

**Would Cecil Rhodes have signed a Code of Conduct?  
Reflections on Global Land Grabbing and  
Land Rights in Africa, Past and Present**

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*Land grabbing in early colonial Zimbabwe and Mozambique*

An early chapter in my 1977 book *Land and Racial Domination in Rhodesia* is called 'the Age of the Fortune Hunters'. It describes how, in late Victorian times, the British Government granted a Royal Charter to the millionaire imperialist Cecil Rhodes, which gave him *carte blanche* to exploit for 35 years the territories we now know as Zimbabwe and Zambia. That Charter was based on highly dubious land and mineral concessions signed with local chiefs spuriously claiming to rule all of those lands. After Zimbabweans rose up against the misrule of Rhodes' British South Africa (BSA) Company in 1896, a new administrator ruefully observed that his predecessor had 'given nearly the whole country away' to speculators who 'promise any amount of things, but the execution thereof is delayed till the Greek Kalends' (i.e. forever).<sup>1</sup> A decade of reckless speculation, extensive land grabbing, corruption and maladministration bequeathed a bitter legacy.

Land grabbing in colonial Zimbabwe ultimately became significant because mining failed to deliver. Rhodes was looking for a 'Second Rand' to the north, following the discovery of the Witwatersrand in Johannesburg in 1886, and the motives of those who joined the Company's invading Pioneer Column in 1890 were unambiguous: 'the main reason we are all here is to make money and lose no time about it.'<sup>2</sup> The white settlers were primarily interested in looking for gold - 160,000 mining claims were registered by 1898. But they and an odd assortment of companies were also happy to acquire land claims for future speculation. By 1899, some 16 million acres (about one-sixth of the country) had been alienated, at least on paper, to whites, of which over 9 million acres were in the hands of speculative companies, which the BSA Company assiduously courted.<sup>3</sup> An early administrator, Archibald Colquhoun, 'felt an utter distaste for the atmosphere of mining speculation and company promoting which pervaded the country.'<sup>4</sup> Very little of this land was occupied at the time, but the longer term legacy was immense, as 'Vested interests were established which proved impossible to undo.'<sup>5</sup>

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<sup>1</sup> Robin Palmer, *Land and Racial Domination in Rhodesia* (London: Heinemann Educational Books, 1977), 35, 75 n41.

<sup>2</sup> *ibid*, 13.

<sup>3</sup> One early missionary, C.W.R. Southey, later recalled that 'The Administration appeared to be Company-minded to the exclusion of all else. Large blocks of land were given to Companies who were making no development on them whatsoever.' *Ibid*, 49 n.87.

<sup>4</sup> *ibid*, 34.

Now, 120 years later, new concession hunters are on the march, seeking control over African land and water to augment food security back home, principally in the Persian Gulf and East Asia. They are finding willing local accomplices, only too eager to lease out vast tracts of land in return for derisory payments and illusory promises. As in colonial times, local people are almost never consulted.

Chartered companies had been formed from the 16<sup>th</sup> century to assist European expansion into Africa, India, North America and the Caribbean. Their creation seemed a particularly attractive option for late 19<sup>th</sup> century European governments 'reluctant to spend large sums of tax revenue on the conquest and administration of tropical lands.'<sup>6</sup> The British in East Africa, Nigeria and North Borneo, as well as in 'Rhodesia'; the Germans in East and West Africa and New Guinea; and finally the Portuguese in Mozambique, all deployed them. It was imperialism on the cheap and, in theory at least, a form of risk minimization for imperial governments.<sup>7</sup> A charter generally gave governing and monopoly rights and did imply some sort of 'code of conduct', but this was generally totally ignored by the companies and very rarely enforced by the home Imperial governments.

Today, when African governments offer extensive land concessions to foreign companies wanting to grow food for home consumption, or gain better access to protected European markets, or produce biofuels in response to EU targets, at least they do not offer them governing rights, but there are still some disturbing similarities.

The manner in which the current Mozambican Government, for example, heavily donor dependent, unable to fund development, and prone to corruption, has granted extensive concessions to companies for biofuel production, does bear striking resemblance to its impoverished colonial predecessor, which granted large governing concessions to the Companhia de Moçambique and the Companhia do Niassa 'in the hope that [they] would attract development capital to the colony.'<sup>8</sup> That failed to happen, but, like the BSA Company in Southern Rhodesia, their 'rule of the feeble' were also characterised by rampant speculation and illegality. As Leroy Vail and Landeg White write:

Lisbon had its own version of London's 'Kaffir circus' as paper was hawked and values were inflated and competing boards of directors quarrelled

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<sup>5</sup> *ibid*, 45.

<sup>6</sup> Leroy Vail and Landeg White, *Capitalism and Colonialism in Mozambique* (London: Heinemann Educational Books, 1980), 113.

<sup>7</sup> Curiously, the British Colonial Secretary, the Marquess of Ripon, was a dissident voice. He wrote in 1933: 'I regard the system of administration by Chartered Companies as essentially bad. These companies are really speculative, got up mainly for Stock Exchange purposes, and a good deal blown up in that aspect of their existence. The B.S.A. Coy. has been very near bankruptcy – from which probably their success in Matabeleland will save them for a time. But anyhow they are not pleasant instruments of administration.' Palmer, *Land and Racial Domination*, 46-7 n.38.

<sup>8</sup> Leroy Vail, 'Mozambique's Chartered Companies: The Rule of the Feeble', *Journal of African History*, xvii, 3, 1976, 390.

publicly. In 1894 a scandalized Cortes [parliament] legislated against the wild creation of sub-concessionary companies funded solely to spin out speculative profits and the following year two competing groups within the Niassa Company were threatened with criminal prosecution for selling the same sub-concessions twice.<sup>9</sup>

Not dissimilar events are unfolding in Mozambique today. A new World Bank report notes that 'the total area over which land use titles given to investors overlapped areas previously delimited in the name of communities amounted to 1.4 million ha in 418 cases, raising concerns about potential future conflicts.'<sup>10</sup>

### *Contemporary land grabbing*

Over the past year, I have been collecting material on biofuels, land rights in Africa, and global land grabbing. Reading through this material worries me greatly, for it carries very strong echoes of Cecil Rhodes and his merry men. It worries me because of the nature, scale and secrecy of land grabbing, the power imbalances involved, the curious responses to it, and the seemingly limited capacity of anyone to do much to either halt or modify it. The long term impact on many African rural communities will almost certainly be extremely serious.

In an attempt to raise awareness I have been posting select bibliographies of reports and press cuttings on Oxfam's *Land Rights in Africa* website.<sup>11</sup> The latest posting, on 15 September 2010, is accompanied by a new annotated guide.<sup>12</sup>

A key driver of this new form of imperialism has clearly been the recent global food crisis, driven by rising fuel prices and by the switch from maize for food to maize for fuel in the American Midwest. This, combined with a number of countries banning the export of food, persuaded many Gulf States to look externally for places where food could be grown to feed their rapidly growing populations, while China, India and South Korea are also looking to outsource agriculture to feed their expanding populations. Each year increasing numbers of Chinese and Indians are consuming more meat and milk. There is a recognition globally that population growth (expected to rise from 6bn to 9bn by 2050) will outstrip the world's ability to feed itself unless there are radical changes in agricultural production. There is also a recognition that agriculture in Africa has been chronically underfunded for decades – but not a

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<sup>9</sup> Vail and White, *Capitalism and Colonialism*, 114.

<sup>10</sup> The World Bank, *Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?*, 7 September 2010, 42  
[http://siteresources.worldbank.org/INTARD/Resources/ESW\\_Sept7\\_final\\_final.pdf](http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf)

<sup>11</sup> For my select bibliographies on these topics, see  
[http://www.oxfam.org.uk/resources/learning/landrights/downloads/select\\_bibliog\\_reports\\_biofuels\\_africanlandrights\\_global\\_land\\_grabbing\\_at\\_150910.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/select_bibliog_reports_biofuels_africanlandrights_global_land_grabbing_at_150910.pdf) and  
[http://www.oxfam.org.uk/resources/learning/landrights/downloads/select\\_bibliog\\_presscutts\\_biofuels\\_africanlandrights\\_global\\_land\\_grabbing\\_at\\_160910.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/select_bibliog_presscutts_biofuels_africanlandrights_global_land_grabbing_at_160910.pdf)

<sup>12</sup> Robin Palmer, *An Annotated Guide to the Bibliographies on Biofuels, Land Rights in Africa and Global Land Grabbing*, September 2010,  
[http://www.oxfam.org.uk/resources/learning/landrights/downloads/annotated\\_guide\\_to\\_bibliogs\\_biofuels\\_africanlandrights\\_global\\_land\\_grabbing\\_sept\\_2010.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/annotated_guide_to_bibliogs_biofuels_africanlandrights_global_land_grabbing_sept_2010.pdf)

recognition that this is a consequence of decades of externally imposed structural adjustment driven by an almost religious belief in the magic of the free market.

This combination of factors has led to the phenomenon many now refer to as global land grabbing, while others, including Oxfam, prefer to talk in more decorous terms, such as 'responsible land-based investment'.<sup>13</sup> The private sector is in the lead – led by agribusiness, corporations and food traders, with investment banks, private equity<sup>14</sup> and even pension funds<sup>15</sup> also jumping on board. But there is also considerable government involvement, both foreign and domestic.

Last year, while working in Cambodia I was told of huge economic land concessions which had been given to Chinese, South Korean, Japanese and Kuwaiti companies. The 60 or so deals were invariably done in secret. No one knew the extent of them nor their terms and conditions. We have recently learned that there are more than 100 such concessions, covering more than 1.3 million hectares.<sup>16</sup> The Cambodian Government is deeply corrupt, the legal system offers little recourse to justice, and the people affected are not consulted – though some are now fighting back.<sup>17</sup> Similar things are now happening in many countries all over the world, but especially in Africa, where lack of consultation is rampant.<sup>18</sup>

A Cape Town workshop I attended in early 2010, organized by PLAAS, the Institute for Poverty, Land and Agrarian Studies at the University of the Western Cape, was in part a scoping exercise looking at the extent of land grabbing in Southern Africa, and seeking to find intelligent responses in terms of research and advocacy.<sup>19</sup> All 7

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<sup>13</sup> Oxfam, *Better Returns in a Better World: Responsible Land-based Investment: The Role of Institutional Investors*, December 2009, [http://www.oxfam.org.uk/resources/issues/privatesector/downloads/bn\\_better\\_returns\\_landbased\\_investment.pdf](http://www.oxfam.org.uk/resources/issues/privatesector/downloads/bn_better_returns_landbased_investment.pdf)

<sup>14</sup> According to one recent report, 'there are about 45 new private equity funds that are planning to invest an estimated \$2 billion in the [agricultural] sector across the continent, in the next three to five years', 'African farms lure overseas investment', *Business Report*, 31 August 2010, [http://www.busrep.co.za/general/print\\_article.php?fArticleId=5627527&fSectionId=561&fSetId=662](http://www.busrep.co.za/general/print_article.php?fArticleId=5627527&fSectionId=561&fSetId=662)  
See also 'Is agriculture the next big investment thing?', *The Guardian*, 24 July 2010, <http://www.guardian.co.uk/money/2010/jul/24/agriculture-next-big-investment/print>

<sup>15</sup> 'Pension funds – future farmers', *IPE Magazine*, 1 July 2010, <http://farmlandgrab.org/14109>

<sup>16</sup> Chheng Kim Sun, director of Forestry Administration, cited in 'World Bank land alert', *Phnom Penh Post*, 9 September 2010, <http://farmlandgrab.org/15387/print/>

<sup>17</sup> See 'Cambodia: Communities fight back against land grabbing', *IRIN News*, 13 September 2010, <http://www.irinnews.org/PrintReport.aspx?ReportId=90453#>

<sup>18</sup> In Mozambique, a new World Bank report found that 'the usefulness of consultations was limited by limited participation and lack of prior information about the nature of the investment. Discussions were mostly general ("the investor will bring jobs" or "both sides hope that relations will be good") and the absence of district officials cast doubt on the procedural validity of many of these consultations. In many cases, investors had obtained approval before soliciting the views of the community, and their plans lacked detail or timelines that would have allowed monitoring.' World Bank, *Rising Global Interest*, 76.

<sup>19</sup> <http://www.plaas.org.za/research/land/landgrab>

country case studies depicted serious situations of secretive deals; the Angolan plastered his country's map with numerous concession flags – rather as though we were back in the 19<sup>th</sup> century!

Parts of Africa are being targeted because 'African farmland prices are the lowest in the world'<sup>20</sup> and 'it is really the last frontier'.<sup>21</sup> Many African leaders, and foreign investors, peddle the myth that there is a vast amount of vacant, unused land, owned by no one – and hence available to outsiders. Mozambique's Minister of Energy, Salvador Namburete, for example, stated that '36 million hectares of arable land could be used for biofuels without threatening food production, while another 41 million hectares of marginal land would be suitable for raising jatropha';<sup>22</sup> Zambia's Minister for Agriculture, Brian Chituwo, boasted 'we have well over 30 million hectares of land that is begging to be utilised',<sup>23</sup> while his counterpart in Ethiopia, Abeda Deressa, suggested that pastoralists displaced by land grabbing 'can just go somewhere else'.<sup>24</sup>

So, with the willing consent of many such African leaders,<sup>25</sup> there has been extensive acquisition of land, usually in the form of long leases, across the continent, but especially in Sudan, Ethiopia, Kenya, Tanzania and Mozambique. The foreign companies come principally from the Gulf States, India, South Korea and China, but also from Europe. As in Cecil Rhodes' time, they promise much, usually that many jobs will be created and that there will be technological transfer, but such promises have rarely been honoured.

Sudan, with a long history of conflict, not least over land, is now a prime target of Gulf states looking to feed their growing populations by outsourcing agriculture. They stress a common faith (Islam). Mozambique sees itself as a future African leader in

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<sup>20</sup> Susan Payne, CEO of Emergent Asset Management, quoted in 'Africa Investment sparks land grab fear', *BBC News*, 5 August 2009, <http://news.bbc.co.uk/1/hi/business/8150241.stm>

<sup>21</sup> Vikram Chand, CEO of Vega Foods, quoted in 'Vega Foods boldly goes to "last frontier" Africa', *The Straits Times*, 14 July 2010, [http://www.timesdirectories.com/Singlenews.aspx?DirID=123&rec\\_code=619845](http://www.timesdirectories.com/Singlenews.aspx?DirID=123&rec_code=619845)

<sup>22</sup> 'Energy-Africa: Big Potential and Challenges for Biofuels', *IPS News*, 22 June 2009, <http://ipsnews.net/print.asp?idnews=39431>

<sup>23</sup> 'US, UAE firms eye Zambian farming land', *Reuters*, 12 June 2009, <http://af.reuters.com/articlePrint?articleId=AFLC82356820090612>

<sup>24</sup> 'Ethiopia. Now is harvest time', *L'Hebedo*, 3 September 2009, <http://farmlandgrab.org/8448/print/>

<sup>25</sup> In the course of an Oxfam eastern Africa workshop on land grabbing, 'Governments were identified as the major land grabbers in the region. This is because land acquisition processes involve government officials who in most cases are corrupt and work in favor of the investor, using their influence to acquire land for investors. Also government institutions such as District Councils, investment centers and other private sector promotion institutions, supposedly working to alleviate poverty, have grabbed land from the people claiming it to be for "public interest" and "development" even though the terms are vaguely defined in the laws.' Oxfam Horn East and Central Africa, *Report on the Regional Land Grabbing Workshop, Lukenya Getaway*, 10-11 June 2010, [http://www.oxfam.org.uk/resources/learning/landrights/downloads/eafrica\\_regional\\_land\\_grabbing\\_workshop\\_report\\_june\\_2010.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/eafrica_regional_land_grabbing_workshop_report_june_2010.pdf)

biofuel production. Kenya and Tanzania, with good pots and infrastructure, are particularly attractive to investors. South Africa features because its commercial farmers are grabbing land across the continent, fearful of land reform at home.

In Ethiopia, there are curious dynamics at play. At a meeting in London in July 2010 on land grabbing in Oromia, speakers said that Ethiopians often boast that they were never colonised, but the Oromo people say that they were colonised by the Ethiopians, starting from the late 19<sup>th</sup> century and continuing up to today. Now there is bitter resentment that the government in Addis is giving out huge chunks of land in Oromia (and neighbouring Gambela) to foreigners, principally from India.<sup>26</sup>

No one really knows how much land in Africa is involved or how many people are being affected, though IIED, the International Land Coalition and others are trying to get hold of some figures. A widely reproduced figure of 15-20 million hectares affected by land deals sprang from an April 2009 Policy Brief, *“Land Grabbing” by Foreign Investors in Developing Countries: Risks and Opportunities* by Joachim von Braun & Ruth Meinzen-Dick of IFPRI, the Washington-based think tank.<sup>27</sup> The odd thing is that this number does not appear in the Brief at all but, according to one of its authors

‘was given out in a press conference when we released the brief. It wasn’t entirely invented: it was the number based on media reports of land deals that were either reported to be under negotiation or signed deals, since 2006. Unfortunately, many of the caveats got dropped when this got reported over and over.’<sup>28</sup>

The Brief, which looks ‘toward win-win policies’ was publicized in *The Economist* on 21 May 2009<sup>29</sup> and others took it up from there. The most recent attempts to compile figures come from the World Bank,<sup>30</sup> FIAN<sup>31</sup> and the Copenhagen-based Global

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<sup>26</sup> London International Oromo Workshop, ‘The scramble for land and environmental degradation in Oromia’, *Pambazuka News*, 14 July 2010, in which ‘It was noted that selling off millions of hectares of farmland to foreigners by displacing the local population complicated by political and economic alienation has the potential for a catastrophic social unrest and poses a huge security headache not only for the country but for the whole world.’

<http://www.pambazuka.org/en/category/advocacy/65953/print>

See also ‘Unprecedented Land grabbing and Destruction of Ecological Environment in Gambela, Ethiopia’, *Anywaa Survival Organisation*, 8 September 2010,

[http://www.anyuakmedia.com/com\\_10\\_9\\_8.html](http://www.anyuakmedia.com/com_10_9_8.html)

<sup>27</sup> *“Land Grabbing” by Foreign Investors in Developing Countries: Risks and Opportunities*, Joachim von Braun & Ruth Meinzen-Dick, IFPRI Policy Brief **13**, April 2009,

<http://www.ifpri.org/sites/default/files/publications/bp013all.pdf>

<sup>28</sup> Ruth Meinzen-Dick to Robin Palmer, 9 August 2010.

<sup>29</sup> ‘Buying farmland abroad. Outsourcing’s third wave’, *The Economist*, 21 May 2009,

<http://farmlandgrab.org/3037>

<sup>30</sup> *Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?*, 7 September 2010 [http://siteresources.worldbank.org/INTARD/Resources/ESW\\_Sept7\\_final\\_final.pdf](http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf)

<sup>31</sup> FIAN, *Advancing African Agriculture: The Impact of Europe’s Policies and Practices on African Agriculture and Food Security. Land Grab Study*, July 2010, 74-115,

Land Project.<sup>32</sup> The latter cites a minimum of around 10 million hectares in each of Mozambique, DR Congo and Congo, and a minimum of 3 million hectares in each of Sudan, Ethiopia and Madagascar. In 27 African countries screened, it noted 177 deals covering a minimum of 51 million and a maximum of 63 million hectares.<sup>33</sup>

Advocates of 'win-win' situations make the point that many of these deals are 'paper deals' which may never come to fruition. They are thus in principle not dissimilar to Rhodesian-style speculation of the 1890s. I think that misses the point entirely. Are those whose land rights are threatened expected to sit patiently and wait to see what happens?

Already one government has toppled because it took such things lightly. Outrage at a 'free land' deal<sup>34</sup> with a South Korean company, Daewoo, famously led to the overthrow of the government in Madagascar. In an editorial, the *Financial Times* suggested that 'Pirates are not the only source of concern off the African coast. The [Daewoo] deal...looks rapacious', and it warned against resurrection of old-style colonialism: 'That day must not come.'<sup>35</sup>

Indeed a new form of old-style settler, colonialism is not impossible. Concerns that 3,000, possibly rising to 10,000, Chinese settlers would be allowed to come to run farms in the Zambezi Valley 'caused such an uproar that the Mozambique government was forced to dismiss the whole story as false.'<sup>36</sup> In like manner, in an article, 'Public fury halts biofuel onslaught on farmers' in *The East African*, we read that

'Tanzania has suspended investments worth millions of dollars after a storm of protest over the eviction of farmers to make way for biofuels...The government was asleep and never knew when these people came. But now that we have discovered where we went wrong, we have to stop and set out clear procedures for biofuel investments.'<sup>37</sup>

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<http://fian.org/resources/documents/others/report-on-land-grabbing/pdf>

<sup>32</sup> Global Land Project, *Land Grab in Africa: Emerging land system drivers in a teleconnected world*, August 2010, 23-42 [http://www.globallandproject.org/Documents/GLP\\_report\\_01.pdf](http://www.globallandproject.org/Documents/GLP_report_01.pdf)

<sup>33</sup> *ibid*, 42.

<sup>34</sup> See the very influential article, 'Daewood to cultivate Madagascar land for free', *Financial Times*, 19 November 2008, <http://www.ft.com/cms/s/0/6e894c6a-b65c-11dd-89dd-0000779fd18c.html>

<sup>35</sup> 'Food security deal should not stand', *Financial Times*, 19 November 2008, <http://www.ft.com/cms/s/0/20cf7936-b670-11dd-89dd-0000779fd18c.html>

<sup>36</sup> 'The Zambezi Valley: China's First Agricultural Colony?', *Online Africa Policy Forum*, 8 June 2008, <http://farmlandgrab.org/2377/print/>

<sup>37</sup> 'Public fury halts biofuel onslaught on farmers', *The East African*, 5 October 2009, <http://www.theeastafrican.co.ke/news/-/2558/667648/-/view/printVersion/-/tekmamz/-/index.html>

## Biofuels

Biofuels (or agrofuels as some prefer to call them)<sup>38</sup> are indeed a contributory and hugely controversial factor relating to global land grabbing. The recognition that the world's oil reserves are finite, coupled with oil price rises, led to a frantic search for alternatives globally. Biofuels were initially seen as a strong option and were hugely hyped. Brazil, which has been using them for fuel for decades, was widely cited as a success story and a model for others to follow. Indeed, 15 African countries have now made agreements for the use of Brazilian technology.<sup>39</sup> But the Brazilian story has been criticized for adopting a monoculture approach which has destroyed the livelihoods of many peasants 'some of whom become legal or illegal colonizers of forest areas while others migrate to urban slums.'<sup>40</sup>

In an attempt to reduce American dependence on oil from the Middle East and Venezuela, the George W. Bush administration offered huge financial incentives to Midwest farmers to turn their maize into biofuels (ethanol). This contributed significantly to the global food price crisis of 2007-8, which led to well documented riots and deaths in many countries – which have recently recurred in Mozambique.<sup>41</sup>

In addition, EU countries signed up to an undertaking to use a greater proportion of transport fuel from biofuels (10% by 2020), thereby contributing significantly to the global land grab by encouraging EU countries to find land for biofuels production elsewhere, particularly in Africa. This provoked a withering attack from an ActionAid report entitled *Meals per gallon: The impact of industrial biofuels on people and global hunger* (February 2010)<sup>42</sup> and another, more recently, from Friends of the Earth, called *Africa: up for grabs. The scale and impact of land grabbing for agrofuels* (August 2010).<sup>43</sup> Earlier reports by Christian Aid, *Growing Pains: The Possibilities and Problems of Biofuels* (August 2009)<sup>44</sup> and Oxfam, *Another inconvenient Truth: how biofuel policies are deepening poverty and accelerating*

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<sup>38</sup> GRAIN believes that 'the prefix bio, which comes from the Greek word for "life", is entirely inappropriate for such anti-life devastation. So, following the lead of non-governmental organisations and social movements in Latin America, we shall not be talking about biofuels and green energy. Agrofuels is a much better term, we believe, to express what is really happening: agribusiness producing fuel from plants to sustain a wasteful, destructive and unjust global economy.' GRAIN, 'In this special agrofuels issue...', *Seedling*, July 2007, 1.

<sup>39</sup> François Houtart, *Agrofuels: Big Profits, Ruined Lives and Ecological Destruction* (London, Pluto Press, 2010), 89.

<sup>40</sup> *ibid*, 84.

<sup>41</sup> Food riots and deaths have recurred in September 2010 as world food prices rose to their highest level since 2008, with 13 deaths reported from Maputo, Mozambique, following a 25 per cent increase in the price of bread, which was subsequently withdrawn. See 'Mozambique: Price increases "irreversible"', *IRIN news*, 2 September 2010, <http://www.irinnews.org/report.aspx?Reportid=90375>, Joseph Hanlon, *Mozambique 168, News reports and clippings*, 8 September 2010.

<sup>42</sup> [http://www.actionaid.org.uk/doc\\_lib/meals\\_per\\_gallon\\_final.pdf](http://www.actionaid.org.uk/doc_lib/meals_per_gallon_final.pdf)

<sup>43</sup> [http://www.foeeurope.org/agrofuels/FoEE\\_Africa\\_up\\_for\\_grabs\\_2010.pdf](http://www.foeeurope.org/agrofuels/FoEE_Africa_up_for_grabs_2010.pdf)

<sup>44</sup> <http://www.christianaid.org.uk/images/biofuels-report-09.pdf>



*climate change* (June 2008)<sup>45</sup> complete a formidable NGO quartet. This is generally far more critical than the IIED 'trio', which seeks to document 'successful' experience and argues for 'a more balanced and evidence-based debate.'<sup>46</sup> Yet the IIED country studies of Tanzania<sup>47</sup> and especially Mozambique<sup>48</sup> reveal some major concerns and alarming trends.

#### **Tanzania IIED report**

The spread of biofuels in Tanzania has also raised concerns from civil society organisations, local communities and other parties. The potential impact of biofuel production on the price of food crops in Tanzania is already a major concern. Most important for local communities, however, is a loss of rights over customary lands, and the way this could negatively impact local villagers' livelihoods.

If considerable caution is not taken in implementing biofuel projects in Tanzania, then it is possible that more communities in prospective parts of the country, such as coastal areas, will suffer long-lasting environmental, social, economic and cultural impacts.

Some land acquisitions for biofuels are targeting land that is used for forest-based economic activities that villagers depend heavily on. Large-scale biofuel investments that require such land are likely to create the most frequent negative local impacts and grievances. The compensation process is fraught with problems. Local people do not understand the process, or their rights and opportunities; land valuations are carried out using inadequate criteria and benefits are promised by companies but not incorporated into a written contract. Of most concern is the high level of risk taken by communities where the proposed investment relies on the transferred land to be used as collateral for bank loans, prior to compensation being paid.

An oft-quoted advantage of *jatropha* is its capacity to grow on marginal lands and thus not to compete with food crops. But, as any other plant, *jatropha* does flourish better in more fertile soils, and a number of large-scale investors have acquired land for *jatropha* cultivation in relatively fertile areas.

According to the Village Land Act, communities are entitled to appeal against any compensation levels determined by the government to the High Court; but villagers are generally unaware of such rights and are often under external political pressures to agree to initial compensation offers. Villages may not fully understand the implications of relinquishing customary rights over large areas of village land, and marginalised members of the community may have limited opportunity to influence decisions.

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<sup>45</sup> [http://www.oxfam.org.uk/resources/policy/climate\\_change/downloads/bp114\\_inconvenient\\_truth.pdf](http://www.oxfam.org.uk/resources/policy/climate_change/downloads/bp114_inconvenient_truth.pdf)

<sup>46</sup> Lorenzo Cotula, Nat Dyer & Sonja Vermeulen, *Fuelling exclusion? The biofuels boom and poor people's access to land*, (London, IIED, June 2008), 3-4 <http://www.iied.org/pubs/pdfs/12551IIED.pdf>

<sup>47</sup> Emmanuel Sulle and Fred Nelson, *Biofuels, land access and rural livelihoods in Tanzania*, (London, IIED, December 2009 <http://www.iied.org/pubs/pdfs/12560IIED.pdf> Cited above are pp.3, 30, 4, 23, 61

<sup>48</sup> Isilda Nhantumbo and Alda Salomao, *Biofuels, land access and rural livelihoods in Mozambique*, (London, IIED, June 2010 <http://www.iied.org/pubs/pdfs/12563IIED.pdf> Cited are pp.3-4

### **Mozambique IIED report**

Mozambique is considered to have one of the largest biofuels production potentials in Africa. But, where appropriate conditions are not in place, the biofuels boom is resulting in poorer groups losing access to the land on which they depend, with major negative effects

several biofuels projects were approved before the necessary planning and monitoring tools were put in place, and before a national strategy had been approved in 2009.

biofuels projects further exacerbate competition for land, water and other resources. The claim often made that feedstock for biofuels can be commercially grown on marginal land is misleading. Fertile lands and water availability are necessary for commercially grown biofuels. As a result, land allocations to large biofuels projects are very likely to affect areas with high suitability for crops or with forestland.

The findings summarised in this report suggest that the design and, even more so, the implementation of these policy tools is riddled with difficulties. Poor planning and lack of compliance with existing land use plans, and lack of proper institutional coordination among sectoral government agencies are resulting in conflict between different resource uses (e.g. biofuels, food, conservation, tourism) and users (e.g. biofuels investors and local communities).

The inability to enforce the provisions of the progressive legislation uses results in threats to community rights over land and other resources such as forests and wildlife.

To date, the effectiveness of community consultations as a tool to protect community rights remains questionable. None of the case studies examined in this report involved genuine and enforceable partnership agreements between investors and communities.

In a stimulating new book, François Houtart is highly critical of the hype surrounding biofuels, noting that ‘there is an ideological war going on, which is fought with words’ in which ‘the discourse becomes moralizing and almost messianic’. He fears that biofuel production will lead to a recurrence of ‘concentration of land, monoculture, exploitation of labour, and control of the multinationals over marketing’, arguing that ‘the enormous extension of monoculture ends by creating desertification, depleting the soils, diminishing underground water and destroying biodiversity.’ It is widely believed that only the large companies can rise to the challenge of feeding 9 billion people by 2050, but he argues that ‘externalities are not taken into account. As long as profits on investment are not affected by pollution of soil, water and atmosphere, or by the collective cost of uncontrolled urbanization, or by the resistance of peasants who have been evicted and displaced, all these factors are ignored.’ He believes that biofuels ‘will inevitably compete with food production.’ They have created much interest among business circles including the oil companies, the automobile industry, chemical companies and agribusiness, and ‘there are gigantic lobbies at work on the parliaments and governments.’<sup>49</sup>

Yet there is, Houtart argues, ‘a different development model, based on peasant production and which aims at satisfying local needs, a solution that has the merit of respecting biodiversity.’<sup>50</sup> This echoes some of the work of Lorenzo Cotula of IIED that inclusive business models which directly involve smallholder farmers are generally preferable to the more common plantation model.<sup>51</sup> Houtart believes that for the production of agrofuels to be accepted by the ecological and social movements would require: respecting biodiversity; limiting the agricultural frontier; respecting soils and underground water; promoting peasant agriculture; and combating the monopoly of the transnational corporations.<sup>52</sup>

Biofuels, he argues, remain minor. They have

‘a role to play but it is much less decisive than was first thought... they are in fact in no way, or only slightly, a solution to the climate problem and only marginally so for energy consumption. Only massive production, covering hundreds of millions of hectares could make a substantial contribution to the energy crisis and one can hope that popular and political resistance will not permit it.’<sup>53</sup>

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<sup>49</sup> Houtart, *Agrofuels*, x, 123, 72, 144, 122, 134.

<sup>50</sup> *ibid*, 112.

<sup>51</sup> Sonia Vermeulen and Lorenzo Cotula, *Making the most of agricultural investment: A survey of business models that provide opportunities for smallholders*, (London, IIED, June 2010), 37-78. <http://www.iied.org/pubs/pdfs/12566IIED.pdf>

<sup>52</sup> Houtart, *Agrofuels*, 150-1.

<sup>53</sup> *ibid*, 150, 147.

Houtart concludes that 'There remains only one valid long-term solution, which is to change our ways of consuming energy, but that is contradictory to contemporary economic logic.'<sup>54</sup>

Houtart's book does not engage with the fact that for desperately poor countries, such as Ethiopia, Malawi and Mozambique, biofuels have been seen by many as a magic route out of poverty by gaining carbon credits and by significantly reducing their high fuel import bills. A 2008 report spoke of Africa 'becoming a biofuel battleground'<sup>55</sup> while in 2006 Southern Africa was said, somewhat alarmingly, to have the potential to be 'the Middle East of biofuels.'<sup>56</sup> But much of the early optimism about the potential of biofuels is now dimming,<sup>57</sup> as recognition grows that some of the claims made by its advocates about, for example, *Jatropha curcas* being easy to grow on 'marginal' land, requiring little water, being resistant to pests and diseases and posing no risk to food security,<sup>58</sup> were inaccurate, and so what was once regularly described as a 'miracle cure' has increasingly become a 'problem'.

Any proposed switch from food to fuel crops is of course highly contentious, not least in countries with major problems of food security, such as Sudan and Ethiopia. At a meeting of the All Party Parliamentary Group on Agriculture and Food for Development in the House of Commons on 27 January 2010, I asked the Tanzanian High Commissioner, Mwanaidi Sinare Maajar, 'what if, at a time of great food insecurity, a foreign company working in your country exported food back home?' She replied 'we would not allow it; in fact we are in the process of drawing up a code of conduct which would prevent such a thing happening, and if any company refuses to sign it, then they won't be allowed to operate.' Well, we must fervently hope that she is right; in fact Tanzania represents perhaps the best case in Southern and Eastern Africa of local and international NGOs coming together to conduct strategic research on biofuels which caused the government to announce a temporary ban. It

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<sup>54</sup> *ibid*, 166.

<sup>55</sup> 'Africa Becoming a Biofuel Battleground', *Der Spiegel*, 5 September 2008, <http://www.spiegel.de/international/world/0,1518,druck-576548,00.html>

<sup>56</sup> Andrew Owens, CEO of Greenergy, speaking at the inaugural Biofuels Markets Africa conference in Cape Town, 30 November - 1 December 2006, cited in Oxfam International, *Bio-fuelling Poverty: Why the EU renewable-fuel target may be disastrous for poor people*, Briefing Note, November 2007, 2. [http://www.oxfam.org.uk/resources/policy/trade/downloads/bn\\_biofuels.pdf](http://www.oxfam.org.uk/resources/policy/trade/downloads/bn_biofuels.pdf) In similar vein, François Houtart cites the Brazilian engineer Expedito Parenti as saying 'We have 80 million hectares in Amazonia which will become the Saudi Arabia of agrofuels.' Houtart, *Agrofuels*, 83.

<sup>57</sup> Though optimists remain, such as Emile Van Zyl, 'a professor of microbiology who holds a research chair in biofuels research at Stellenbosch University, South Africa.' He believes that 'If Africa were to join the renewable energy race and realise its potential, it could not only reduce the continent's dependency on oil - bringing foreign exchange savings and much-needed political stability - but also improve food and energy security, support the industrial sector, reduce greenhouse gases and promote land restoration. It would also help alleviate poverty...the sky will be the limit for Africa in the renewable era.' Emile Van Zyl, 'Maximising Africa's bioenergy potential', *Sci-Dev Net*, 1 September 2010, <http://www.scidev.net/en/opinions/maximising-africa-s-bioenergy-potential.html>

<sup>58</sup> Friends of the Earth International, *The jatropha trap? The realities of farming jatropha in Mozambique*, May 2010, <http://www.foei.org/en/resources/publications/pdfs-members/2010/the-jatropha-trap-the-realities-of-farming-jatropha-in-mozambique>

also led to such newspaper headings as: 'Public fury halts biofuel onslaught on farmers',<sup>59</sup> 'Biofuels and neo-colonialism',<sup>60</sup> 'Growing "land question" alarm over foreign biofuel investors in Tanzania',<sup>61</sup> and 'We must stay vigil against the rush for our land by multinational corporations'.<sup>62</sup> An article in *The Ecologist* headed 'Jatropha biofuels: the true cost to Tanzania', concludes soberly: 'Billed as wonder crop, the establishment of jatropha plantations on the ground in Tanzania has been far from successful, or, in some cases, ethical.'<sup>63</sup>

#### *A 'race to the bottom' to attract investors?*

The response to the growing phenomenon of global land grabbing has been remarkably muted, at least until very recently. Researchers and policy makers in the World Bank, FAO, IFAD, IFPRI, IIED, UN-Habitat etc seem somewhat timid and complacent in their conclusions, desperately eager to seek magic, painless 'win-win' solutions, and quick to retreat to 'each case is different, the devil lies in the detail' formulations. I find it curious that such an enormous amount of effort, time and resources are being invested by organizations such as the World Bank, FAO, IFAD, IFPRI etc, in the drawing up of international, but always voluntary, codes of conduct in an attempt to regulate land grabbing.

In such a context, it was interesting to see the publication, on 7 September 2010, of the World Bank's much delayed, and earlier leaked<sup>64</sup> report, *Rising Global Interest in Farmland* (apparently originally titled *The Global Land Rush*). Commenting, the *Financial Times* (the source of the leak) noted accurately that 'the Bank walks a fine line between supporting the farmland deals in order to boost agricultural output in poor countries and warning about the potential risks of the controversial investments.'<sup>65</sup>

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<sup>59</sup> *The East African*, 5 October 2009, <http://www.theeastafrican.co.ke/news/-/2558/667648/-/view/printVersion/-/tekmamz/-/index.html>

<sup>60</sup> *Pambazuka News*, 4 June 2009, <http://www.pambazuka.org/en/category/features/56727>

<sup>61</sup> *IPP Media*, 15 February 2009, <http://africanagriculture.blogspot.com/2009/02/growing-land-question-alarm-over.html>

<sup>61</sup> *This Day*, 22 January 2009, <http://www.thisday.co.tz/News/5189.html>

<sup>63</sup> 'Jatropha biofuels: the true cost to Tanzania', *The Ecologist*, 15 February 2010, [http://www.theecologist.org/trial\\_investigations/414648/jatropha\\_biofuels\\_the\\_true\\_cost\\_to\\_tanzania.html](http://www.theecologist.org/trial_investigations/414648/jatropha_biofuels_the_true_cost_to_tanzania.html) It goes on: 'Much of the hype and excitement surrounding biofuels - and surrounding the oil seed crop jatropha in particular - seems to be coming from international consultants and investors. Ministers, farmers, politicians and NGOs who are based here are unanimous in one thing: scepticism. Dr Felician Kilahama, head of Tanzanian Beekeeping and Forestry, and part of the task force overseeing jatropha cultivation in Tanzania puts it succinctly: 'How will jatropha benefit Tanzania? Well exactly. We have no answers. We want food first, not jatropha'.

<sup>64</sup> The leak was reported in 'World Bank warns on "farmland grab"', *Financial Times*, 27 July 2010, <http://www.ft.com/cms/s/0/62890172-99a8-11df-a852-00144feab49a.html> and provoked this response: The Oakland Institute, *Going Against the Grain: World Bank's Leaked Report on Land Grabs Contradicts its advice to the Developing Countries*, 2 August 2010 <http://www.oaklandinstitute.org/?q=printpage&nid=559>

<sup>65</sup> 'World Bank backs farmland investment', *Financial Times*, 7 September 2010,

According to one source, the report 'has already been heavily pared-down after researchers experienced pronounced non-cooperation from governments and corporations alike,'<sup>66</sup> a view also held by the Oakland Institute's Executive Director, Anuradha Mittal.<sup>67</sup> This seemed to be confirmed in the report itself, when it noted that 'in some cases private investors opposed being included in the study and refused researchers access to the premises', while 'access to information emerged as much more of a problem than anticipated', and 'there was an astonishing lack of awareness of what is happening on the ground even by the public sector institutions mandated to control this phenomenon.'<sup>68</sup>

Pared-down or not, there is plenty of evidence in the report, based on studies in 14 countries<sup>69</sup> and led by Klaus Deininger, of some pretty bad behaviour all round. For example, it found 'several cases' of investors circulating rumours to 'create the impression that the investments had been finalized and had already been approved at a higher level, either strengthening the investor's negotiating position or allowing the investor to strategically co-opt local leaders.'<sup>70</sup>

Apparently it 'emerged as somewhat surprising that the amount of information collected from investors before and especially after approval of the investment was quite limited, that coordination between different agencies and levels of government was lacking, and that, in many cases, details such as the investment's location or implementation status, were either not available or of questionable provenance.'<sup>71</sup>

The researchers also noted 'an astonishing lack of awareness of what is happening on the ground even by the public sector institutions mandated to control this phenomenon.' This doubtless relates to the fact that 'In virtually all the countries reviewed for this study, land information is scattered across various agencies and

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<http://www.ft.com/cms/s/0/0778c538-baaf-11df-b73d-00144feab49a.html?ftcamp=rss>

<sup>66</sup> 'Back to the land: Land acquisition in the global food economy', *Craccum*, 17, 16 August 2010, <http://farmlandgrab.org/14858/print/>

<sup>67</sup> Who said in a radio interview that the leak came from 'an official who was afraid that the actual findings would not be made public The report has been changed. It is not being honest. It does not clearly identifying the problems that the World Bank study initially found with land grabs. This is a milder version of it.' 'World Bank Report decries Global Land Grab while encouraging it,' *Uprising Radio*, 10 September 2010, <http://uprisingradio.org/home/?p=15693>

<sup>68</sup> The World Bank, *Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?*, 7 September 2010, 46, 2. [http://siteresources.worldbank.org/INTARD/Resources/ESW\\_Sept7\\_final\\_final.pdf](http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf)

<sup>69</sup> Cambodia, DRC, Ethiopia, Indonesia, Liberia, Lao, Mozambique, Nigeria, Pakistan, Paraguay, Peru, Sudan, Ukraine, Zambia. 'Cheam Yeap, a senior lawmaker for the Cambodian People's Party, defended the country's record on ELCs [economic land concessions] and warned against comparing Cambodia to countries in Africa.' 'World Bank land alert', *Phnom Penh Post*, 9 September 2010, <http://farmlandgrab.org/15387/print/>

<sup>70</sup> *ibid*, 48.

<sup>71</sup> *ibid*, 39.

levels of government and kept in incompatible formats that make data sharing difficult.<sup>72</sup>

On consultations, the Bank noted that even in countries where they were mandatory, ‘their usefulness may be limited by a lack of clarity about who must participate, what information needs to be made available beforehand, and whether the output of such meetings is formally recognized or enforceable.’ It gave examples from Mozambique, and went on to note that ‘a key finding from case studies is that communities were rarely aware of their rights.’<sup>73</sup> All in all:

Data from country inventories highlight serious weaknesses in institutional capacity and management of land information. In many countries where demand has recently increased, limited screening of proposals, project approvals without due diligence, rivalries among institutions with overlapping responsibilities, and an air of secrecy all create an environment conducive to weak governance. Official records on land acquisitions are often incomplete and neglect of social and environmental norms is widespread. *All this implies a danger of a ‘race to the bottom’ to attract investors.*<sup>74</sup>

It concluded:

‘First, the large size of the areas that could potentially be involved, the concentration of such land in a few countries, and the fact that there appears to be significant interest in countries with weak governance imply that *the risks associated with such investments are immense*. Case studies confirm that in many cases public institutions were unable to cope with the surge of demand and quickly screen out nonviable proposals and that legal provisions were unclear and not well-disseminated or known by right holders. As a result, *land acquisition often deprived local people, in particular the vulnerable, of their rights without providing appropriate compensation*. In addition, consultations – if conducted at all – were superficial and did not result in written agreements, and environmental and social safeguards were widely neglected. In a number of countries, investors are treated more favourably than local smallholders, for example in terms of tax payments and the ability to obtain land and other resources.’<sup>75</sup>

Despite all these problems, the Bank argues that ‘these risks correspond to equally large opportunities’ because ‘some countries have very large areas of land that is currently not cultivated but suitable for rainfed cultivation of crops with high and growing global demand.’<sup>76</sup> *The Telegraph* felt ‘the World Bank appears deeply torn.

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<sup>72</sup> *ibid*, 2, 85.

<sup>73</sup> *ibid*, 76, 99.

<sup>74</sup> *ibid*, xv.

<sup>75</sup> *ibid*, 102.

<sup>76</sup> *ibid*, 103.

While the report endorses the Bank's open-door globalisation agenda, the sub-text dissents on every page.<sup>77</sup>

### *The literature*

The literature on land grabbing continues to grow, in terms of reports<sup>78</sup> by international organizations such as FAO, the World Bank (discussed above) and IFAD; by agencies such as the International Land Coalition and ActionAid; by the small, but remarkable, pressure group GRAIN; by research groups such as IIED, IFPRI, SciDev.Net and OPERA; by land grabbing corporations, such as Emergent Asset; by biofuel companies, such as Dove Biotech and D1 Oils; by investment firms such as ODDO Securities; through newspaper and magazine articles across the world;<sup>79</sup> and, really only just starting, in articles in academic journals. The latter is not surprising given that the phenomenon is relatively recent and the pace of academic publication (peer reviewing etc) generally slow, though scientific journals, where the pace is rather quicker, have carried articles on biofuels, usefully collated in *African Agriculture*.<sup>80</sup>

Two journal articles on land grabbing are particularly worthy of note.<sup>81</sup> In the *Journal of Peasant Studies* in April 2010, Annelies Zoomers adopts a broader perspective of this complex phenomenon by examining '7 processes during the current land grab':

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<sup>77</sup> 'The backlash begins against the world landgrab', *The Telegraph*, 12 September 2010, [http://www.telegraph.co.uk/finance/comment/ambroseevans\\_pritchard/7997910/The-backlash-begins-against-the-world-landgrab.html](http://www.telegraph.co.uk/finance/comment/ambroseevans_pritchard/7997910/The-backlash-begins-against-the-world-landgrab.html)

<sup>78</sup> See Robin Palmer, *Select Bibliography of Reports on Biofuels, Land Rights in Africa & Global Land Grabbing*, 15 September 2010, [http://www.oxfam.org.uk/resources/learning/landrights/downloads/select\\_bibliog\\_reports\\_biofuels\\_africanlandrights\\_global\\_land\\_grabbing\\_at\\_150910.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/select_bibliog_reports_biofuels_africanlandrights_global_land_grabbing_at_150910.pdf)

<sup>79</sup> See Robin Palmer, *Select Bibliography of Press Cuttings on Biofuels, Land Rights in Africa & Global Land Grabbing*, 15 September 2010, [http://www.oxfam.org.uk/resources/learning/landrights/downloads/select\\_bibliog\\_presscutts\\_biofuels\\_africanlandrights\\_global\\_land\\_grabbing\\_at\\_150910.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/select_bibliog_presscutts_biofuels_africanlandrights_global_land_grabbing_at_150910.pdf)

<sup>80</sup> <http://www.africanagricultureblog.com/>

<sup>81</sup> Other useful recent journal articles include: Sonja Vermeulen and Lorenzo Cotula 'Over the Heads of Local People: Consultation, Consent and Recompense in large-scale Land Deals for Biofuels Projects in Africa', *Journal of Peasant Studies*, **37**, forthcoming; Jennifer Franco, Les Levidow, David Fig, Lucia Goldfarb, Mireille Honicke and Maria Luisa Mendoca, 'Assumptions in the European Union biofuels policy: frictions with experiences in Germany, Brazil and Mozambique', *Journal of Peasant Studies*, **37**, forthcoming; Thomas Molony and James Smith, 'Biofuels, Food Security, and Africa', *African Affairs*, **109**, July 2010, 489-98; Giuliano Martiniello 'South African Farmers in the new scramble for African land', *Review of African Political Economy*, **37**, 123, March 2010, 96-8; P.J. Mol, 'Environmental authorities and biofuel controversies', *Environmental Politics*, **19**, 1, February 2010, 61-79; Saturnino M. Borrás Jr. & Jennifer C. Franco, 'Contemporary Discourses and Contestations around Pro-Poor Land Policies and Land Governance', *Journal of Agrarian Change*, **10**, 1, January 2010, 1-32; Lorenzo Cotula and Sonja Vermeulen, 'Deal or no deal: the outlook for agricultural land investment in Africa', *International Affairs*, **85**, 6, November 2009, 1233-47.



1. offshore farming – FDI in food production;
2. FDI in non-food agricultural commodities and biofuels;
3. development of protected areas, nature reserves, ecotourism and hideaways;
4. Special Economic Zones (SEZs), large-scale infrastructure works, urban extensions;
5. large-scale tourist complexes;
6. retirement and residential migration;
7. land purchases by migrants in their countries of origin.<sup>82</sup>

She argues that because the 'processes of land grabbing are broader and deeper than assumed, codes of conduct or contractual arrangements will neither help to stop nor turn the tide.' Moreover, 'the global land grab is to a large extent the result of the liberalisation of land markets, which became a major policy goal in the course of the 1990s and has contributed to the commoditisation of land and other natural resources.' Codes of conduct are likely to 'pave the way for further land commoditisation' while, she believes, 'creating a win-win situation is hardly possible.'<sup>83</sup>

In a very important and, in my view, extraordinary helpful article, which has been undergoing regular revision over the past year, Saturnino M. (Jun) Borrás and Jennifer Franco, have also presented a detailed attack on the dominant codes of conduct / 'win-win' approach adopted by the World Bank and other agencies.<sup>84</sup> Like Zoomers, they point out that this approach has its origins in the push for privatisation of land tenure which the Bank and other donors have promoted for a decade and more. In a new dimension of this, customary land holders are now being urged to have their land titled and registered – as a defence against global land grabbing. They argue that this view is 'deeply flawed' as 'there is much evidence to show that formal land property rights are no guarantee against dispossession'.

A new twist is the call for 'better land management' to bring order to land conflicts, and the new 'discoveries' (by satellite imagery) of vast areas of 'reserve agricultural land' which can be exploited without, apparently, affecting either food production or local land rights. As the authors wryly note, satellite imagery 'does not picture people or their historical land-based social relations and livelihood practices.'<sup>85</sup>

Borrás and Franco suggest that we need more nuanced and careful approaches in our analysis of land grabbing, and they usefully point out the need to be more precise in our categorisation of land deals, not least because 'the nature, direction,

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<sup>82</sup> Annelies Zoomers, 'Globalisation and the foreignisation of space: seven processes during the current global land grab', *Journal of Peasant Studies*, **37**, 2, April 2010, 429-47, <http://www.informaworld.com/smpp/content~db=all~content=a921497390~frm=titlelink>

<sup>83</sup> *ibid*, 430-1, 443-4.

<sup>84</sup> The latest version is Saturnino M. Borrás and Jennifer Franco, 'Towards a Broader View of the Politics of Global Land Grab: Rethinking Land Issues, Reframing Resistance', *ICAS [Initiatives in Critical Agrarian Studies] Working Paper Series No.001*, May 2010, <http://www.tni.org/paper/towards-broader-view-politics-global-land-grabbing>

<sup>85</sup> *ibid*, 9-10.

pace and extent of changes in land use in the context of (trans)national commercial land deals are diverse and complex.’ To help with this, they set out a table on ‘character, direction and orientation of land use change’, identifying 13 different types of change, e.g. from food production for the local market to biofuel production, from forest lands to biofuels for use and the local market etc.

They argue forcefully that the ‘dangerously seductive call’ for codes of conduct (the new ‘magic bullet’) cannot be defended either as an important opportunity for rural development or even on pragmatic grounds, as IFPRI and others do, since their adoption will only increase the likelihood of poor people losing their land. Codes could only be voluntary and it would be impossible to bring to account those who violate them. They are ‘likely to facilitate, not block, further land-grabbing and thus should not be considered, even as a second-best approach.’<sup>86</sup>

They point out the role of corrupt local rulers and elites in the selling off of land, helped of course in Africa by the strong notion, inherited from colonial times, of the President as residual owner of the land, which is well captured in Liz Alden Wily’s paper, *Whose land are you giving away, Mr. President?*.<sup>87</sup> Like many others, they attack the notion of vacant / empty / unused land, and relate it to how the state sees itself in terms of landholding, referencing James Scott’s hugely influential *Seeing Like A State*.<sup>88</sup>

They also note that ‘local communities’ are not of course uniform, that people have different interests, and that consequently neither representation nor consultation are simple. They stress the need ‘analytically and politically, to take a disaggregated view of the “rural poor” and that ‘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.’<sup>89</sup>

Along with many others, they highlight the great power imbalances that exist between foreign investors (often protected by international law) in alliance with local elites on the one hand, and small farmers on the other: ‘different social groups join the negotiation table with different degrees of political power.’<sup>90</sup>

On dispossession too they argue the need for careful empirical investigation. While ‘there is indeed a threat of massive dispossession of peasants as a result of current

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<sup>86</sup> *ibid*, 32-3.

<sup>87</sup> Annual World Bank Conference on Land Policy and Administration, Washington, 26-27 April 2010, <http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/WilyPaper.pdf>

<sup>88</sup> James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New Haven, Yale University Press, 1998).

<sup>89</sup> Borras and Franco, ‘Towards a Broader View’, 20.

<sup>90</sup> *ibid*, 11.

(trans)national commercial land transactions', in many countries in Africa the more likely outcome will be 'displacement or dislocation'.<sup>91</sup>

Borras and Franco conclude: 'We contend that land-grabbing is not inevitable, that it can be prevented, and that concerted efforts should be undertaken to stop it.'<sup>92</sup>

### *Conclusion*

The current phenomenon of global land grabbing is, as Zoomers, Borras and Franco argue to some degree a continuation of earlier processes. I was again struck by this when rediscovering an article I wrote in 1998 for a famous conference at SOAS on 'Land Reform in Zimbabwe – the way forward', which was reviewed at the time as 'a characteristically trenchant critique'.<sup>93</sup> In that article I noted that:

The context behind all this conflict over land is complex. At the risk of huge oversimplification it is the impact which current economic orthodoxy - and the emphasis on privatisation and market forces in particular - has on access to land which is causing so many problems, especially coming as it does after half a century and more of state interventions in the economy. Governments in Africa now find themselves under great pressures - and competing with each other - to open up to foreign investors in what, in an era of globalisation, is very much an investor's market. This can involve 'selling off the family silver', as Harold Macmillan so memorably characterised Margaret Thatcher's privatisation programme in Britain. In Africa, the family silver has come to mean minerals, land, and even water.

So in Tanzania, Uganda, and Zambia there has been and continues to be, great pressure to 'open up' and pass legislation to make land easily available to new investors, whether local, foreign, or a combination of the two. Such pressures could well increase if the OECD's controversial Multilateral Agreement on Investment (MAI) comes into force.<sup>94</sup> Opening up applies especially to tourist ventures, in which most countries in East and Southern Africa find themselves competing with each other. Game parks, theme parks and private lodges for the seriously rich have sprung up all over the place, with adverse effects on pastoralist communities in particular, as huge areas of once common grazing land have been fenced off.<sup>95</sup> Increasing mining

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<sup>91</sup> *ibid*, 29.

<sup>92</sup> *ibid*, 32.

<sup>93</sup> Ian Phimister, review in *The Round Table*, **91**, 363, 2002, 102.

<sup>94</sup> It did not. It was effectively vetoed by France in October 1998.

<sup>95</sup> Earlier this year I noted that 'Much of what is happening now is illegal, for instance the fencing off of large stretches of Mozambique's coastline by the elite, thereby depriving fishing communities of their livelihoods. I suggested that it might be an excellent use of Oxfam's resources to issue local activists with wire cutters to restore open access to the coast. Sadly, this is unlikely to happen, but certainly a great deal of imaginative thinking and action are needed to address this highly dangerous new Scramble for Africa.' Robin Palmer, 'A New Scramble for Africa?', *Mokoro Newsletter*, **52**, May 2010, [http://www.oxfam.org.uk/resources/learning/landrights/downloads/new\\_scramble\\_for\\_africa.pdf](http://www.oxfam.org.uk/resources/learning/landrights/downloads/new_scramble_for_africa.pdf)

activities in East Africa are also directly threatening land rights in places like Karamoja, northern Uganda. Internally there are strong pressures from those who wield political or economic power to turn this situation to their advantage. In Uganda, for example, landlords have been pressing for the end of remaining state controls in order to be able to exploit 'their' tenants without restraint. But the conflicts are unlikely to go away.

More generally, deals are usually struck in an atmosphere of corruption and secrecy, so that local communities are often the last to know that their land has been signed away - as was the case of course in the days of Rhodes and Lobengula.<sup>96</sup>

So would Cecil Rhodes<sup>97</sup> have signed a code of conduct today? I believe that he would have done without a moment of hesitation. And then, at the first obstacle, to have gone on to commit a contemporary version of the Jameson Raid.

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<sup>96</sup> Robin Palmer, 'Mugabe's "Land Grab" in Regional Perspective', in T.A.S. Bowyer-Bower and Colin Stoneman (eds), *Land Reform in Zimbabwe: Constraints and Prospects* (Aldershot, Ashgate, 2000), 17-19.

<sup>97</sup> A not un-Rhodes like figure is Phil Heilberg, oil and land speculator on a grand scale in Southern Sudan, who remarks 'This is Africa. The whole place is like one big mafia. I'm like a mafia head. That's the way it works.' McKenzie Funk, 'Will Global Warming, Overpopulation, Floods, Droughts and Food Riots make this Man rich?', *Rolling Stone*, 27 May 2010, 60.