



Katelyn Baker-Smith
Szocs Boruss Miklos Attila

WHAT IS LAND GRABBING?

a critical review of existing definitions

August • 2016

Cover photo by Peter Lengyel

INTRODUCTION

Eco Ruralis is a peasant organization in Romania that works both nationally and internationally for peasants' rights, which includes actions against land grabbing.

Land grabbing is a serious issue that affects the environment, economy, social welfare and human rights. Despite the global reach of land grabbing, there is no definition that fully captures the issue. Here, *Eco Ruralis* presents not only its complete definitional framework, but also an overview of other definitions and ideas, drawing attention to their gaps and weaknesses in order to show what work must still be done and how *Eco Ruralis*' definition can be useful.

This paper begins by explaining *Eco Ruralis*' criteria for what can be considered a land grab, and gives a comprehensive definition. The rest of the paper contains the different definitions or ideas of land grabbing from various sectors of society: civil society, governments, corporations and financial institutions. While recognizing the important contributions of academia towards defining land grabbing, academic definitions are not discussed here, as they are extremely diverse. Doing justice to the wide range of definitions in use within academia is thus simply impossible within the scope of this paper. In addition to the discussion of definitions, text boxes are provided throughout that have important supplementary information on how land grabbing is a systemic problem that needs to be addressed at all levels. The last section provides a list of more resources and further readings on land grabbing, and there are footnotes throughout that reference specific points.

1. THE FRAMEWORK

Since there is no complete definition of land grabbing that includes all necessary parts, Eco Ruralis has developed a definitional framework that can be used for any geographical area. It is based on five criteria: size, people, control, legality and usage.

There are two important ideas to remember when reading or using this definition. First, even though any specific data given here is about Romania, this framework can be used in any country or area to define land grabbing. Second, none of the five factors can be used individually to define land grabbing: a land grab is not based only on size or usage; it is a combination of several of these criteria.

1. SIZE – What size equals land grabbing?

In general, big is bad, but it is hard to know what exactly is “too big”. The amount of land considered a land grab changes depending on local plot sizes. In order to have a size to identify land grabs, people must look at land holdings in their countries and determine what the average sizes are and the range that most holdings fall into. In Romania, the point when an agricultural holding no longer blends in is about 50 hectares: holdings of more than 50 hectares equal less than 1% of all holdings.

2. PEOPLE – Who can be considered a land grabber?

Absolutely anyone can be a land grabber: individuals, groups or companies; public or private; governmental or non-governmental; domestic or foreign. Land grabbing is not limited to certain groups or people. Romania, like most countries, has at least a few land grabbers from every category.

3. CONTROL – How is the land controlled?

Land grabbing is about overall control. Land grabbers can control areas in several ways including leasing land (sometimes through long-term leases from governments, called concessions), having tenant farmers or sharecroppers, or actually owning the land. Land can also be controlled through quota and supply contracts that force people to use the land in a specific way for the benefit of the land grabber.

4. LEGALITY – Is land grabbing legal or illegal?

Land grabbing occurs both legally and illegally within current laws. Most land grabs are actually legal, meaning the deals obey national and local laws. However, these current laws do not protect against land grabs. In most cases laws at least tolerate land grabbing if not help it. These unjust and illegitimate laws encourage land grabbing and abuse human rights by allowing land grabbing to be a ‘legal’ action.

5. USAGE – How is the land used and for what purpose?

Land grabbers use land in harmful ways and for exclusive purposes. Agricultural uses include monocultures and non-agroecological methods (which can even be organic). Land use changes from agriculture towards another sector are also frequent and particularly damaging, as land is a scarce resource and is difficult to regain for agricultural use. Other uses include land speculation, commodification, resource control and extraction (meaning local communities do not benefit from the resources). All of these uses threaten food sovereignty, land stewardship and sovereignty, and human rights.

Because Romania has some of the richest soil in Europe, it is the site of extensive land speculation and resource removal which has increased poverty and limited people’s access to lands and livelihoods.

Thus Eco Ruralis has put all of these criteria together to create a complete, comprehensive framework for land grabbing that can be widely applied based on individual countries’ data.

Land grabbing can be defined as being the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally-typical amounts of land by any person or entity (public or private, foreign or domestic) via any means (‘legal’ or ‘illegal’) for purposes of speculation, extraction, resource control or commodification at the expense of peasant farmers, agroecology, land stewardship, food sovereignty and human rights.

HELPFUL DEFINITIONS

Agroecology: the focus on ecosystems when using agricultural land, taking into consideration the natural, societal and technological environments.[1]

Monocultures: “the [large-scale] cultivation or growth of a single crop or organism...”[2]

Speculation: “the act or practice of buying lands, goods, etc., in expectation of a rise of price and of selling them at an advance...”[3]

Land sovereignty: “the right of working peoples to have effective access to, use of, and control over land and the benefits of its use and occupation, where land is understood as resource, territory, and landscape.”[4]

Food sovereignty: “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods and their right to define their own food and agriculture systems.”[5]

Box 1 - The Problem with Free Prior and Informed Consent

One of the most common ideas in discussions about land grabbing is that of **Free Prior and Informed Consent (FPIC)**. Companies, organizations and individuals say that FPIC is a way to involve local communities and make sure the deal or development is agreed to, and therefore not land grabbing. There is no single document on FPIC, but it is the idea of including people who might be affected by a certain plan by giving them information and allowing them to be part of the process. It encourages transparency in land deals and development plans. More can be read about transparency in Box 7 or on the website of the UN Human Rights Office of the High Commissioner.[6]

But there is one big problem: FPIC does not give any actual protection or rights to local peoples. FPIC has the same issues as another popular idea, Corporate Social Responsibility (CSR). They are easily manipulated without consequences because their objective is not clearly described. For example, FPIC does not mean that people are able to stop land grabbing by refusing to ‘consent’. It only says that people must be informed of the issue, which could simply be a flyer posted on a wall. Local communities do not necessarily have to know about the flyer, how to find it or how to interpret it. Because of this, FPIC is just another policy on paper that does not give peasants or local communities any real help.

In addition, consent in Romania is strongly influenced by poverty, political pressure and coercion. These influences are exposed in a series of articles by journalist Luke Dale-Harris on Rabobank’s dealings in Romania. Rabobank violently intimidated and politically manipulated peasants in order to take their land. Those who were paid received less than 100 euros, accepting the amount because they were forced either physically or due to poverty. In many places 100 euros can make an enormous impact, perhaps paying off a debt or for a wedding. However, in all cases the peasants were left worse off than before, without land to produce food or sustain their livelihoods.[7]

[1] Witte, Rob. "Agroecological Farming Systems." UN Food and Agriculture Organisation. <http://www.fao.org/docs/eims/upload/207703/fiche%20WP3.pdf>

[2] "Monoculture." Merriam-Webster Dictionary. <http://www.merriam-webster.com/dictionary/monoculture>

[3] "Speculation." Black's Law Dictionary. <http://thelawdictionary.org/speculation/>

[4] "Land Sovereignty." Transnational Institute. <https://www.tni.org/en/collection/land-sovereignty>

[5] "Declaration of Nyéléni." La Via Campesina. <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/food-sovereignty-and-trade-mainmenu-38/262-declaration-of-nyele>

[6] "Free, Prior and Informed Consent of Indigenous People." UN Human Rights Office of the High Commissioner. <http://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf>

[7] Dale-Harris, L. "Tales of corruption surround Rabobank dealings in Romania." The Correspondent. <https://decorrespondent.nl/3589/Tales-of-corruption-surround-Rabobank-dealings-in-Romania/790804243790-dbeb0905> and Dale-Harris, L. "Farmers in what may be the poorest village in Romania pressured into selling their land to Rabobank." The Correspondent. <https://decorrespondent.nl/3772/Farmers-in-what-may-be-the-poorest-village-in-Romania-pressured-into-selling-their-land-to-Rabobank/831126666920-19635dd6> and Dale-Harris, L. "Think land grabbing is a thing of the past? Think again." The Correspondent. <https://decorrespondent.nl/3585/Think-land-grabbing-is-a-thing-of-the-past-Think-again/603298200945-e138b7f7>

CIVIL SOCIETY defining Land Grabbing

More information on land grabbing is becoming available through civil society, including general ideas and specific definitions. These social movements and organizations capture some of Eco Ruralis' 5 criteria, particularly some of the most essential ideas. Civil society typically includes that land grabbing is a form of resource control and acquisition, and that this is mostly for extraction. They also agree that there is a power imbalance in land grabbing, with wealthy or politically-connected entities using that power at the expense of others, often with at least passive government support. Finally, civil society accepts that land grabbing has negative effects on local communities, but the effects are not usually specified.

Civil Society is still missing some key elements. Finding the weak points of definitions or ideas about land grabbing shows how easily they could be adjusted, and how important those changes are.

1. Land grabbing only applies to agricultural land.

While this may be the most obvious type, land grabbing is not limited to agricultural land. Forests everywhere are being grabbed by companies such as Ikea for wood production.[8] Other lands are grabbed for access to precious resources, as in the attempt of a Canadian gold company to purchase the entire area of Roşia Montană in Romania,[9] or for real estate and speculative purposes.

2. Land grabbers are foreigners.

Though some land grabbers go to countries with cheap land and fewer regulations, many remain in their own country. Most of the top 100 agricultural holders in Romania are Romanian citizens. It is usually easier for citizens to obtain land rather than foreigners, as in the case of Ukraine where international land deals are technically illegal.[10]

Box 2: Land Grabbing in 'Developed' Countries

Land grabbing does not only happen in 'developing' countries or the Global South. Land grabbing occurs in every country, no matter how wealthy or devoted to human rights it is. In a study for the European Parliament, the Transnational Institute (TNI) showed the growing visibility of land grabbing in the EU and noted that while it is found more often in Eastern European countries it is not limited to those areas.[11] Land grabbing is actually very common in 'developed' countries, such as in the U.S. where Ted Turner owns over 800,000 hectares,[12] or in Australia where the Kidman family reportedly controls over 10 million hectares.[13] Data from Eurostat on the European Agricultural Census shows just how unequal agricultural land distribution is in Europe.[14]

	Romania	Poland	France	UK
Average size of holdings (hectares)	3.4	9.6	55	84
Largest landowners and percent of agricultural land they own	<1% own 57%	8% own 49%	18% own 59%	21% own 72%
Smallest landowners and percent of agricultural land they own	74% own 13%	24% own 3%	27% own 1%	22% own 1%

[8] Bojin, D., Radu, P., Strandberg, H. "How Ikea and Harvard Got Tangled in a Corrupt Romanian Land Deal."

The Huffington Post. http://www.huffingtonpost.com/entry/harvard-ikea-corruption-romania_us_56d86cbb4b0000de4039509

[9] Salvati Rosia Montana. <http://www.rosiamontana.org>

[10] "State Land Policy in Ukraine: Standing and Development Strategy." National Security and Defence. Razumkov Center. <http://www.razumkov.org.ua/eng/journal.php?y=2009&cat=146>

[11] Kay, S., Peuch, J., Franco, J. "Extent of Farmland Grabbing in the EU." European Parliament Committee on Agriculture and Rural Development. [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU\(2015\)540369_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU(2015)540369_EN.pdf)

[12] Fisher, D. "America's Biggest Land Barons." Forbes. <http://www.forbes.com/2010/06/14/ted-turner-john-malone-emmerson-business-billionaires-land.html>

[13] Schwartz, D. "Kidman land sale: Chinese bidder for Australian cattle empire withdraws offer." ABC. <http://www.abc.net.au/news/2016-05-03/chinese-bidder-for-kidman-cattle-empire-withdraws-offer/7380116>

[14] "Agricultural census 2010 – main results." Eurostat: Statistics Explained. http://ec.europa.eu/eurostat/statistics-explained/index.php/Agricultural_census_2010_-_main_results

3. Land grabbing causes environmental problems.

This is true, but it is not very helpful. Without specifics, programs will be started at random and without actually addressing the specific environmental problems, or will even contribute to further land grabbing, such as conservation programs that take land from locals and limit their access to necessary resources (for more details see Box 6: Land as a Commodity).

4. Land grabbing is an issue in developing areas.

As shown in Box 2: Land Grabbing in 'Developed' Countries, this is far from accurate. Any place where land, resources or raw materials can be found and where power over them can be exerted is vulnerable to land grabbing. Some countries may have fewer legal restrictions that make land grabbing easier, but this does not mean highly regulated countries are not affected. Land grabbing occurs across the globe, even in Antarctica where power, water and fuels can be found.

5. Land grabbing can refer to both purchased and leased land.

This is also correct, but it leaves out an essential point: that land grabbing is about land control.

Land grabbing can occur when quotas or contracts dictate what smallholders must produce.

While a company may not directly use any land, it can still control how land and its resources are used, with the same land grabbing consequences as if they directly owned or leased the land.

Sample Definitions from Civil Society

europAfrica: "Land grabbing is a global phenomenon led by local, national and transnational elites and investors, with the participation of governments and local authorities, in order to control the world's most precious resources."^[15]

Oxfam UK: Land grabbing is "when governments, banks or private investors buy up huge plots of land to make equally huge profits."^[16]

The Oakland Institute: "Land grabs [are] the purchase of vast tracts of land from poor, developing countries by wealthier, food-insecure nations and private investors..."^[17]

Box 3: Water Grabbing^[18]

Land is not the only resource being grabbed. Water grabbing is another serious concern, which The Transnational Institute defines as a situation "where powerful actors...take control...or [redistribute]... water resources at the expense of...local users or the ecosystems on which those user's livelihoods are based." Examples of water grabbing include privatizing drinking water, hydropower plants and large-scale agriculture. Like land grabbing, water grabbing is often 'legal' but not legitimate: it may not go against national legislation but it certainly violates human rights. Water grabbing is another example of the commodification of nature, a subject discussed in Box 6, motivated by a growing world population and limited resources.

[15] "Stop land grabbing – land to the tillers!" EuropAfrica. <http://www.europafrika.info/en/themes/stop-land-grabbing-land-to-the-tillers>

[16] "Guide to land grabs." Oxfam UK. <http://www.oxfam.org.uk/get-involved/campaign-with-us/our-campaigns/grow/guide-to-land-grabs>

[17] "The Great Land Grab: Rush for World's Farmland Threatens Food Security for the Poor." The Oakland Institute.

<http://www.oaklandinstitute.org/great-land-grab-rush-worlds-farmland-threatens-food-security-poor>

[18] "The Global Water Grab: A Primer." Transnational Institute. <https://www.tni.org/en/publication/the-global-water-grab-a-primer>

Box 4: The Criminalization of Social Movements and Activism

As mentioned earlier, laws that do not protect human rights, including those against land grabbing, are not legitimate or just. This is more obvious when looking at how social movements and activism for land rights (and human rights) are being criminalized and claimed to be dangerous, often while going against other national laws or policies.

Global Witness notes that in 2014, 116 land and environmental activists were murdered, most as a result of fights against hydropower, mining and agri-business. Their numbers were almost twice that of murdered journalists, though the actual numbers are probably much higher. [19]

Presented here are three cases of such criminalization.

Berta Cáceres was an indigenous activist in Honduras who founded the Council of Popular and Indigenous Organizations of Honduras (COPINH). Cáceres and COPINH have been fighting against Desarrollos Energéticos SA's (DESA's) Agua Zarca Dam Project that would divert a sacred river and threaten the livelihoods of the indigenous people in the area. She was murdered in March 2016 shortly after a dispute with soldiers, police and DESA employees. Cáceres methods included formal legislative appeals, peaceful protests, and occupation and blocking of the site. All of these methods are within Honduras' laws, yet she received numerous threats and no support from the government who ignored international calls for security forces to protect Cáceres. Since her murder, the government and police have almost entirely focused their investigation on other activists, including one who was also shot in the incident.[20]

Chut Wutty was the President of Cambodia's National Resource Protection Group, an environmental activism organization that mostly fought against deforestation and land seizures. In April 2012 Wutty was murdered by Cambodian military police officers in front of two journalists he was assisting. After a very incomplete investigation by the government, all charges were dropped against the alleged murderer. In addition, a documentary about Wutty's work in Cambodia was banned by the government. [21]

Zone À Défendre (ZAD) is the name given by activists to an area in France where a proposed airport and general urban enlargement project has inspired an occupation. The plan for construction on the 1200 hectares of high-quality agricultural land was first brought up in the 1970's, but gained real momentum around 2007.¹ Protestors began the occupation in 2009, building treehouses, taking over abandoned buildings or constructing new ones. The population grew to over 30 settlements in 2014, including farms, free shops and a radio station. However, periodic raids by the police and military have been violent and lengthy, with people's homes being burned and many injuries. The company behind the plans is Vinci, one of the largest construction companies in the world, who already own a significant portion of France's roads. The ZAD occupiers face persecution and violence as the government and company continue to ignore their interests or needs. [22]

[19] "How Many More?" Global Witness. <https://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/>

[20] Blitzer, J. "The Death of Berta Cáceres." The New Yorker. <http://www.newyorker.com/news/news-desk/the-death-of-bera-caceres>

[21] Hodal, K. "Cambodia: Chut Wutty's legacy creates an opportunity for land justice." The Guardian. <http://www.theguardian.com/global-development/2013/oct/02/cambodia-chut-wutty-land> and Lambrick, F. "Who is responsible for the death of Cambodia's foremost forest activist?" The Guardian. <https://www.theguardian.com/environment/blog/2012/may/01/death-cambodian-forest-activist-chut-wutty>

[22] Papillon, E. "How an anti-airport occupation became a battle for France's future." Red Pepper. <http://www.redpepper.org.uk/how-an-anti-airport-occupation-became-a-battle-for-frances-future/>

GOVERNMENTS defining Land Grabbing

Government definitions of land grabbing are harder to find and are missing many of Eco Ruralis' 5 criteria. Most likely this is because governments are one of the main beneficiaries of land grabbing and typically endorse the economic gains that land grabs claim will happen.

There are only two accurate points on land grabbing that governments notice: that land grabbing is mostly for resource control and access, and that these resources and their products are for export or extraction. Beyond these points, there are large gaps in government definitions.

1. The terms 'large-scale land acquisition' or 'land consolidation' are used instead of land grabbing.

Governments, corporations and even some civil society organizations prefer these terms over 'land grabbing'. This is a tactic to hide the negative effects of land grabbing, but the terms denote the same issue.

In countries like Romania where land is very fragmented, land consolidation is promoted as a positive and even necessary policy. In reality, research has shown that smaller plots are better for the environment, economy, sustainability and biodiversity. Box 5 has more information on these terms.

2. Land grabbers are mostly private investors or states, and are usually foreigners.

As mentioned earlier, land grabbers can be anyone or any entity. Blaming foreigners is an easy strategy and usually used to shift blame, but highlighting foreign land grabbers draws attention to the lack of protections against the practices that these foreigners might bring. However, this connection is not usually recognized.

3. The term 'land grabbing' only refers to illegal seizures.

Land grabbing is not defined by 'legal' or 'illegal' acts because most current land laws and regulations are unjust and do not protect people's human rights against land grabbing. By stating land grabbing is only illegal deals, governments excuse themselves from blame when they are at least passively allowing land grabbing through laws that support land grabs or when they ignore the fact that there is a general lack of regulation in their country on the land markets.

4. There is usually a lack of adequate payment in land grabbing deals.

This is connected to governments' stating that land grab is only illegal situations. Land grabbing is not defined by an amount of money. There is not any amount of money that would make land grabbing and its negative affects acceptable because human rights cannot and should not be commodified. Saying a lack of fair payment defines a land grab means saying fair payments overcome human rights violations.

5. Land grabbing is not necessarily bad.

This is one of the biggest misconceptions about land grabbing. Governments argue that there are many economic benefits from industrialization, or the environment will be better protected, but neither benefit is supported by experience. Economic benefits from land grabbing do not go to local communities or 'disadvantaged' areas, and land grabs are very harmful to the environment, as seen in Box 6.

6. Just like Civil Society, Governments also define land grabbing as only applying to agricultural land and as a problem that only occurs in 'developing' countries.

Sample Definitions from Governments

European Environment Agency: “Transnational land acquisitions refer to the procedure of acquiring land (and freshwater) resources in foreign countries. It is often called ‘land grabbing’. Most commonly, investors or investing countries are located in the developed world, while the ‘grabbed’ land is usually in developing countries.”^[23]

European Economic and Social Committee: “Land grabbing is generally understood to mean a process of large-scale acquisition of agricultural land without consulting the local population beforehand or obtaining its consent.”^[24]

German Federal Ministry for Economic Cooperation and Development: Land grabbing “involves governments and private investors from industrialised countries and emerging economies securing large tracts of agricultural land in developing countries by means of long-term lease or purchase agreements.”^[25]

Box 5: Alternative Terms

Land consolidation, land concentration, large-scale land acquisition: these terms are used by governments, corporations and anyone who wants to minimize the negative effects of land grabbing, which is the actual idea that they replace. Each of these terms refers to large areas of land under the control of a single person or entity, but they are not alternate definitions or synonyms for land grabbing.

The three terms are used to look at land in a purely economic way, ignoring human rights. Supporters of land concentration boast that their land is more productive and efficient, such as Dane Richardt Duus’ company Agri Consortium Mizil SRL which has 3,175 hectares and 198 hectares per employee.^[26]

Using the term land grabbing changes the perspective, drawing attention to human rights aspects, for example that the average amount of land worked per agricultural worker in Romania is just under 2 hectares – and Agri Consortium Mizil SRL is depriving over 1,500 people of jobs. ^[27]

These alternative terms are weak and misleading alternatives to ‘land grabbing’ and are used to minimize human rights impacts and responsibility.

[23] “Transnational land acquisitions.” European Environment Agency.

<http://www.eea.europa.eu/data-and-maps/figures/transnational-land-deals-1>

[24] Nurm, K. “European Economic and Social Committee on ‘Land grabbing—a warning for Europe and a threat to family farming.’ Official Journal of the European Union. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014IE0926&from=SV>

[25] “Development Policy Stance on the Topic of Land Grabbing.” Federal Ministry for Economic Cooperation and Development. https://www.bmz.de/en/publications/archiv/type_of_publication/strategies/diskurs015en.pdf

[26] “Agri Invest A/S Group Structure.” Agri Invest. http://www.agriinvest.eu/images/2015/farminginromania_may15_new.pdf and “Agri Consortium Mizil SRL.” Lista Firme. <http://www.listafirme.ro/agri-consortium-mizil-srl-23758900/>

[27] Calculations based on Eurostat’s Agricultural Census in Romania 2010 and previous footnote sources.

Box 6: Land as a Commodity

Land (and nature in general) is being transformed into a commodity or product at an alarming rate. As explained by TNI, an example of commodification is when a forest becomes valued for “its underground potential for carbon storage, its solar absorption, its soil and water as potential for biofuel production, its trees as a source of carbon credits, and its biodiversity as a source of global conservation funding, species offsetting or tourism revenue,” [28] all of which are then given monetary values so they can be bought, sold, traded and used. Turning land into a market mechanism not only quantifies environmental damage (while failing to give any protection) but also violates human rights. It limits access to resources and livelihoods, ignores communities and increases economic inequality by placing most environmental sacrifices and pressures on ‘developing’ or non-Western European/North American countries. Mentioned here are four of the most common practices that claim to be environmentally friendly but are really resulting in land grabbing and environmental destruction.

Conservation is one of the most popular forms of environmental land grabbing, also called green grabbing, based on the idea that people must ‘sell nature in order to save it’. In actuality, environmental conservation puts public assets into private hands, taking land, resources and livelihoods away from communities and placing financial gain first before human rights. In 2013 the Tanzanian Government planned to make 40% of Maasai land into part of a big-game hunting reserve and conservation area for a Middle East-based company. The plan threatened the very existence of the Maasai communities since it would cut off their grazing lands and thus their economic base. Finally, conservation ignores the fact that local communities are actually the best at protecting resources and biodiversity since their lives depend on maintaining the environment.[29]

REDD+ stands for Reducing Emissions from Deforestation and Forest Degradation (as well as conserving forests, replanting, and sustainably managing forests), a program that gives ‘developing’ countries financial rewards for reducing carbon emissions through forest protection.¹ Instead, REDD+ encourages land grabbing by rewarding large purchases that cannot be used by locals. These local communities are cut off from their resources, may be forced to leave and are left economically vulnerable, at the mercy of corporations, businesses or governments that only want profits. All of this is done in the interest of reducing carbon and emissions. In fact it fails to do this, since it does not actually remove any pollutants, stop any negative practices or actually fix any damaged areas. [31]

Climate Smart Agriculture has three goals: increase productivity and incomes; adapt and build resilience to climate change; reduce/remove greenhouse gas emissions where possible.[32] There are many problems with this concept, including that it emphasizes shorter-term food security and promotes genetic resources as “key components.” The biggest issue is that it lacks any requirements or criteria. Its vagueness allows anyone to label their work as ‘climate smart agriculture,’ like Monsanto. About 60% of the concept’s supporters are actually fertilizer companies that use chemicals and also support GMOs. Overall, Climate Smart Agriculture simply does not address the underlying causes of climate change: industrialization and intensification.[33]

Biofuels are promoted as the answer to ending greenhouse gases and carbon emissions, and as renewable alternatives to fossil fuels. There are many reasons why biofuels cause bigger problems than those they attempt to fix. First, studies show that biofuel production releases more greenhouse gases than conventional fuels. It is also responsible for grabbing large amounts of land and creating monocultures that destroy biodiversity, release more harmful byproducts and increase poverty in nearby communities. In Tanzania over 600,000 hectares of forest were taken from villagers who used the land for grazing and food, to make space for biofuels. Plus, the U.S. and EU have biofuel quotas that encourage biofuel production, leaving less room for food production, even though an estimated 1/3 of the food price increase during the 2008-2009 food crisis was because of increased ethanol production.[34]

[28] “Green grabbing.” Transnational Institute. <https://www.tni.org/es/node/3356>

[29] Ibid, and Blomley, T., Roe, D., Nelson, F., Flintan, F. “Land grabbing”: is conservation part of the problem or the solution?” [iied. http://pubs.iied.org/pdfs/171661IED.pdf](http://pubs.iied.org/pdfs/171661IED.pdf)

[30] “What is REDD+?” The REDD desk. <http://theredddesk.org/what-redd>

[31] “REDD: An introduction.” REDD monitor. <http://www.redd-monitor.org/redd-an-introduction/>

[32] “Climate-Smart Agriculture.” UN FAO. <http://www.fao.org/climate-smart-agriculture/en/>

[33] Climate Smart Agriculture Concerns. <http://www.climatesmartagconcerns.info>

[34] Balehegn, M. “Unintended Consequences: The Ecological Repercussions of Land Grabbing in Sub-Saharan Africa.” *Environment*. <http://www.environmentmagazine.org/Archives/Back%20Issues/2015/March-April%202015/unintended-full.html>

CORPORATIONS defining Land Grabbing

The most controversial definitions and ideas on land grabbing are from corporations. Though they include some accurate points, such as that land grabbing happens at the expense of people and communities, there are many flaws in them. For example, some corporations mention that land deals must take into consideration informal, traditional and collective land rights and obey the UN FAO's Voluntary Guidelines on the Responsible Governance of Tenure. [35] Yet these rights are mentioned as government responsibilities to create clear regulations and laws, not rights that corporations must respect unless legally required. An overall concern about corporate definitions is how easily they can be manipulated and used only symbolically.

1. Land grabbing is the result of unclear land rights or ownership.

While this is partly true for some cases, the majority of land grabbing is done knowing which communities and people were previously using the land and who will be affected.

As seen in Box 4: The Criminalization of Social Movements and Activism, people are usually very vocal when their land is being seized. Corporations are placing the problem on governments by saying land rights and land ownership are unclear, and use this argument to excuse themselves from responsibility and to continue to grab land.

2. Lack of consent is an issue that is a result of poor 'due diligence'.

Corporations also accept that a lack of consent and proper 'due diligence' are causes of land grabbing. This raises the same issue as before, with responsibility being shifted away from corporations, in this case toward land owners/users themselves.

If land owners/users do not have the proper paperwork or their ownership is not 'legally' registered, then it is not the companies' problem if their background checks or 'due diligence' do not reveal issues.

This was the case with Rabobank in Romania. The company maintained that it had done adequate 'due diligence' even as their intermediaries and subsidiaries were investigated for fraud and corruption. [36]

3. The terms 'large-scale land acquisition' or 'land consolidation' are used instead of land grabbing.

Corporations use these terms for the same reasons as governments: to make the situation seem less negative. These words make the land grabs seem like beneficial business opportunities rather than devastating changes.

Corporations claim that 'large-scale land acquisitions' bring jobs, taxes, industry, modernization and much more to the targeted areas, while in reality they are land grabs without benefits.

4. Land grabbing is not necessarily bad.

Corporations argue that land grabs make land more productive. In reality, land grabs always have harsh consequences for the local people and communities.

Livelihoods disappear, food sovereignty and access rapidly decrease, the environment is harmed and the promised gains are never achieved. At its core, land grabbing is a blatant violation of human rights and it is unacceptable to claim that a human rights violation is not necessarily bad.

[35] "Voluntary Guidelines on the Responsible Governance of Tenure." UN FAO. <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

[36] Dale-Harris, L. "Think land grabbing is a thing of the past? Think again." The Correspondent. <https://deccorrespondent.nl/3585/Think-land-grabbing-is-a-thing-of-the-past-Think-again/603298200945-e138b7f7>

Sample Definitions from Corporations

FINNMAP: “Land Grabbing is defined as the large-scale land acquisitions by domestic and transnational companies, governments, and individuals to be used for commercial farming, industrial production and investment purposes on the expense of the local society.”[37]

Illovo Sugar:“The Illovo Group adopts a zero tolerance approach to land grabs and requires that all its Suppliers do likewise.” [38]

Nestlé:“Sometimes referred to as land grabs, these disputes often involve conflicting land claims and unclear or unprotected underlying land rights, and are exacerbated by the inadequate recognition of customary rights to land and natural resources.” [39]

Sample Definitions from Media

Catalan International View: “The term refers to a practice that involves the buying or leasing of large tracts of arable land by large corporations and investment groups, with the implicit backing of foreign governments, in order to produce biofuels, agricultural products, or simply to speculate on land prices, thus displacing small farmers and threatening the livelihood and subsistence of millions of people.”[40]

New Internationalist magazine: “Land Grab = A controversial large-scale land acquisition (= an area of land over 200 hectares) by a foreigner or ‘outsider’. Can result in dispossession – often without compensation – of those who live there.”[41]

The World Post: “Land grabbing [is] the global rush to acquire large tracts of land in Africa and elsewhere, often at the expense of local people.”[42]

[37] Lenjas, M. “Land Grabbing in Africa is Increasing Actual Poverty.” FINNMAP. <http://www.finnmap.com/2015/land-grabbing-in-africa-is-increasing-actual-poverty/>

[38] “Illovo Group Guidelines on Land and Land Rights.” Illovo. <https://www.illovosugar.co.za/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>

[39] Nestlé Commitment on Land & Land Rights in Agricultural Supply Chains.” Appendix to The Nestlé Policy on Environmental Sustainability. http://www.nestle.com/asset-library/documents/library/documents/corporate_social_responsibility/nestle-commitment-land-rights-agriculture.pdf

[40] Rodríguez, P. “Land grabbing: a growing phenomenon in Africa under the guise of foreign investment.” Catalan International View. <http://international-view.cat/News/2016/03/19/land-grabbing-a-growing-phenomenon-in-africa-under-the-guise-of-foreign-investment/>

[41] “Land Grabs—The Facts.” New Internationalist. <https://newint.org/features/2013/05/01/land-grabs-the-facts-infographic/>

[42] Scoones, I. “Land Grabbing: What Has Changed?” The World Post. http://www.huffingtonpost.com/ian-scoones/land-grabbing-what-has-ch_b_2046176.html

Box 7: The Media and Transparency

A significant obstacle to identifying and understanding land grabbing is the lack of transparency of business and land deals. Information is not usually available to the public or is only available at a price (whether official or unofficial). Transparency may be uncommon, but it is essential. Without transparency it is difficult to find out how much the land grabber knew about the land and the consequences of the deal, whether the previous owner was actually aware of the transaction and if the deal was part of a larger circle of corruption. Many local communities do not discover that their land is being sold until fences are built, at which point it is too late to block development. A lack of transparency also prevents any accurate information about the impact of projects on local communities.

Media is one of the key players in identifying and drawing attention to land grabs. Described as another world power, the media can either expose land grabs or promote land deals, depending on where its funding comes from. Media agrees that land grabs are at the expense of people, causing various problems, and their definitions often include that land grabs have at least a small level of government support, even if it is just passive acceptance. Still, media also falls back onto the usual incorrect information: that land grabbing **only happens with agricultural land** and is **primarily by foreigners**. Many media outlets also use **less negative terms** such as 'large-scale land acquisition' or 'land consolidation'.

The Case of Socfin SL, Sierra Leone

In 2011 Socfin SL, part of the French group Bolloré, was granted a long-term concession of 6500 hectares for oil palm and rubber plantations, promising to repay local peoples for their land and provide jobs and general development. Instead, the local people were not repaid, job conditions were shocking and corruption was rampant. Peaceful protestors were arrested and fined, and local authorities and police prevented meetings. Lack of transparency was one of the key problems. The project's impacts were officially said to be unclear because there was not enough data about the area and its socio-economic conditions before the land grab. There was also little information to be found about the company's activities or affairs, and at least one NGO was sued by the company for reporting on the situation.^[43] Recently 42 organizations signed a letter to Sierra Leone's President calling for greater transparency, greater protection of local people's access to land, regulation of Socfin SL, and an end to the criminalization of local people's protests and actions. It also called on international governments to use their power and influence to help.^[44]

The Case of Rabobank, Romania

In 2015 journalist Luke Dale-Harris investigated the Dutch financial giant Rabobank's land dealings in Romania. Since Romania's land cadastre has less than 50% of all holdings registered and there is no information freely available on land purchases or leases, the problem of transparency is enormous. The research followed a chain of companies, subsidiaries and questionable intermediaries all the way down to a woman with forged documents and a judge receiving bribes. Local people were forced to sign over their lands and court cases were conducted almost secretly. Even though suspicions of Rabobank's land grabbing began when it first came to Romania in 2011, it was not until the media picked up the story that it became widespread public knowledge with questions for Rabobank, an impressive demonstration of the power of media to improve transparency. ^[45]

[43] "Socfin Agricultural Company Sierra Leone Ltd Oil Palm Plantation in Malen Chiefdom, Pujeun District, Sierra Leone." Environmental Justice Atlas. <https://ejatlas.org/conflict/socfin-agricultural-company-sierra-leone-ltd-oil-palm-plantation-in-malen-chiefdom-pujeun-district-sierra-leone>

[44] Letter to His Excellent Ernest Bai Koroma, President of the Republic of Sierra Leone. 16 June 2016. FIAN. http://www.fian.org/fileadmin/media/publications_2016/Letter_advocacy_Govt.pdf

[45] Dale-Harris, L. "Tales of corruption surround Rabobank dealings in Romania." The Correspondent. <https://decorrespondent.nl/3589/Tales-of-corruption-surround-Rabobank-dealings-in-Romania/790804243790-dbeb0905> and Dale-Harris, L. "Farmers in what may be the poorest village in Romania pressured into selling their land to Rabobank." The Correspondent. <https://decorrespondent.nl/3772/Farmers-in-what-may-be-the-poorest-village-in-Romania-pressured-into-selling-their-land-to-Rabobank/83112666920-19635dd6> and Dale-Harris, L. "Think land grabbing is a thing of the past? Think again." The Correspondent. <https://decorrespondent.nl/3585/Think-land-grabbing-is-a-thing-of-the-past-Think-again/603298200945-e138b7f7>

FINANCIAL INSTITUTIONS defining Land Grabbing

Some of the biggest investors in land around the world are financial institutions and investment funds. Most of these use land for speculation rather than production or extraction, preferring to simply hold the land until prices increase and then sell it for massive profits. Possibly in an effort to minimize their own involvement in land grabbing, definitions from financial institutions are rare, with most drawing attention to the faults of other sectors.

When looking through the limited definitions and ideas available it is clear that there is a significant difference between governmental financial institutions and private institutions. In fact, there is only one major similarity: the use of less controversial terms like 'large-scale land acquisition' or 'land consolidation'. Everything else in the definitions or ideas was noticeably different..

Governmental Financial Institutions

1. Land grabbers are foreign investors.

As already mentioned, this is not true – a fact that is well-documented. Governmental financial institutions likely prefer the emphasis being on foreign investors because it draws attention away from their own investments and activities.

2. Land grabbing is not necessarily bad.

Financial institutions talk about all the benefits that their projects would bring. Governmental financial institutions are quick to mention job increases (though they are rarely established), GDP increases (which are not noticeable for peasants or rural communities), modernization (that often only makes environmental problems worse) and development (a concept that is too vague and easily manipulated to be useful).

3. Land grabbing is only a problem in 'developing' countries.

Box 2: Land Grabbing in 'Developed' Countries shows that this statement is false. Another example is South Africa, a country listed by the CIA World Factbook and the IMF as a 'developed' country, yet thousands of hectares have been grabbed for farming and forestry.[46]

4. Land grabbing applies just to agricultural land.

Saying that land grabbing only happens with agricultural land allows financial institutions' transactions to be separate because they rarely cultivate land. Most investment funds or financial institutions prefer to do the same as Harvard University's investment branch, which purchased over 33,000 hectares of forest in Romania only to sell it to Ikea shortly after for almost 50.7 million euro.[47]

Sample Definitions from

Governmental Financial Institutions

IMF: Transnational investments or large-scale land acquisitions (called land grabs by critics) are by developed countries of agricultural land in developing countries, and if properly regulated can promote long-term economic development and reduce poverty.[48]

African Development Bank Group: "Acquisition of farmland by foreign public or private investors..." is called land grabbing by critics but can be used for a 'win-win' situation.[49]

[46] Nkosi, M. "Why Jacob Zuma's South Africa land policy is smoke screen." BBC News. <http://www.bbc.com/news/world-africa-31503425>

[47] Bojin, D., Radu, P., Strandberg, H. "How Ikea and Harvard got Tangled in a Corrupt Romanian Land Deal." The Huffington Post. http://www.huffingtonpost.com/entry/harvard-ikea-corruption-romania_us_56d86cbb4b0000de4039509

[48] Arezki, R., Deininger, K., Selod, H. "Global Land Rush." International Monetary Fund. <http://www.imf.org/external/pubs/ft/fandd/2012/03/arezki.htm>

[49] "African Farmers Should Reap Benefits of Land Acquisition." African Development Bank Group. <http://www.afdb.org/en/news-and-events/article/african-farmers-should-reap-benefits-of-land-acquisition-9944/>

Private Financial Institutions

In their brief definitions or explanations, private financial institutions mention two accurate points about land grabbing: that it is strongly linked to resource control (either just for raw materials or for production), and that it is for extractive purposes. Though these are both excellent points, they do not come close to covering the entire definition of land grabbing.

1. Land grabbing has serious impacts on the environment.

This is also mentioned in Section 3: Civil Society, with similar issues. Without specifically saying what the environmental impacts are, there is no way to hold groups responsible for their activities.

2. Land grabbing can be avoided by performing 'due diligence'.

This is incorrect, as shown in the case of Rabobank in Romania (see Box 7). 'Due diligence' has problems similar to the concept of Free Prior and Informed Consent. There are no standards for 'due diligence' and it can be easily manipulated to mean whatever level of investigation the company or individual wants.

It could be as simple as verbally asking a person if they are who they say they are, and taking their answer as truth.

3. Unclear land tenure or rights are a major cause of land grabbing.

Regardless of whether individuals' rights are 'legally' recognized, land grabbing violates those rights. Using unclear land tenure and rights as an excuse for actions that violate human rights is unacceptable because those rights should not be ignored in any situation.

Sample Definitions from Governmental Financial Institutions

Rabobank: "Changes in the governance and the use of land and natural resources may have economic, social, and environmental impacts on communities, families, and other stakeholders."^[50]

Bank of America: Land reform is typically a problem to be dealt with by local officials, but "Market trends and economics will not create a sustainable [sic] built environment."^[51]

Box 8: Ethical Banks

There are some financial institutions that work towards ethical banking, based on "positive development" rather than profits. Examples are Triodos Bank (UK) and the New Resource Bank (US), both of which are members of the Global Alliance for Banking on Values (GABV). GABV members fund "sustainable economic, social and environmental development, with a focus on helping individuals fulfill their potential and build stronger communities."^[52] There is still more work that can be done on defining and recognizing land grabbing.

Triodos Bank mentions the connection to resources and extraction, as well as the fact that most land grabbers' promises do not actually happen, giving a description of land grabbing that is more similar to that of civil society's than other financial institutions. Areas that need attention are Triodos Bank's statement that land grabbing is in 'developing' countries, that lack of consent and compensation are of particular concern and only "illegal land displacement of legitimate land tenure holders" fall under their zero-tolerance policy.^[53] This unfortunately leaves many other human rights issues unaddressed. The movement towards more ethical banking is a hopeful step towards greater equality, access and human rights.

[50] Nkosi, M. "Why Jacob Zuma's South Africa land policy is smoke screen." BBC News. <http://www.bbc.com/news/world-africa-31503425>

[51] Bojin, D., Radu, P., Strandberg, H. "How Ikea and Harvard got Tangled in a Corrupt Romanian Land Deal." The Huffington Post. http://www.huffingtonpost.com/entry/harvard-ikea-corruption-romania_us_56d86cbb4b0000de4039509

[52] Arezki, R., Deininger, K., Selod, H. "Global Land Rush." International Monetary Fund. <http://www.imf.org/external/pubs/ft/fandd/2012/03/arezki.htm>

[53] "African Farmers Should Reap Benefits of Land Acquisition." African Development Bank Group. <http://www.afdb.org/en/news-and-events/article/african-farmers-should-reap-benefits-of-land-acquisition-9944/>

CONCLUSIONS

Land grabbing is not a new issue. It can be found on every continent, in every country and in every environment. As a result, there are more and more people and organizations working to fight the issue and there is more information available (see Section 8: More Reading).

La Via Campesina[54] fights against land grabbing as part of their struggle for peasants' rights and food sovereignty. Networks such as Hands on the Land[55] and Access to Land [56] fight against land grabbing via small farmers and promoting access to land for agroecology. FAO pushes for policy changes and implements projects. Others, like the Transnational Institute[57] and the International Institute of Social Studies[58], fight against land grabbing from an academic perspective, with research and publications. All of this work is not only important, but essential.

Yet without a clear, universal definition of land grabbing there will not be cohesion.

With a definition, at least some of the above mentioned stakeholders can move forward in a unified way because their actions will be based on the same idea, rather than all of the variations seen here. This comprehensive definition can expand understanding and collaboration, helping the fight against land grabbing.

SO WHAT IS LAND GRABBING?

Land grabbing is the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally-typical amounts of land by any persons or entities (public or private, foreign or domestic) via any means ('legal' or 'illegal') for purposes of speculation, extraction, resource control or commodification at the expense of agroecology, land stewardship, food sovereignty and human rights.

[54] <https://viacampesina.org>

[55] <http://www.handsontheland.net>

[56] <http://www.accesstoland.eu>

[57] <https://www.tni.org>

[58] <http://www.iss.nl>

READ MORE about Land Grabbing

There are many articles, press releases, factsheets and publications about land grabbing and land rights. Listed here is a selection of publications that give a comprehensive look at land grabbing and land rights from a human rights perspective.

From Eco Ruralis

Land Grabbing in Romania: Fact finding mission report:

https://drive.google.com/file/d/0B_x-9XeYoYkWUWstVFNRZGZadIU/view

Land grabbing in Romania factsheets

<http://www.ecoruralis.ro/web/en/Publications/>

From the Transnational Institute

The Global Land Grab: A primer

<https://www.tni.org/files/download/landgrabbingprimer-feb2013.pdf>

Land concentration, land grabbing and people's struggles in Europe.

https://www.tni.org/files/download/land_in_europe-jun2013.pdf

Extent of Farmland Grabbing in the EU (for the European Parliament)

[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU\(2015\)540369_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU(2015)540369_EN.pdf)

From the F.A.O.

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

<http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

From FIAN

People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for promotion, implementation, monitoring and evaluation

http://www.fian.org/fileadmin/media/publications_2016/EN_Peoples_manual.pdf

Land grabbing and human rights: The involvement of European corporate and financial entities in land grabbing outside the European Union (for the European Parliament, along with the International Institute of Social Studies)

https://handsontheland.net/wp-content/uploads/2016/06/EXPO_STU2016578007_EN.pdf

From The Oakland Institute

Land Rights page and resources

<http://www.oaklandinstitute.org/land-rights-issue>

My Home My Land (a picture book on land grabbing)

<http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/My%20Home%2C%20My%20Land.pdf>

From GRAIN

The global farmland grab in 2016: how big, how bad?

<https://www.grain.org/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad>

GRAIN Reports

<https://www.grain.org/article/categories/14-reports>

WHAT IS LAND GRABBING?

a critical review of existing definitions



**eco
ruralis**

August • 2016

Cover photo by Peter Lengyel