1. Introduction

Frits van der Wal, Focal point land governance at the Netherlands’ Ministry of Foreign Affairs.

Land governance has been gaining attention over the last years. The issues touch upon many different sectors, and action should therefore be initiated from these different sectors. The so-called Dutch Diamond Approach, where governments, knowledge institutions, civil society organizations and the private sector search for ways to cooperate in combating issues such as land grabs, could serve as a useful method.

The IS Academy LANDac embodies this approach. Initiated five years ago, it brings these different groups of actors together and forms a means of getting informed knowledge into the ministry and thereby policymaking. It also serves as a means to give land governance content, through participation in and support of forums such as the International Land Coalition (ILC), Global Land Tool Network (GLTN) and the LANDforum, the latter of which is an initiative started by LANDac.

2. Book presentations

Annelies Zoomers, editor of the book, chair LANDac and Professor International Development Studies at Utrecht University.

At the beginning of the hype surrounding land grabbing, around 2007/08, the focus was put upon Asian countries who were buying large tracks of land in African countries, with the purpose of using them for agricultural activities. It was reckoned that these investments were made as a response to the global food and energy crises occurring at the time.

However, as it turned out, this trend was not confined to Asian countries buying land in Africa. European countries, Brazil, the U.S., and Mozambique were, and are, also involved in a great number of (international) large-scale land acquisitions, as are local elites and diasporas.

Furthermore, land was not acquired solely for agricultural purposes but also for land conservation programmes, such as REDD+, for infrastructural projects, such as dams, and for tourism. As a result, the global land market came under increasing pressure.

The term ‘land grab’ is often used incorrectly, as these land acquisitions mostly occur within the realms of the law, and are in fact pushed by national policies aimed at bringing modernization to a country. However, although the land transfers are legal, they are often unfair and can bring great negative consequences to local populations and their natural environment.

The way the issue of land grabbing is framed has changed over the years. For example, the World Bank stated that it was a beneficial trend, as the land acquisitions could bring employment and technology to lesser developed areas. On the other hand, civil society organizations such as La Via Campesina stressed the negative outcomes. Currently the debate is more nuanced, with the World Bank acknowledging that land acquisitions are not always positive.

Weakness of institutions in countries where land is grabbed and lack of transparency around the land transactions have often been coined as the main causes of land grabs. As a result, interventions to combat land grabbing are often aimed at improvement on these aspects. Land administration for example, is seen as an important tool to combat land grabbing, as land titles can help secure land rights. Responsible business is another often-mentioned aspect. With regard to this numerous codes of conduct, round tables and certification schemes have been developed.

The effectiveness of these interventions is not always clear. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests are a good initiative, but if you compare countries, the outcomes are often very much the same, despite the differences in land
policies and legislation. This raises questions as to how useful such tools, aimed at improvement of legislation and governmental bodies, really are. As for land administration, a question that needs to be asked is how to deal with the transaction costs that such methods also infer.

With regard to the private sector it is positive that companies are willing to take action to act more responsible. It is however not as positive that ‘islands’ of rules are created, each one with their own rules, certifications etc. This fragmentation is a negative consequence of these responsible business endeavours.

The Netherlands are currently moving away from interventions towards multi-stakeholder processes. This is a positive move, as it helps people who would not normally cooperate reach each other. Communication could bring better results than creating more rules and other frameworks.

Less focus should be put upon the number of hectares that land deals cover, something that does happen in for example the Land Matrix and similar databases. The impacts of land deals are very dependent on the specific circumstances. It would therefore be more useful to have a database on land conflicts.

The global land grab is often presented as unexpected, but it is the outcome of policies (development aid as well as national policies) pushing (African) countries to open up their economies and to increase their production. Although an increase in production can be seen as something positive, it often occurs in such a way that a large number of people are excluded from these potential benefits.

With regard to gender attention is often given to double titling, customary rights etc. Many areas within land grabbing are areas where females are dominant, such as agricultural activities. Promoting double titling in such cases can be regarded as taking a step back: where women were dominant before, they now have to share the ownership. Also, the investor side is very much dominated by male figures. In addition, the type of farming that is promoted is one that is very masculine: industrialized, mono-cropping, using bulldozers etc.

Mayke Kaag, editor of the book, senior researcher at the African Studies Centre in Leiden

The book brings together country studies from different continents, as well as having chapters specifically on Gulf State and Chinese investors. In addition to land grabbing for agricultural purposes it also touches upon water grabbing, infrastructural projects and urban expansion. The book has given a lot of insight in the historical roots, the triggers, and dynamics of land grabbing in various countries and parts of the world. It has a much needed empirical depth and it is comparative enabling to see variety but also trends and similarities.

But what can we do in practice? We argue that accountability is crucial. It can be seen that laws and rules are present and that companies have Corporate Social Responsibility (CSR) policies, but that in spite of this land grabbing still occurs, which suggest a more political understanding of accountability: who has the power to enforce these rules?

The case studies have shown that large scale land acquisitions represent important stakes for investing states and private investors, as well as for national and local governments and others, such as such as local elites, in the host countries. The stakes exceed private/public divides as well as international/national/local distinctions: large-scale land acquisitions are often conducted in private/public collaboration, link distant producers and consumers in transnational value chains, connect local and external businesses and governments. The importance of the stakes is making it attractive not to adhere to guidelines and rules and the complexity of the field of stakeholders make it easy to ‘free- ride’. Furthermore, there is often a lack of knowledge on legislation and rules among the local population, which makes it possible for the local elites to take advantage. Locals feel like they lack the power to enforce the rules; companies feel like enforcing rules is a task for governments and not within their power, etcetera.

Effective accountability should be conceived of as a translocal web of checks and balances, linking local, national and international levels, and different types of stakeholders, who all have their own role to play. For the problem of land grabbing no easy fix is available, and we do not want to create new hypes around solutions. But we believe that taking a more political stance, a more translocal approach,
better collaboration between different types of stakeholders and also new partnerships is the way forward.

3. Reaction Minister Ploumen

*Lilianne Ploumen, Dutch Minister for Foreign Trade and Development Cooperation*

The publishing of this book is very timely as land is an important factor in the Aid and Trade agenda and the topic occurs in many debates. For example with regard to how financial institutions construct their programmes around land, on which a multi-stakeholder dialogue is currently commenced.

It is a much-debated issue within parliament. In a debate on corporate social responsibility the focus was put on how to help local communities as well as the consumers. The issues are complex, and thus so are the guidelines, frameworks and other tools surrounding them. Land grabbing can differ greatly according to the local circumstances, which means that a single framework cannot be applied to all these different issues and specific circumstances.

With regard to gender, what kind of agricultural production are we promoting? The role of female entrepreneurs is not reflected upon enough. A big problem is also that farmers are getting older and that the entrepreneurial side of agricultural production is very masculine. There is still a lot to explore on the feminine side. Feminists were always very much focused on titling, but now the debate on gender has re-energized.

We have to highlight differences in accountability. Companies adhere to local laws that are not necessarily very good. We as state actors should use our intervening power and get people to sit together at the table, which is where our role as the government is.

This book will help me understand issues and how our policies adhere to these issues.

4. Country presentations

*Alda Salomão, director and senior legal advisor of the Mozambican NGO Centro Terra Viva (CTV); PhD researcher for LANDac*

Mozambique is widely recognized and known for having a good and acceptable legal framework on land. There is room and need for refining, but it is a good starting point. However, there is still a lot of struggle surrounding the implementation of these laws and legislation. Meanwhile, Mozambique remains a preferred location for both national and foreign land grabbers.

In order to assess the quality of a legal framework one has to take into account whether this framework is fair and implementable, as well as which actors are involved, which relations come into play, and who can be held accountable in a certain situation. There should be a combination of upward and downward accountability.

If a legal framework is to be successfully implemented, the local population should be prepared and knowledge on the specific rules and laws should be fostered. If the people are aware of their rights, they can start to take advantage of the land grabbing ‘hype’, and turn it into something positive.

*Femke van Noorloos, researcher and lecturer International Development Studies, Utrecht University*

Residential tourism is a worldwide phenomenon in which tourism is intertwined with real estate investments and speculations. It is an outcome of the process of land becoming increasingly commoditized. In Costa Rica there has been a wave of residential tourism, where mostly retired persons, often North American, buy property in Costa Rica.

In Costa Rica a real estate boom has started in 2002, leading to such phenomena as gated communities. There is often collaboration between North Americans and local actors. It is a legal process, but not necessarily a fair one. It has for example led to gentrification in the area, forcing poor people to leave as price inflation has made living in the area too expensive.
Land acquisitions in Vietnam are legal, as the land is owned by the government. The government can allocate land to individuals and organizations. It has the right to take land from local users, if this is deemed necessary for national purposes, for example for urban expansion or hydropower projects.

Those who have lost land have the right to restoration or compensation. However, these are often not given in an adequate manner, and with compensation rates that are too low.

What can be seen in Vietnam is that the government, whose main responsibility should be to protect its people, gives priority to the interests of investors.

5. Discussion

Annelies Zoomers = AZ; Frits van der Wal = FW; Mayke Kaag = MK; Femke van Noorloos = FvN; Alda Salomão = AS; Pham Huu Ty= PHT.

Multi-stakeholder processes as a tool to combat land grabs

FW: Transparency in land transactions should be put on the agenda. Governments have the responsibility to comply with the frameworks in place. Currently the cries for change are coming from the affected people rather than governments. It is important to foster communication and trust among the different stakeholders through communication. Multi-stakeholder processes can serve as a way to turn guidelines into practice and can give us an answer to the question of what type of behaviour we need for responsible use of land.

AZ: Round tables and certification schemes could make things better, but the question ‘what does responsible land use entail?’ remains. For example, floriculture in Kenya takes up a lot of water. Can this be labelled as responsible: using water for flowers rather than for agricultural purposes or human consumption?

PHT: Guidelines don’t work for developing countries, as there is no equality between developing and developed countries.

MK: What is the use of multi-stakeholder processes? We should not just be promoting high-level multi-stakeholder dialogues, but also look at them in an analytical way: how should different levels of accountability be linked? Questions around accountability should not just be focused on one level.

AZ: Is a multi-stakeholder approach realistic? A positive feature of these processes is that they can bring different groups of people who normally would hardly communicate together. Businesses often do not know how to approach local people. This is something that came forward in the LANDforum, where investors indicated that they found it hard to gather sufficient background information and communication with the local communities. The private sector is increasingly talking about corporate social responsibility, at least within the Netherlands.

FvN: The problem with accountability is that it is often exposed when the damage is already done. Multi-stakeholder processes can provide a solution, as they can play a preventing role.

MK: Can local communities successfully become involved in multi-stakeholder processes? In Senegal local farmers organizations have been involved but often there is still a gap between organizations and farmers. There is a need to look at political roles and interests of stakeholders and their links to other actors.

The role of water in land grabbing

AZ: With regard to water, there have been cases of land grabbing where land was acquired but the main interest of the investors was to gain access to the water resources on this land. ‘Water grabbing’ also comes into play in tourism, where large amounts of water are used for golf courses etc.
MK: in West Africa there was a case where a company was drilling wells for villages, but was in fact measuring the deeper subterranean water level for possible own use. Agricultural investments always go hand in hand with use of water. In the book the issue of water is addressed by a case study on water grabbing in the Andes.

FvN: Use of water in residential tourism is one of the main reasons for protest among local communities.

AS: In agricultural investments water is always important. The investments are often made in those lands that are within close proximity to water bodies. They make water problems more visible and raise discussions on the topic.

PHT: In the case of hydropower water issues are very important. This is also the case with regard to transboundary water bodies. Vietnam invests in hydro-power in Laos and Cambodia.

Gender

FvN: In residential tourism, women reap more benefits from the tourism side than men do. But land is sold on a private land market which is more accessible for men than for women. Women do play the biggest role in actively opposing the developments.

AS: Gender is a major issue. Resettlement is an often-observed consequence of land grabbing. The displaced people often move to urban areas. Women who used to work on the land lose their main source of income, and have difficulties obtaining a new job.

AZ: The role of gender has not been a primary focus in this book. We are working on a book that focuses on gender issues in land grabbing, which is due next year.

The role of legislation, governments and questions of legitimacy

MK: we agree with the statement that ActionAid made in their report "the Great Land Heist", that land grabbing, although often legal, is mostly not legitimate.

PHT: The Vietnamese government has the right to take land from 'land users' for national purposes. This entails all groups, including businesses. The difference is that they often lease the land to foreigners, for periods of between 50 and 75 years. Land acquisitions are legal because they are backed. But they violate the interests of land users. So is cooperation between businesses and the government right then?

AZ: Bilateral policies can be rather unconstructive. For example, if the Netherlands talk to Mozambique about land grabbing issues, they do not acknowledge that a country like Brazil is very actively acquiring land within Mozambique. Ideally those parties should all communicate and come forward with shared solutions.

So, is bilateral policy the way to proceed? There is a need to talk to the grabbers’ governments. The African Union could also make a big difference, as governments are often not very powerful and feel that they lack the negotiation power to confront businesses. If these countries work together they could form a stronger block. However, these countries are also competitors, making cooperation between them difficult.

AS: The African Union does not play a role at the national level. I do think that the difference is to be made at the national level and would therefore prefer to focus on this level.

What happens really is land grabbing: there is no free prior and informed consent (FPIC), actors take more land than is needed and the outcome is often negative for local people. If a law allows land grabbing, can it be a good law? There is a need to really look at whether laws do what they are made to do.

With regard to involvement of local stakeholders, they should grab the opportunity if it is given, but some have better chances than others. The challenge lies in the fact that the option is not easily offered.
FvN: In Latin America there are a lot of regional mechanisms, but these are mostly focused on attracting investments. The reaction on accountability issues though translocal mechanisms is still slow (too slow for how fast the process is going). Inclusion of local people in negotiation is still difficult.

AS: The challenge is to take advantage of the opportunities. People are unprepared and lack knowledge on the legislation. How to hold governments and businesses accountable? Governments should do something, but usually work within the law.

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