor the transnational companies, while, in some instances, they have even become an excuse to engage in forest clearing and mono-cropping.

In short, part and parcel of CoC proposals is an uncritical belief in the basic beneficence of formal and legal measures such as clearer contracts, clearer and more secure property rights (usually interpreted as private and individual rights), transparent contracting, FPIC, and state-civil society partnership. Each of these, in itself, is not necessarily bad; each could have merit depending on a particular context. But none is inherently good in that none can guarantee truly pro-poor outcomes. In the absence of a clear framework and process that insists on prioritizing truly pro-poor outcomes, the weaknesses of these various elements are more likely to be reinforced when framed within a win-win, voluntary CoC as *the* response to the global land grab.

### Re-grounding resistance to land-grabbing

The CoC proposed by the World Bank and others is a dangerous diversion. It diverts attention away from the real issues at hand with respect to land. It diverts attention away from what is wrong with the economic development model it aspires to and the key role of land in achieving this model. And it also diverts our attention away from coming to terms with how rural poor people's land rights, interests and concerns can (and must) be protected and advanced into the future. It should be no surprise that the forces clamouring for a CoC for land transactions today are the same ones that have been telling us that real land reform is impossible. And they are the same ones too that are telling us now that land-grabbing is inevitable. Confronted by their 'impossibility thesis' on the one hand, and their 'inevitability thesis' on the other, we appear to have no choice but to resign ourselves and accept that the TNC-driven and controlled development path – and its view of rural poverty, land, and land rights -- is the only one left.

But theirs is not the only path left open to us; we still have choices, agency, and the capacity to struggle for meaningful change that prioritises now and into the future the rights and the voices of the rural poor with regard to land and other resources. Nevertheless, rejecting a bad idea is one thing; asserting that 'another world is possible' is another; and making alternatives happen under real world conditions, constraints and circumstances is still quite another. There is complexity in land issues that can be ignored only with great risk to the rural poor. Any social-justice driven answers to the current dilemmas with regard to land resources will be confronted by and therefore must pay attention to these complexities. Global land-grabbing in favour of TNCs and for food or fuel export is just one part of what is happening on the rural front. Recognising this thus demands a broader and deeper degree of understanding of contemporary land issues than the 'global land grab' framework can provide.

## The many faces of land use change today

To get a broader understanding of land issues today requires unpacking the vague category of ‘land use change’. In fact, global land use today is changing not just in one direction (e.g., in favor of food or biofuel production for export); but instead has many faces. Figure 1 is an overall typology that attempts to capture the four main, broadly distinct, directions in current land use change today. Complex realities do not always easily fit into ‘ideal types’, so this overall typology is merely intended to get us started.

Figure 1. Main directions of land use change today

Type A Food to Food	Type B Food to Biofuels
Type C Nonfood to Food	Type D Nonfood to Biofuels

Of course, within each broadly distinct type of land use change occurring, there are additional variations that can also be identified. Table 2 then is an attempt to more systematically capture this further degree of actual diversity and complexity of land use change today. Each item is explained in the discussion below.

Table 2: Character, Direction and Orientation of Land Use Change

Ideal-Type	From	To
A	Food production	Food production
A1	Food for consumption	Food for domestic exchange
A2	Food for consumption, domestic exchange	Food for export
A3	Food for export, mono-cropping and industrial farming	Food for consumption and local market, small-scale, polyculture
B	Food production	Biofuel production
B1	Food for consumption, local market	Biofuels for export
B2a	Food for consumption, local market	Biofuels for local use and domestic market, but corporate-controlled
B2b	Food for consumption, local market	Biofuels for local use and domestic market, noncorporate-controlled
C	Non-food	Food production
C1	Forest lands	Food for consumption, local market
C2	Forest lands	Food for export
C3	‘Marginal’, ‘idle’ lands	Food for consumption, local market
C4	‘Marginal’, ‘idle’ lands	Food for export



D	Forest and marginal/idle lands	Biofuel production
D1	Forest lands	Biofuels for use and local market
D2	Forest lands	Biofuels for export
D3	'marginal' and 'idle' lands	Biofuels for use and local market
D4	'marginal' and 'idle' lands	Biofuels for export

*Type A: land use change within food-oriented production*

In Type A, lands remain within food production, but the purposes for which food is produced have changed. In aggregated official censuses about land use, these changes in land use are not always captured. There are three sub-categories: A1, A2, and A3.

A1 involves lands previously dedicated to food production for consumption that are then converted to food production for domestic exchange -- also known as the commoditization of food production. This is perhaps one of the most extensive types of land use change historically, and one of most extensively studied in agrarian political economy. As the price of food rises, more peasants tend to sell some or all their food produce to the market to get more money.

A2 involves lands previously devoted to food production for consumption or domestic exchange, which are then converted to food production for export.<sup>13</sup> It is this sub-category that is the focus of the current global land grab and its critics. Although this kind of land use change is not new, there are some new features associated with it today that contribute to making it even more controversial. First, A2 involves a new set of non-traditional land-grabbing countries (e.g., oil-rich Gulf states, South Korea, Japan, China and India), alongside the more traditional ones. The 2007-2008 world food crisis prompted many of these newer, non-traditional players to begin transacting land deals in developing countries, as a way to ensure their own national food security (see Holt-Gimenez and Patel with Shattuck 2009; and Bello 2009). Second, whether traditional or non-traditional, today's land-grabbers are gaining control of land through a combination of land purchases (where possible) and long-term leases of up to 99 years (where allowed). Third, many recent A2-type land use conversions are planned not for feeding people, but for feeding cars (e.g., biofuel) and industry (e.g., 'green plastics'), or as an indirect result of some crop use change. Fourth, as already indicated, the pace of land use conversion in this sub-category alone is quite rapid, with close to 2.4 million hectares of land in Africa formally allocated to large-scale transactions converting land use from food to biofuel production for export between March 2006 and March 2009 alone, for example (Cotula et al. 2009).<sup>14</sup>

<sup>13</sup> This includes feed for export.

<sup>14</sup> The extent to which land use is actually changing here is difficult to pin down for different reasons: (a) situations are quite fluid with many land transactions still being negotiated, while some have already been withdrawn such as those in the Philippines and Madagascar; (b) there are numerous elements of land speculation involving national governments, companies, corrupt officials and all sorts of entrepreneurs and land speculators; (c) many land use change under A2 may occur in small scale, far below the level of mega land deals, that are difficult to account for. These are some of the reasons why up to now estimates of the extent of global land grab are tentative and speculative, but also tend to be exaggerated. While it may be true that by adding all the number of hectares that were at some point discussed for possible transactions we can reach a total of 20 million hectares as reported by IFPRI (2009), it will be difficult to actually locate those lands. The actual accounting by Cotula et al (2009) for Africa in June 2009 yielded only 2.4 million hectares, and Africa is supposed to be the centre of these (trans)national commercial land deals.



Finally, A3 involves land previously devoted to mono-cropped, industrial type of food production for export, which is then converted into small-scale family farm units mainly for food production for use. This includes land reform settlements that are created from redistributed plantations. Examples may be land reform settlements in Brazil where large private sugarcane plantations were redistributed to land reform beneficiaries who in turn converted these lands into subsistence oriented food production units. Other examples are those in the banana and sugarcane sectors in the Philippines, palm oil plantations in Indonesia, and tobacco and cereal commercial farms in Zimbabwe. But these are more of the exceptions than the rule, especially because highly productive large-scale plantations were usually excluded from land reforms.

*Type B: land use change from food to biofuel production*

In Type B, we will quickly identify the popular protest line against the TNC-driven shift 'from feeding people in developing countries to fuelling cars in the industrialized world'. Converting food lands to biofuel production for export is another feature of the current (trans)national commercial land deals. It is relevant to distinguish two categories within Type B.

B1 involves lands dedicated to food production (whether for consumption, domestic exchange, or export) being converted to biofuel production for export. This is the main land use change that has been exposed and opposed by most activists worldwide. It is the kind of land use change that even mainstream development agencies and (inter)governmental entities like the European Union are quite sensitive to and are easily embarrassed by. Hence, the preoccupation on the (in)direct land use change in current European Union policy debates on the implications of their policy on mandatory biofuel blending with fossil fuel. It is this type of land use change that also easily angers observers worldwide. It exposes the very logic of contemporary capitalist development model and its pattern of production and consumption.

B1 is generally a corporate-driven type of land use change. The export-orientation of biofuel requires large-scale financing, mono-cropping methods, industrial scale production and processing and transportation infrastructure. This type of operation is likely to be adopted in ethanol production, either sugarcane or corn, that demands large-scale plantations and industrial operations, as exemplified by the Brazilian sugarcane and the US corn ethanol industries. Biodiesel (with feedstock, e.g., jatropha, castor or coconut) can be small scale, community-based operation. However, for the corporate-driven biodiesel business, a scaled-up, industrial operation is required to achieve the needed scale for business viability. Other biodiesel feedstocks are generally in large, mono-cropping, industrial operations, particularly oil palm and soya despite the usual incorporation of small growers in the production complex.

The pace of land use change in B1 has been quite rapid in some countries where biofuel feedstocks have been introduced only recently. Like that of A2 (food for export), the extent of B1 is difficult, if not impossible, to pin down. There are different reasons for this. For one, the situation remains very fluid, and it is difficult to monitor and classify lands that have been identified or planned for biofuel projects, or subject to formal agreements but not implemented. It is even difficult to identify all the lands actually allocated to such projects which have been converted from food to biofuel production. Newspaper reports remain the main source of global monitoring of the extent of this land

use change type, and these are not always precise and updated. For example, the Philippines has always been reported to be one of the countries where land grabbing was extensive, where between 1.4 and 2.5 million hectares were land grabbed by the Chinese, South Koreans and Middle Eastern countries for food and biofuel production for export. But the initial talks and formal memorandum of agreement on this between the governments of the Philippines and China was signed but then never pursued partly because of noisy protests from various Philippine civil society groups. This is the same fate of the earlier reported allocation of 1.3 million hectares in Madagascar. And yet, these data continue to feed into and get reproduced in the accounting of global land grabbing.<sup>15</sup> Refer to von Braun and Meinzen-Dick (2009) for further examples.

For B1, it seems that the socio-political processes through which land use change occur are marked by political maneuvers by national (and local) governments and TNCs ranging from promises of a better livelihood and employment, deceit, coercion and violence or threat of coercion and violence. Vermeulen and Cotula (2010) offers an insightful mapping of the political dynamics of coercion of and consent by affected communities. The expansion of palm oil in Colombia has been associated with paramilitary activities in contested lands, basically forcing people to abandon their lands which were then converted to palm oil plantations. In Brazil, the promise of better livelihoods under lease arrangement and job employment have induced some land reform beneficiaries to abandon their land reform settlements and lease them to sugarcane companies.<sup>16</sup> In Cambodia, the opening up of a major sugarcane plantation in Kampot Speu province has required the forcible eviction of existing farmers and communities.

Meanwhile, B2 involves lands devoted to food production (whether for consumption, domestic exchange or export) being converted to biofuel production for local consumption and domestic market. This type of land use change is almost always subsumed by B1 in the general discourse. It is generally assumed that all the recent initiatives around biofuels are corporate-driven and are for export. Where this is so, then the radical critique holds. Yet the critique fails to fully capture situations where the biofuels produced were for use and/or for the local market. Increasingly there are talks about and initiatives on biofuels that are locally produced for local consumption or marketing. There are two sub-types in this category.

B2a is corporate-driven biofuel production for local markets. Companies can either be domestic or foreign. For example, in the Philippines, the coco-diesel sector is dominated by domestic capital, the capital-intensive sugarcane ethanol sector is driven largely by foreign capital, while foreign investors are trying to develop the commercial potential of jatropha. But most biofuel production is for the domestic market. The national five percent mandatory blending requirement for biodiesel was immediately complied with in early 2009 through the production and processing of coconut-based biodiesel. The corporate sector (domestic) has been lobbying to increase the mandatory blending requirement. In Mozambique, the national government aspires to develop its largely foreign investors-driven biofuel sector partly for domestic need where roughly

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<sup>15</sup> Of course it is possible (or even likely) that negotiations for land transactions in these countries will be resurrected in the future.

<sup>16</sup> Based on actual field investigation by Borrás in the sugarcane belt of the State of Sao Paulo in April 2008. See also Monsalve et al (2008).

two-thirds of the country do not have access to electricity, or at least this is the official government declaration and intention.<sup>17</sup>

B2b is small- to medium-scale noncorporate-driven production of biofuel (mainly biodiesel) at the community level. There are discussions and actual experiments being carried out in this vein by community organizations, local governments, NGOs and agrarian movements, from the Philippines to Brazil to India. We see small scale results for household needs and fuel for local transportation. The cropping patterns usually are not large-scale mono-cropping, but inter-cropping with existing food production. MST in Brazil floats the idea of alternative biofuel production in the context of 'energy sovereignty'. João Pedro Stedile (2007) of MST has summarized the fundamental principles that are likely to guide B2b in organized social movements affiliated with Via Campesina and its allies:

Among our bases and with our movements, in relation to the production of agrofuels by small farmers and peasants, we should discuss a political orientation of production based on the principles of food sovereignty and of energy sovereignty. This means we should be saying that all agricultural production of a country, of a people, should in the first place ensure the production and the consumption of healthy food for all. And that the production of agrofuels should always be in second place, in a secondary form. It should be based on the energy needs of each community and people. And agrofuels should never be produced for export.

Respecting these principles we can think of new methods for the production of agrofuels that in fact do not worsen the environment, that do not substitute for food, but at the same time can represent an increase in income for the peasants and sovereignty in the energy that they use.

So we can stipulate that agrofuels can only be produced using polycultures, from various complementary sources... That only 20% of each production unit can be used for agrofuels... And that fuels should be produced in small and medium-sized cooperatively-owned manufacturing units. And they should be installed in rural communities, small settlements, and small cities in such a way that each town, settlement, and city cooperatively produces the energy they need.

Finally, it is important to point out that current production of biofuel does not always require land use change. There are already existing crops, either in industrial scale plantations such as soya in Argentina or palm oil in Indonesia, or coconut in the Philippines which is dominated by small and medium scale farms, that have produced, and could easily produce, biodiesel without any further land use change. There are widespread discussions on converting sugarcane use from sugar to ethanol in South Africa and the Philippines. Whether and to what extent crop use change will increase will depend mainly on the profitability of these ventures. For example, coco-diesel in the Philippines remains slightly more expensive than fossil fuel and is far more expensive than other alternative biodiesels such as those derived from jatropha. Whether and to what extent crop use change will undermine food security in some countries will depend largely on the location of the feedstock in the overall food supply chain of those countries. For instance, coconut will affect the price of cooking oil in the Philippines, although the impact may not be as severe as converting corn from food grains to ethanol as in the case of the United States and Mexico.

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<sup>17</sup> Although one of the key problems in Mozambique is that it produces a lot of energy (hydro and coal), but most of which are exported, according to Diamantino Nhampossa of the National Union of Peasants in Mozambique (UNAC) in recent discussions with the authors in Maputo in August and September 2009.

*Type C: lands devoted to nonfood uses converted to food production*

Type C settings involve lands devoted to 'nonfood' land use which are converted to food production. 'Nonfood lands' is used here in a loose manner to mean lands that are not primarily devoted to food production, although there may be varying extents of food production in these spaces. Forestland is included in this category despite the fact that forests are host to important food items to many people. Tracing the direction of land use change, we can detect four broad patterns. Type C1 represents settings where forest lands and other nonfood lands are converted to food production for consumption and/or local exchange. This is an almost everyday occurrence in many agrarian societies.

C2 involves settings where lands that are devoted to forest or other nonfood purposes were converted to food production for export. This is the type depicted in horrific clearing and destruction of forests, from Indonesia to Brazil to Cambodia, in order to produce food demanded abroad. But this phenomenon is not new. The rise in demand for cheap meat-based fast-food in the North resulted in the clearing of forests in the South to open up new frontiers in cattle production. The growing livestock sector in the North has also demanded cheap feed, largely leading to clearing of forests and land frontier to pave the way for soya expansion, as in the case of South America. Similar processes started during the colonial times. However, the recent land rush for food for export has pushed the already thin land frontier even further. The renewed penetration into the Amazon is an example. Most of the production expansion initiatives are corporate-driven (domestic and transnational), but almost always with active enticement and encouragement from national governments. The pace and extent are quite rapid and extensive. Alongside A2 and B1, C2 is among the most controversial and protested land use change pattern today.

C3 shows us settings where lands dedicated to nonforest uses (such as grasslands, wetlands, 'wastelands') are converted to food for consumption and local exchange. This type is very similar to C1. It is also a regular, everyday occurrence in the agrarian world, occurring as part of the livelihood strategies of the rural population. C4 represents settings of the same type as in C3, but being converted to food for export. For example, many wetlands in the South have been converted to fishponds to produce high value products (shrimp, fish, and so on) for export. In terms of nature, direction, pace, extent and socio-political process, this type is similar to A2, B1 and C2, the most protested processes, but because C4 does not directly involve lands dedicated to food or forest, at least in terms of official land use classification, it is not usually as controversial and contentious.

Type D settings are lands dedicated to forest and 'marginal/idle' lands being converted to biofuel production. There are four types. D1 represents lands dedicated to forest uses that are converted to biofuel production for local consumption or exchange. This is the small scale, community level production of biofuel: local production for local consumption. It represents the so-called community-based and community-oriented alternative sources of renewable energy. The biofuel (mainly biodiesel) produced may be used as fuel for local transport, provide general energy source in the village, and run small (farm) machineries, or simply to sell the fuel to the local market. These are usually initiated by NGOs, peasant organizations, and local governments. This was what some villagers in the province of Maputo in Mozambique did when they heard the President of

the country promoting jatropha on the radio. On their own they initiated clearing part of the village forest and planted jatropha. Two years into production without any external support or farm inputs, the jatropha plants were slowly overtaken by grass, and the villagers were disheartened.<sup>18</sup>

D2 shows us the same type of forest lands converted to biofuel production for export. Joining A2, B1 and C2, D2 is another controversial and widely protested type of land use change: clearing forests in the South in order to fuel cars in the North. Again, the biofuel expansion into the Brazilian Amazon and the massive clearing of Indonesian forests are two of the most important examples. Many of these initiatives are corporate-driven, both transnational and domestic. The wealth created in this process is concentrated in the hands of the few corporations engaged in this lucrative business. The pace and extent of land use conversion under this type is quite rapid and is estimated to be widespread.

D3 represents settings where lands are officially classified as not devoted to food or forest uses are converted to biofuel production for consumption or domestic exchange. These are the lands that are the target of the key drivers of biofuels: ‘marginal’, ‘idle’, ‘waste lands’. The biofuels produced can either be for consumption by the producers (village) or for domestic (local and national) market. For the former, usually the key drivers are local governments, NGOs, and farmer’s organizations. For the latter, usually it is corporate-driven (local or foreign corporations). Meanwhile, D4 represents settings where lands are in the same category as in D3 and are converted to biofuel production for export. Like in D3, it is in this land type where the sales pitch of all the corporate and governmental advocates of biofuels is located. The argument is that biofuel production will not undermine existing food production and forests because the new initiative will be located outside the forests and food production sites.

For Types D3 and D4, the key assumption is that there is a substantial supply of ‘marginal’, ‘idle’ and ‘waste’ lands worldwide. The concept of ‘marginal’, ‘idle’, and ‘waste’ lands however is highly contested. An area can be seen as grassland, and therefore marginal, even though it may well be part of the traditional way of farming by a local population that allows for some fallow lands for some time, or part of the pastoralists’ extensive area. More importantly perhaps, most of the assumptions by the corporate and governmental drivers of biofuel production are usually based on the official, i.e., state, classifications of land. Here, the notion of state-centric land use classifications such as ‘marginal lands’, ‘empty lands’, and so on, whether it is so in reality or not, become central defining concepts in development processes. State categorizations of land use and land property, which in turn are generally based on what James Scott (1998) calls ‘state simplification’ processes to render complex realities more legible in the eyes of the state, become key operational mechanisms through which land use change are facilitated. Recall the official narratives by the Philippine government about the 1.4 million hectares of ‘marginal lands’ originally promised to the Chinese government to produce food and biofuels for China, despite such lands being productively engaged by upland farmers and indigenous communities. Recall the Procana case in Mozambique where it was declared that the 30,000 hectares of allocated for sugarcane ethanol production was ‘empty, marginal land’, despite such land being

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<sup>18</sup> Together with an international delegation from various social movement organizations and NGOs, the authors visited the village and interviewed the villagers in August 2009.



productively engaged by pastoralists, subsistence farmers and charcoal makers. This is the same line of argument in two major land concessions in the provinces of Kampong Speu and Pursat in Cambodia. It is the state's power to imagine and enforce simplistic standards about land use and land property (that purposely avoid or reject the reality that such lands are productively engaged and are host to diverse social relations between different groups and classes of people) that have facilitated, and continue to facilitate, massive (trans)national commercial land deals.

#### *Further discussion on land use change*

A few analytical points that are relevant to our understanding of competing views and strategies on contemporary land issues and struggles can be highlighted. First, a conceptual and empirical mapping of the nature and direction of land use change is relevant because land-based social relations that exist in various agrarian settings are different from one broad type to the next, and the dynamics of land use change and its implications for the different social classes and groups vary significantly. Empirical research and political actions will have to be nuanced based on such diversity. It is actually a very complex and diverse agrarian universe that is avoided or dismissed through state simplification processes in land use categorization and land property standardization. Analyses, frameworks and policies that follow the neat state categories on land use will not be able to fully capture such complex social relations – and the latter is supposed to be the key unit of any critical analysis and object of any political advocacy in the first place.

Second, changes in land use that may strategically undermine the 'rural poor' occur not only in the forms that are obviously detestable (A2, B1, C2, C3, D2 and D4; forest land or land for food production for consumption and domestic market converted to food and biofuel production *for export*). They also occur in other forms, such as conversion to commercial-industrial production of food and biofuel for domestic market. Linked to this is the need, analytically and politically, to take a disaggregated view of the 'rural poor', a term which we used several times earlier in the paper. Here, we use it in a loose manner to mean rural working classes including poor peasants, small-scale farmers, landless rural labourers, indigenous peoples, pastoralists, subsistence fishers – male and female. It is important to remember that land use change will have a differentiated impact among these various strata of the rural poor and between the rural poor and the non-poor including rich farmers, landlords, moneylenders and traders. It is not possible to disaggregate and fully understand the impact of land use change without deploying class analysis.

Third, not all changes in land use are 'bad' for the rural poor and the environment. In fact, far-reaching land use change is needed in order to reverse past and current dominance of and trends towards monocultures and industrial farming. Corporate-driven changes in land use tend to result in mono-cropping and industrial farming. This scenario is the classic representation of radical activists' framing of their critique: 'industrial farming means agriculture without people'. It has to be noted though that there are several TNC-driven institutional arrangements where large-scale, mono-cropping and industrial farming techniques are not resorted to, such as the numerous contract farming arrangements with small-scale farmers. Meanwhile, for a sharper analysis of and stronger campaigns against TNC-driven food production for export and biofuels production, it is



necessary to link these to emerging alternatives, e.g. ‘food sovereignty’ and ‘energy sovereignty’, possibly around B2b, C1, C3, D1 and D3. Further discussion on this topic will be made in the concluding section of the paper.

Fourth, land use change may be the result of, or can result in, the dispossession or displacement of peasants and indigenous peoples. But these may not be necessarily so. The current discussion on these issues have, at best, been supported by anecdotal evidence, and at worse been speculative. Again, there is a need for a careful empirical inquiry on this issue, guided by big questions such as ‘who were dispossessed, why and how?’, among others.

Fifth, while there are some struggles against the TNC-driven food-biofuel agro-industrial complex, it is not always the case that the rural poor view this new phenomenon as something that must be struggled against. It is rather casually assumed on many occasions that such mega land deals are ‘bad’ for the ‘local people and communities’ and that the latter are opposed, or should be opposed, to this. This assumption is problematical, analytically and empirically. Empirically, when we take a disaggregated, class-conscious lens to examine the social and political reactions by the rural poor, we will quickly see that since the impact of land use change is highly differentiated between different social groups and classes among the rural poor and between them and the non-poor, their socio-political reactions vary considerably too.

There are various potential fault-lines around this issue, including possible tensions between environmental and agrarian justice movements (e.g. competing concerns between ecological issues versus calculations around livelihoods), between different agrarian movements with different social class bases and ideological standpoints (recall IFAP versus Via Campesina positions), between organized social movements and unorganized rural poor communities. A key reminder is to avoid the casual use of phrases and notions such as ‘local people’ or ‘local community’ because these conceal more than reveal actual political dynamics around land use change.

Sixth, the discussion on and campaign against corporate-driven land use change is not always precisely about ‘land use change’ – but about ‘crop use change’. These two different phenomena are too often conflated in the literature. But the nature, direction, pace, extent and socio-political processes that come with these two are not always the same, and so it is important to distinguish between the two.

Seventh, the global land grab discourse on land use change has focused on the transnational dimension of land grab, with obsessive emphasis on the so-called ‘new’ land-grabbers, namely, the Gulf states, China and South Korea. Attention to this is important and should be maintained, but such a focus has inadvertently de-emphasized the key (complementary or independent) role played by domestic capital as well as by other transnational players. It is critical to note that key actors in the Brazilian, Malaysian, Cambodian, Indian and Indonesian scenes, among others, are national capital. Transnational-*regional* players also play a key role in many countries: Vietnamese and Thai companies in Cambodia, South African companies in Africa, Brazilian companies in Southern America. In all these, the traditional land-grabbers – European and North American – remain just as entrenched. The point is that analysis should remain focused on the nature and terms of agrarian change brought about by land use change which is, in turn, induced by the new, emerging global agro food-energy complex, and not principally

on the transnational character as well as the nationality of land-grabbing and land-grabbers, respectively.

Eighth, focusing one's analysis and research on large-scale land use change from food or forest land use to food and biofuel production is necessary and urgent. However, the social and political dynamics in land use change brought about by the convergence of food, energy and environmental crises are complex, within and far beyond the boundaries of recent large-scale land acquisitions by TNCs and foreign governments. National governments will engage in massive enclosures just by speculating on possible fortunes to be gained from (trans)national commercial land transactions – in the form of an expanding tax base, the extension of state spaces, savings and/or earnings in foreign exchange, and opportunities for rent-seeking, among others. The food-versus-fuel land use discourse risks inadvertently serving the basic interest of national states by providing a 'moral' argument to engage in new food and biofuel production outside of the already neatly demarcated land private property – meaning, in the broadly and vaguely categorized 'public lands' generally assumed to be 'under-utilized', 'marginal' and 'idle' despite contrary existing realities.

In short, a fuller understanding of the character of land use change brought about by (trans)national commercial land deals requires empirical research and theorizing that are able to cover the breadth and diversity of the actually existing social conditions and dynamics. It is equally important to understand how these various directions in land use change (re)shape one another. The mapping offered in this section hopes to contribute towards this effort. Yet, it is also important to go one step further and examine the changes in land property relations which relates directly to the global burning issues of enclosure and dispossession. Mainstream institutions tend to focus on and limit their attention to issues of land use change, but changes in land use cannot be understood fully without examining closely the changes in land property relations.

### ***The many directions of land property relations change today***<sup>19</sup>

Political dynamics around land property relations related to the current (trans)national commercial land deals can be seen on two fronts. On the one hand, we see dominant social classes and groups (e.g. landlords, capitalists, traditional village chiefs) and state bureaucrats who, in various ways, have some kind of pre-existing access to and/or control over land resources, trying to cash in on the re-valued land property either by consolidating and expanding landholdings and selling or leasing them out to new investors, or by getting incorporated into the emerging new food and energy agro-industrial complex in a variety of ways. We see this in so many countries today, including Argentina, Brazil, Indonesia, and in many countries in Africa. Moreover, some of these economically and politically dominant classes and groups and other corporate interests have expanded their food and biofuel production by swallowing up smaller farm units either by purchase or lease. This is partly the way the sugarcane belt of Brazil has been expanding. This first front is on private land property.

The main and much bigger target of the current worldwide massive enclosure, however, are non-private lands: broadly and vaguely labeled together as 'public lands' (Franco 2009). The non-private land category is huge: comprising the majority of land in Africa (World Bank 2003: xviii). 70 percent of Indonesia's land is officially categorized

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<sup>19</sup> The first half of this section draws partly on Borras and Franco (2010).

as ‘state forest land’ despite (un)official private appropriation and use of these lands, and even though many of these lands are productive farmlands under different farming techniques (Peluso 1992). In the Philippines the government is hoping during today’s global land rush to cash in on the vast officially non-private lands since only around 3.5 million hectares out of around 12 million hectares of land are formally and officially private property (Borras 2007).

Massive enclosures in these two combined broad fronts will be far-reaching partly because of the political-economic imperatives (convergence of food, energy, financial and environmental crises; plus the process of ‘accumulation by dispossession’ as argued by Harvey 2003), and partly because this process will be aided by 21st century hi-tech gadgets (computerized recording, satellite mapping, and so on) for clearer, cheaper, faster, and more efficient land administration and management, or efficient ‘land governance’. This is likely to result not only in undermining remaining moral economies in many agrarian societies, but is likely to result in massive dispossession and/or displacement of peasants, indigenous peoples and other rural poor dwellers worldwide. Some of them will be completely dispossessed, others will be displaced and forced to migrate to agro-ecologically precarious and fragile settings.

In order to understand fully the nature, character, extent, pace, and direction of changes in land property relations in the context of (trans)national commercial land deals, it is important to know that the dynamics of change in this regard are, and will be, significantly different on these two broad fronts.

As we have discussed in Section 2, for mainstream international financial and development institutions, the revaluation of the land as a scarce resource, as a commodity, in the context of (trans)national commercial land deals is a welcome development. For them, the challenge is how to ensure ‘efficient land governance’, which means clearer, faster, and cheaper formalization, demarcation or privatization of land partly in order to provide investors the required ‘land tenure security’ for their investments (without which the latter will not invest in the rural economy). The best scenarios for investors are: (a) consolidated private landholdings (large holdings or small holdings that can be brought together through various institutional arrangements such as contract farming), and (b) demarcated, cleared ‘empty’ public lands that can be bought or controlled under long-term leases. As previously mentioned in Section 2, many critics of the ongoing land deals recommend strengthening the property rights of rural inhabitants (usually interpreted as individual private property rights).

However as noted earlier, dispossession or displacement due to the current land rush is occurring, or is likely to occur, in places where people have – in state-centric terms and land property categorization – no clear and secure land rights, as well as in places where people have very clear land rights such as those who are land reform beneficiaries. The challenge is to have a better perspective on the broader patterns and mechanisms of land property relations change. We turn our discussion to this now.

### *Land-based social relations, not things*

The most fundamental issue in understanding the political dynamics of land property relations change is to know the direction of the transfer of *effective control* over land-based wealth and power caused by a land policy (or absence of it). It is important to clarify a few interrelated concepts.

First, by ‘ownership and/or control over land resources’ we mean here the *effective control* over the nature, pace, extent and direction of surplus production, distribution and disposition (Borras 2007). This framing will enable us to detect actually existing land-based social relations regardless of what official documents claim, whether these are in private or public lands. This framing also provides us with a disaggregated view of the various competing social classes linked to each other by their varying relationships to land.

Second, a land policy does not emerge from nor is it carried out in a vacuum. When carried out in the real world, a land policy causes a change in the actually existing land-based social relations. Some changes favor the dominant landed classes and groups as well as powerful state officials and bureaucrats.

Third, land laws and land policies are not self-interpreting and not self-implementing. It is during the interaction between various, often conflicting, actors within the state and in society that land policies are actually interpreted, activated and implemented (or not) in a variety of ways from one place to another over time (Franco 2008; see also Roquas 2002, Sikor and Lund 2009).

Fourth, land-based social relations are varied and diverse from one setting to the next shaped by socio-economic, political, cultural and historical factors. Fifth, land-based social relations are dynamic and not static. These are not like development projects that can be contained within a time-line. Land-based social relations remain in a continuum and are ever-changing long after a land titling project or a land reform program has officially ended. Land-based social relations are not automatically changed when official documents are changed, as for example, granting formal titles without instigating reforms on actually existing tenure. Conversely, actually existing land-based social relations may dynamically change, while official documents remain unchanged.

Sixth, property rights and land policies are often the focus of contestation and struggle between different social classes and interest groups, between the latter groups and the state. In short, our task is to look into the ‘messy’ actually existing land-based social relations to see beyond what state-simplified standard categories on property rights conceal (Scott 1998) in order to understand actual dynamics around land property relations change. This is in contrast to the past and current preoccupation of mainstream development institutions on producing as much land titles as possible that can be used as collaterals in rural poor people’s financial transactions, or so that the state can start taxing the rural poor. On most occasions, these land projects are not concerned about reforming social relations that exist in those spaces, they are concerned about legal documents, clean papers; literally, they are concerned about ‘things’, not social relations. The mainstream institutions’ views on the current (trans)national commercial land deals take off from the same fundamental perspective: avoiding the messy land-based social relations and focusing on concrete ‘things’: clean land titles, clear and concrete land demarcations, and so on.

Finally, multiple state land policies have become necessary even in one national setting. These can be in the form of land reform, land restitution, land tenure reform, land stewardship, and so on. Formal land ownership that is subject of the reform can be by the state, community or private entity. The organization of the reformed access to or control over land resources can be by individual, group, community or state.

After having emphasized what we mean by land property relations, we can now begin to engage in a more nuanced discussion about land property relations change in the context of current global land rush. It is relevant to step back and take a look at the broad patterns of the character and direction of change in land property relations brought about by a range of land policies. By doing so, we hope that the subsequent discussion in the second half of the section on current land issues and struggles will be put into a more appropriate and helpful perspective.

*Broad patterns in the nature and direction of land property relations change*

Figure 2 offers us a broad typology on the flow of change in land property, namely, redistribution, distribution, non(re)distribution and concentration.

Figure 2: Flow of Land-Based Wealth and Power

Type A Redistribution	Type B Distribution
Type C Non-(re)distribution	Type D (Re)concentration

*Redistribution*

Type A is ‘*redistribution*’. The defining principle for this type is that the land-based wealth and power are transferred from the monopoly control of either private landed classes or the state to landless and near-landless working poor (poor peasants and rural labourers). It changes the relative shares of social classes and groups in society. It is a ‘zero-sum’ reform process. Here, redistributed wealth and power is a matter of degree, depending on the net loss of the landed entities and on the net gain of the landless and near-landless poor. And so, policies that expropriate lands without compensation and distribute these to peasants are redistributive reforms. Lands that are expropriated can in turn be appropriated by the state to create state farms to benefit the landless poor by giving them employment in these large scale farms, as in the case of Cuba. However redistributive reforms can also include land policies that acquire land at usually slightly below the commercial market value, and re-sells the same to peasants at slightly below the full market value of the land. Arguably, the former is more redistributive than the latter, as illustrated empirically in the cases of Chinese and Taiwanese processes of the early 1950s, respectively.



The conventional notion of redistributive land reform, i.e. applied only in large private lands, is the most commonly understood example of land-based redistributive reform. These are explained in important works such as Tuma (1965) and Griffin et al (2002). However, in this paper we argue that there are a variety of policy expressions beyond the conventional notion that can result in changing the relative shares of social classes and groups in society. These include redistributive land reform, land restitution, share tenancy or land tenure reform, land stewardship, indigenous land rights recognition and labor reform. This is regardless of whether a policy is applied to a private or public land. The key is to be able to establish the degree of redistributed wealth and power, and to which direction.

### *Distribution*

Type B is *distribution*. The basic defining character of this type of reform is that the landless and near-landless working poor are the recipients of land-based wealth and power. However the original source of wealth and power can either be the state or community (or a private entity that has been fully compensated by the state). In many settings, this type of reform would mean affirming and protecting pre-existing land access and occupancy by poor peasants but whose tenure are insecure, as in many countries in Africa (Cousins 2007). It is a ‘positive sum’ reform process. It does not take resources from one social class or group in society to redistribute to another. In fact, often such a policy is passed precisely to avoid having to resort to redistributive policies (Fox 1993: 10). For example, a piece of land that is officially categorized as public or state forest is actually an agroforest land tended and tilled by poor peasants or forest dweller. A long-term forest land use rights allocation was issued to the poor peasants or forest dwellers in order to make their pre-existing access to the forest land more formal and secure. This is a distributive reform (Franco 2009, Borras 2007).

Meanwhile, a government may purchase at market price a piece of private land and then distribute this to the landless for free or for a minimal cost. This type of transaction can, under certain conditions, qualify as distributive reform. The post-apartheid South African land reform is, arguably, an example by the fact that beneficiaries receive cash transfer from the government in order to purchase land (Lahiff 2007). Some past and present public land resettlement programs, in theory and under certain conditions, may qualify in this category.

Similar to the discussion under the redistributive type of reform, the landed property rights that are distributed can be private, state or community-owned. The forms of organizations of distributed landed property rights can be individual, group or cooperative. The distributive type of reform, in general, is perhaps not as controversial or conflictual as the redistributive type. This is because the key question here is more ‘who gets what’ and avoids taking lands from the landed classes (Fox 1993: 10). But it would be a mistake to assume that all reforms involving such lands are conflict-free. This is certainly not the case. This is especially so where there is a perception by some elites that such distributive reforms may actually erode some of their economic privileges, prestige and opportunities, whether real or perceived losses. As in redistributive types, distributive land policies can be in a variety of policies, including conventional land reform, forest devolution, public land resettlement, and so on.



### *Non-(re)distribution*

Type C is *non-(re)distribution*. The defining character of this category is the maintenance of the status quo, where the latter is a condition that is marked by land-based inequity and exclusion. Here, the most typical land policy is ‘no land policy’. Having no land policy is effectively the policy framework at play. In settings where there are vast land-based inequities and exclusion, a ‘no land policy policy’ effectively advocates for non-redistribution of land-based wealth and power. In other settings, a similar effect is created by having a land policy, even a redistributive land reform policy, but then keeping this dormant. However, there are also active land policies that are categorically non-(re)distributive. We now turn our discussion to these types.

*Formalization of inequality* occurs when in agrarian societies marked by socio-economic inequality and lopsided power relations between various groups and classes in society, a technicist ‘formalization’ of land rights campaign is carried out. Formalizing land rights of legal claimants in settings marked by high degree of inequality is likely to formalize land claims by the non-poor, mostly elite, claimants, or indeed, the state. In such cases, formalization policies have only formalized inequality and institutionalized historical injustice. Many earlier private land titling programs carried out by former colonial powers thus dispossessed the local population and facilitated land grabbing by colonizers.

*Restitution without redistribution* happens when large scale land-based wealth and power transfers were carried out in the name of the poor, but in reality the latter have no significant effective access to or control over land resources transferred. Examples include some (post)conflict situations where land restitutions were carried out via large chunks of lands or territories being awarded to communities or the state, without any process of democratizing access to and control over these land resources and territories. Many civil wars were partly caused by, or have complicated, struggles to control land resources or territories. Therefore, almost always, peace settlements included land policies. However, seldom do redistributive reforms in land figure in peace settlements, partly because on many occasions forces opposed to any redistributive perspective in land policies are located in all warring factions. In cases where democratization of land was attempted in the peace settlement process in recent times, the kinds of land policies adopted were too market-friendly, as in Central America in the mid-1990s – and yes, the 1980 Zimbabwe peace settlement. As a result, policies benefitted the elite (and the central state) more than the rural poor.

Finally, there is also a trajectory that can be termed as *counter-reform*. The conventional use of resettling potential and actual land claimants to empty public lands may, under certain conditions, have some potential for redistribution, although historically it has impacted negatively on affected pre-existing settlements of local populations (Scott 1998: 69). However, where such a resettlement policy is done precisely to avoid and undermine political agitation for redistributive reforms in the larger agrarian society, then in effect it constitutes a counter-reform. It is in this context that the arguments put forward by land reform scholars are important to recall. Feder (1970) once called the policy of land reform in public lands ‘counter-reform’.

### *(Re)concentration*

The fourth type is *(re)concentration*. The defining character of this type is that while land-based wealth and power transfers do occur, access to and control over the land resource actually gets (re)concentrated in the hands of the economically and politically dominant social classes and groups: landed classes, capitalists, corporate entities, state or other dominant community groups such as village chiefs. This kind of change can occur in private or public lands. The organization of control over land resources can be through individual, corporate, state or community group institutional arrangements in property rights. The transfer may involve full land ownership or not. Different variations are possible, but the bottom line is the same: the recipients of land-based wealth and power transfers are the economically and politically dominant social classes and groups as well as state officials and bureaucrats.

There are at least three broad trajectories within the (re)concentration category. *Reverse redistribution* is where previously redistributed land-based wealth and power (from the landed classes or the state to the working poor) was later redistributed back to the landed classes, other elites or the state. This can occur in a large scale, such as those in Chile after Allende, or in a 'micro' level involving specific landholdings that were previously redistributed to peasants. *Perverse redistribution* is a trajectory where land-based wealth and power are transferred from the working poor people to the economically and politically dominant classes and groups, as well as state officials and bureaucrats. This can happen under a variety of policies, including notionally pro-poor policies such as land reform and forest land allocation or management devolution, as well as through formalization and privatization of land rights, a variety of land-based joint venture agreements and land lease arrangements, and so on. This kind of redistribution has occurred in many guises and in many places, historically. These include the many private land titling initiatives past and present that were captured by dominant classes and groups and state officials and bureaucrats, where the poor lost access to and control over land resources, as shown in the vast critical literature on the subject. *Lopsided distribution* is where land-based wealth and power are transferred from the state or community, directly or indirectly, by policy or through the open market, to a handful of private or state entities, with the net effect of excluding others while benefiting a few.

### *Further discussion on the politics of land property relations change*

Discussions on the impact of the global land grab tends to be confined to the rural poor evicted from their lands, where the dominant social classes and groups (transnational and domestic) take command of the enclosure process and corner the benefits from it. While this may be so, the typology discussed above tells us that there are diverse processes and outcomes in land property relations change. In general, there is a clear trend among (inter)national governmental institutions to veer away from Types A and B (re/distributive) and favour Types C and D land policies; and this is worrisome. Again, the challenge is to carry out systematic empirical research, in which the conceptual map offered by the typology may prove useful. Based on our initial fieldwork, scanning of the literature and the explanation above, some preliminary insights are put forward in the hope of provoking deeper discussion on relevant issues.

First, as mentioned earlier, there is an urgent concern about the actual or potential dispossession or displacement caused by the massive enclosure that is being carried out in the name of addressing the convergence of global crises; yet that the character and extent of such dispossession or displacement requires careful empirical investigation to move our analysis beyond the current anecdotal and speculative discourse. The discussion above about the broad patterns of land property relations change hopes to provide a useful handle in addressing this challenge. At this point, and using the typology above, we may point out in a preliminary way that there is indeed a threat of massive dispossession of peasants as a result of current (trans)national commercial land transactions. However, it is to be noted that in land abundant settings in most countries in Africa, perhaps the more common consequences to date are peasants' 'displacement' or 'dislocation' – not complete dispossession. To give a concrete example, the people flushed out of the 30,000 hectare Procana sugarcane plantation in Mozambique have been relocated to a nearby land. The net impact of course is just as worrisome, especially because some rural poor are relocated to perhaps more fragile environmental conditions or are 'forced' to go into complex livelihood arrangements in their own land that may have been leased to companies or entered into a contract farming scheme. It is even more problematical in the Mozambican Procana case as pastoralists' settlements are being relocated and their traditional grazing areas rerouted and boundaries redrawn and (re)fixed. The diversity in the resulting changes in the agrarian structure due to the recent large-scale land transactions (and the subsequent dispossession, dislocation, displacement) may have resulted, and will certainly result, in complex land property relations change. The latter should be the subject of urgent and systematic scientific inquiry to move the discussion beyond increasingly superficial and repetitive journalistic reports. Types C and D in the dynamics of land property relations change, i.e. non(re)distribution and (re)concentration, can help provide signposts for this purpose.

Second, the typology helps us situate our view of contemporary agrarian struggles. In general and in the context of global land grab, contemporary land struggles are generally understood and assumed to be *struggles against dispossession*. In this paper, we understand the latter as the struggle of peasants who have varying degrees of access to and control over land resources and territories yet face eviction or are threatened by eviction and may become completely dispossessed. Both in theory and practice, this type of struggle is captured in the '(re)concentration' and 'nonredistribution' types (C and D). We can think of many current examples in the context of the global land rush where people actually were completely dispossessed: Argentina, Paraguay, Colombia, Brazil and Indonesia, to cite a few. However, *struggles for land (re)possession* are equally important and are captured in the 'redistribution' and 'distribution' types (A and B). Here, by 'struggles for (re)possession' we mean the rural poor (as earlier defined in this paper) who are generally landless/propertyless who struggle to get some kind of access to, control over or ownership of land in a variety of institutional arrangements (land reform, land restitution, lease, and so on). We can think of current examples from Brazil, Philippines, South Africa and Zimbabwe, to name a few. What we see in contemporary land struggles are the simultaneous struggles against land dispossession and struggles for land (re)possession – both in the private and non-private land property fronts.

Third, one important implication of the framing above is that the contemporary land issues and struggles have put land reform back onto the center of any development and political discourses – but at the same time the notion of land reform has become a narrow and limited framework, both conceptually, policy-wise and politically. Land reform can certainly address issues and struggles in A and B settings (struggles for land (re)possession), but it does not easily fit as a concept, a policy, and political demand in ‘struggles against dispossession’ in C and D settings (nonredistribution and (re)concentration). Specifically, land reform’s inability to address the issue of the vast non-private lands (i.e. ‘public lands’) because of its fixation on private lands (Borras 2007, Franco 2009) contributes to making it less relevant an overarching framework in the midst of the massive enclosure or threat of massive enclosure. The limitation of conventional land reform as an overarching narrative in contemporary land struggles can be seen in the political dynamics within Via Campesina and its Global Campaign for Agrarian Reform.<sup>20</sup> The latter has been framed from the conventional land reform framework, dominated and driven largely by Latin American agrarian movements. It calls for redistribution of *latifundia* to landless people and poor peasants to create small family farm units. After ten years of campaigning, Via Campesina members in Africa still cannot identify very much with such a campaign. As Diamantino Nhampossa of Mozambique’s UNAC (União Nacional de Camponeses Moçambique) and of Via Campesina-Africa has explained:

[But] we already had a thorough agrarian reform. In order for the Global Campaign to help us, it must focus more on the challenges we are facing: “counter-agrarian reform” under neoliberalism. If the campaign keeps focusing on just being “against latifundio” (large estates), then it is less relevant to us. But, if they take up the issue of counter-reforms, which are not unique just to Mozambique, then it will become very relevant... In fact, the World Bank is promoting a new wave of land privatization here, and that needs to be denounced. We think the Global Campaign needs to broaden its mandate; it needs to also be a campaign “in defense of land”. In defense of the land that peasants already have, and against the privatization of land’.<sup>21</sup>

Fourth, the most common, catch-all recommendation that ‘local people should have land tenure security’ in the midst of the global land grab -- which often specifically means some kind of ‘formal’ land tenure instruments, to include community land rights, individual private property rights, and so on -- seems to have some important limitation. If we follow the logic of this proposition, it would mean that global land grabbing can be prevented, or at least its negative impact can be mitigated, if some forms of land tenure security (i.e. individual private property rights, or community land rights, and so on) are in place. But we can point to numerous examples where land reform beneficiaries in Brazil are among the ones directly affected by the waves of rapid expansion of the sugarcane ethanol production in the State of São Paulo, or peasants with formal community land rights in Mozambique (based on the Land Law of 1997) are the ones getting evicted from their communities due to a massive land clearing to pave the way for a sugarcane ethanol plantation, or land reform beneficiaries in West Bengal and Kerala who recently lost their lands to commercial-industrial interests. In the Philippines, what the Philippine government originally promised the Chinese government for food and

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<sup>20</sup> For details, see Borras (2008), Borras and Franco (2009) and Borras, Edelman and Kay (2008).

<sup>21</sup> Rosset and Martinez-Torres (2005, Appendix, p. 22).

biofuel production for China were lands in the hands of land reform beneficiaries. Hence, this casual formulation is, at best, a very weak argument. Its worst variant of course is the conscious neoliberal advocacy to privatize remaining public lands and push for a more efficient reallocation of access to, control over or ownership of private lands, in other words, in the call for market-led agrarian reforms, lifting of land size ceiling laws, liberalization of land rental and sales regulatory institutions, and so on.

Fifth, if and when implemented, any 'Code of Conduct' between the global land grab drivers and promoters (TNCs, foreign companies, national governments) in the context of 'land governance' is most likely to facilitate and expedite non-redistribution and (re)concentration processes (C and D) and discourage or even block reformist (re)redistributive ones (A and B). The proposed 'Code of Conduct' (see discussion in Section 2) is anchored on the concept of 'land governance', the efficient administration and management of land: transparent, clearer, cheaper, faster. It serves the interest of (neoliberal) nation-states and its logic of state-building (e.g., expanded tax base, less public expense) and provides 'land tenure security' to investors. A space for negotiation between the rural poor on the one hand and the land deals drivers and promoters (TNCs, foreign governments, local/national governments) on the other will be marked by power imbalances heavily in favor of the latter. Not even a good, progressive land law that requires community participation can guarantee the rural poor will not be displaced or dispossessed, again, as we can see in the case of Mozambique (Land Law of 1997) and its specific land case of Procana. Locating the negotiation process (decentralized, community-negotiated) at the local level, as advocated by Deininger, will aggravate, not solve, the problem for the rural poor because in most agrarian settings the local communities are where the political and economic power of the dominant classes and groups is most entrenched, while the degree of influence of progressive and radical allies of the rural poor is weak. The manipulation by dominant classes and groups, including local government officials, of market-led agrarian reform programs worldwide provides ample empirical evidence on this (Borras, Kay and Lahiff 2008).

Finally, bilateral and multilateral agencies such as the World Bank and the German GTZ are joining the chorus today in criticizing large-scale land acquisitions by TNCs and foreign governments that displace people from their lands, completely dispossess rural people, and/or undermine the food security of communities. Yet, it is important to point out a contradiction among these agencies: that the recent advocacy by these institutions for massive privatization of land worldwide through policies and projects that include land titling and market-led agrarian reform to promote land as collateral so that investors would come to the countryside may have contributed, or are likely to contribute, to facilitating the same large-scale land transactions that they now criticize in some ways. The global land grab has also exposed the fundamental weakness of a recently popularized development concept: 'land governance' (see Borras and Franco 2010b). Ultimately of course we need to go beyond just complaining about the contradiction among these agencies, and to carry out more systematic empirical research that could determine, among others, whether indeed and how recent land policies of these international agencies have facilitated (trans)national commercial land deals and – more importantly – with what outcomes in terms of the rural poor's position within existing agrarian structures.



In short, focusing our analysis of land property relations change on the direction of transfers of effective control over land-based wealth and power can enable us to analytically trace the dynamics of political processes in the midst of a maze of land policies. The four broad patterns of changes in land property relations more generally can provide wider lenses for us to be able to examine the implications of the contemporary (trans)national commercial land deals. Current debates tend to focus on issues of ‘form’ – not substance (i.e. dynamics of social relations) – emphasizing questions like: ‘Should it be a lease for 99 or 25 years?’; ‘Should it be contract farming with small farmers or direct plantation control by TNCs?’; ‘Should people have prior former individual private land property rights or community rights?’. The key is to establish the principles of what we mean by *rural poor people’s effective control* over land resources regardless of the form of formal property rights; focusing on the ‘bundle of powers’ and not just on the ‘bundle of rights’, as argued by Ribot and Peluso (2003).

### Re-grounding (re)possession: the ‘land sovereignty’ alternative

One of the key debates around land issues today and in the future will be around the Code of Conduct (CoC) for land-grabbing. It is relevant to reiterate our key concerns here. The proposed CoC-framed response to the global land grab veers away from questioning the fundamental roots of land-grabbing, i.e., the existing industrial pattern of food and energy production and consumption controlled by TNCs, while engaging in the problematic notion of win-win scenarios. In our view, for all the reasons outlined above, a CoC-framed response to land-grabbing is likely to facilitate, not block, further land-grabbing and thus should not be considered, even as a second-best approach. Some may argue that the proposed CoC, despite its inherent weaknesses, should still be considered as a possible second-best, pragmatic approach on the grounds that large-scale land-grabbing is inevitable in the current economic climate and political-institutional context. Yet we contend that land-grabbing is not inevitable, that it can be prevented, and that concerted efforts should be undertaken to stop it. Doing so, however, will require an appropriate (re)alignment of political forces at the international, national, and local levels, mobilized within a human rights framework.

Prioritizing truly pro-poor outcomes would require adopting a human rights-based approach, including taking seriously the right to food and the right to land. Elsewhere we have elaborated on the need to specify the key features of a human rights-framed, categorically pro-poor, land policy framework, which are also relevant here. Two of these key features are protection or transfer of land-based wealth in favor of the poor and transfer of land-based political power. A pro-poor land policy framework must also be: (i) class-conscious to ensure the policy (or measures) benefits the landless and near-landless working classes; (ii) historical so as to allow a “social justice” framework to be fully developed; (iii) gender-sensitive to promote the distinct right of women to their own land rights; (iv) ethnicity-sensitive to promote the distinct right of ethnic groups (and other race and caste-related groupings) to their territorial claims as peasants and as peoples; (v) productivity-increasing to support more intensive land and labor use; (vi) livelihood-enhancing to support the building of diverse and sustainable livelihoods; and finally (vii) rights-securing to advance the rights of poor people to occupy and use land for purposes and in ways of their own choosing.

Moreover, we reiterate a few key messages that may have implications for research, policy advocacy and political actions. There are key analytical insights that need to be emphasized in the context of challenges for research and political advocacy. First, in the midst of the popular outcry against the current global land grab, it is important, even critical, to differentiate the competing views, strategies and alternatives put forward by various individuals and groups. While at a glance they may all be raising criticisms of the (trans)national commercial land deals, they do not necessarily share the same interpretations as to the nature and implications of the phenomenon, tasks to be done, and strategic alternatives. The underlying reasons for these differences can be class-based, as in the case between IFAP and Via Campesina, or ideological-political, as in the case between Via Campesina and the World Bank or IFPRI. In terms of research, the two opposing camps will logically pursue different research questions and methodologies, propose competing policy proposals and take competing political actions: one is likely to reinforce, not undermine, the existing development framework while the other attempts to subvert the dominant development model and try to construct a fundamentally different alternative. The future political dynamics on research, policymaking and political actions around (trans)national commercial land transactions will be largely (re)shaped by the dynamics between these two competing camps.

It is equally important however to go beyond this polarized positions, and critically examine heterogeneity of positions *within* these two poles and between them. The same class-based and ideological fault-lines that separate IFAP and Via Campesina from each other are found – though in much lesser extent and intensity – within each camp. And perhaps equally interesting and relevant are the various positions between the polarized positions. It is crucial to emphasize the diversity of positions within and between various camps among social movements and civil society especially because the emerging literature and policy and political discourse seem to erroneously simplify the politics of social movements and civil society in relation to the global land grab.

Second, the nature, direction, pace and extent of changes in land use in the context of (trans)national commercial land deals are diverse and complex – and cannot be captured by the popularly protested ‘conversion of land use from land for food production for consumption and local market to land for food and biofuel production for export’. It is relevant to map out the broad patterns of land use change, emphasizing the *terms* of the rural poor’s insertion into the emerging food-biofuel agro-industrial complex (in the broader context of food regimes – see McMichael 2009), or their livelihood displacement or indeed dispossession caused by the latter, regardless of whether the processes are driven by TNCs and foreign governments or not, and whether food and biofuel production is geared for export or not. Focusing our query this way will necessarily require a political economy framework, which in turn uses a class analytic lens. This will entail disaggregating concepts that are popularly, and rather casually, used in everyday discourses of civil society, policy experts and some researchers, e.g., ‘local community’ or ‘local people’. In many places, ‘local community’ or ‘local people’ include *kulaks*, *cacique*, chiefs, petty landlords, traders, lumpen elements, and moneylenders who may all want to shift to commercial food-fuel production and exchange, for export or domestic markets, or to other related extractive activities, perhaps in contrast to the position of many small scale farmers. Local communities are usually comprised of social classes and groups with different, often competing, interests and

varying degrees of political power. These different social classes and groups have highly differentiated access to, control over, and use of land resources. Hence, changes in land use and land property relations brought about by the emerging food-fuel agro-industrial complex will have a differentiated impact on these groups. And because of this, various groups will eventually have different views of and political reactions to the current (trans)national commercial land deals. The only way to have a firm grasp of what is going on at the local communities therefore is to deploy in our analysis the four key interlinked questions in agrarian political economy as explained by Bernstein (2010): Who owns what? Who does what? Who gets what? and What do they do with the surplus created?

Third, and partly following James Scott (1998), instead of reproducing the neat and simplified grid and standard records and processes on land property as conceived and enforced by the state, it is critical to take the complex and messy actually existing land-based social relations as the starting point of our analysis and political actions – regardless of state-sanctioned or imposed land property categories. By doing this, we will be able to directly engage with the most appropriate unit of critical inquiry and analysis, and the key object of any policy reform and political action, namely: actually existing land-based social relations – and not ‘things’. By doing so, we will be able to understand better the political dynamics of the nature, direction, pace and extent of land property relations change as a result of (trans)national commercial land deals.

Finally, based on the discussion so far, it seems to us that while land reform has become an important rallying call by many organized movements of the rural poor today, this concept has been rendered quite narrow and limited, as explained earlier. A fundamental problem in land policy discourses is that states have always engaged in trying to make ‘legible’ existing complex, dynamic and fluid land-based social relations as part of the logic of modern state-building (for purposes of taxation, and so on, as explained by Scott 1998). And so, following Anna Tsing (2002), policy processes like these are more interested in ‘things’, not social relations: papers, title deeds, and so on, even when these simplified property categorizations *do not actually conform* to existing realities: e.g. declaring as ‘empty’ a public forest despite the historical presence of communities therein.

In so many ways, the conventional land reform discourse has *internalized* the same problems: it avoids complex existing land-based social relations and relies heavily on official standard censuses and data on land property relations. Land reform’s starting point is the same state-centric standard records and property categorizations. As a result, land reform scholarship misses a significant portion of actually existing social relations that should, in the first place, be the object of redistributive reforms. The inherent problem within conventional land reforms has become an important one in the midst of contemporary (trans)national commercial land deals especially because the non-private lands (‘public lands’) have become the principal target of enclosure. Instead, we need a framework that takes the messy, complex actually existing land-based social relations as the starting point, emphasizing *rural poor people’s effective access to, control over, and use of land*. We therefore propose a shift from the call for ‘land tenure security’ – or indeed, ‘land governance’ – to a call for ‘land sovereignty’. ‘Land sovereignty’ aspires to dialogue with the popular proposition for a radical alternative today: ‘food sovereignty’,

offering both a critique of and contribution to the notion of and discussion around food sovereignty. We now turn our discussion to this.

As an alternative conceptual framework and political platform, we define *land sovereignty as the right of the working class people to have effective access to, control over and use of land and live on it as a resource and territory*. Simply put, land sovereignty is the rural poor people's right to land. The use of the term 'sovereignty' here sounds awkward, but we could not think of any other better term that would capture the essence of 'working class people's effective access, control and use' as well as a phrase that could naturally be linked to an emerging broader alternative development framework, namely, 'food sovereignty' (the right of people to produce and consume food within or near their territory – see Patel 2009; Martinez-Torres and Rosset, 2010).<sup>22</sup>

The starting point of land sovereignty is a reaction to the dominant view on land which is founded on the quest for the most efficient economic (re)allocation and use of land as a scarce factor of production that can be attained by leaving it primarily to the forces of the free market. But the forces of the free market respond primarily to profit motivation, and are almost impossible to hold accountable. We therefore bring the state back in, and so the idea of sovereignty immediately involves the role of the nation-state. However, in our definition of land sovereignty, we do not stop in the nation-state as we bring 'people' into the definition, highlighting the notion of a 'popular sovereignty' – but

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<sup>22</sup> For the very specific purposes of this paper, and confined solely to our discussion of contemporary land issues, we advance two gentle critiques of the notion of and discussions around food sovereignty: absence of class analysis and unnecessary localism. It is important to note, first of all, that food sovereignty as originally advanced by Via Campesina has been, and remains to be, a very broad and flexible notion of an alternative founded on the fundamental principles of right, autonomy and sustainability. Once it gained traction in the broader public worldwide, food sovereignty has been (re)interpreted and accorded various meanings by different interest groups. A particularly strong current among those (re)interpreting the meaning of food sovereignty pushes the alternative notion towards 'unnecessary localism' and 'socially undifferentiated local communities'.

On the one hand, we fully agree that (unnecessary) 'long distance' is one of the key features of the global industrial agro-food complex and is unsustainable. But the alternative does not have to be the exact opposite, i.e. only local food production and exchange is 'good'. Not all of those who have to eat can produce all the food they need within a locality. In many settings, there are unavoidable long distances between food production areas and sites of population concentration, urban or rural, within and across countries. The challenge is how to focus on local production for local consumption, while engaging in food trade across spatial distance that is reasonable, socially acceptable and environmentally sustainable.

On the other hand, there is a strong tendency to (in)directly talk about a homogeneous 'local community' assumed to have common interests and agendas; 'people of the land'. However, the rural working class people are highly differentiated. A landless labourer will have an interest in cheap food prices, while a surplus-producing rich farmer will be interested in higher prices; a sub-subsistence small-scale farmer is a net food buyer and so will be interested in cheap food, while a middle farmer may be self-sufficient in household food needs and may have some surplus to sell and so may even be interested in higher food prices. They are all 'people of the land' but they have conflicting interests that are not easily reconciled in real world. This can be even more complicated if we bring in the urban sectors. Not all of these rural and urban households can produce food. Somehow, some households will have to produce food and produce marketable surplus, for profit.

A relevant analytical lens on and political advocacy for food sovereignty is one that confronts – and does not back away from – the difficult and contentious issues of conflicting social class and group interests within and between the countryside and cities. This theme is the subject of long debates in agrarian and development studies. Kay (2009) offers an excellent updated comprehensive overview. In the concluding chapter of his new book, *Class Dynamics of Agrarian Change* (2010), Henry Bernstein elaborates on this topic of class in relations to rural politics.

more specifically the working class, or the rural poor as we define them broadly in this paper. Here, the word sovereignty implies the ‘people’ and the ‘state’, the two key elements of the common conception of ‘sovereign’ or ‘sovereignty’. In this sense, land sovereignty emphasizes a ‘bundle of powers’, as conceptualized by Jesse Ribot and Nancy Peluso (2003). It takes on board formal ‘rights’ (as in the notion of ‘bundle of land property rights’), but embeds these within the question of power relations, as elaborated in a related discussion by Fox (2007: 335).

To be useful, the notion of land sovereignty should be interpreted in a broad and flexible manner depending on specific concrete circumstances. It can be national or local in scope. It can be used to produce food for consumption and the market, as well as for other productive endeavors. In terms of systems of property rights, these can be communal, community, state, or private property rights, held individually or collectively. Unlike the limited scope of the several variants of land reform, land sovereignty simultaneously addresses all the broad and key land-based social dynamics of redistribution, distribution, non-redistribution and (re)concentration. And so necessarily, land sovereignty includes land reform. The concept of land sovereignty also addresses the two broad fronts of contemporary land struggles: struggles against land dispossession and displacement, as well as struggles for land (re)possession.

The notion of land sovereignty necessarily politicizes and historicizes the de-politicized and ahistorical popular mainstream conception of land governance, bringing in social relations as the key unit of analysis and object of policy and political advocacy rather than ‘things’ like papers and titles. Land sovereignty is thus used in the hope that it can also contribute to the construction of a counter-narrative in reaction to the aggressive neoliberal ‘land governance’ perspective – which is a state-centric concept and political project whose dubious and deeply flawed starting point and guide to action is the neat state land property standard grids and categorizations that attempt to simplify (i.e. dismiss, reject, distort) actually existing land-based social relations. Land governance is a view and initiative ‘from above’. Land sovereignty brings the ‘people’ back in. Its starting point is the actually existing land-based social relations ‘from below’, and thus is inherently political and historical in orientation, addressing power relations emanating from the social relations of land-based property and production. Without people’s full control over land, the construction of food sovereignty as an alternative food system and development model will be without any solid foundation. In a way, land sovereignty is the notion of a *‘people’s (counter)enclosure campaign* in the midst of widespread attempts at TNC-driven and state-sponsored enclosures worldwide. Finally, the notion of land sovereignty is inherently a cross-class political project involving different strata of the working classes and groups, both rural and urban, within and across national borders. As such it internalizes the pre-existing tensions among these different groups. But a workable political project like land sovereignty is one that confronts, and does not back away from, political tensions while exploring potential synergies among diverse groups within a cross-class coalition. Land sovereignty is a rough concept that is worth-exploring.



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