



Edited by Wendy Wolford, Saturnino M. Borras, Jr.,
Ruth Hall, Ian Scoones and Ben White

GOVERNING GLOBAL LAND DEALS

The Role of the State in the Rush for Land

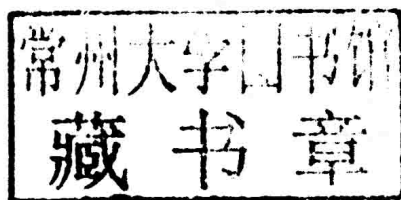
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Governing Global Land Deals

Land is a finite resource, and its distribution and use are critical to the well-being of the world's population. As the global population grows, the demand for land increases, leading to competition for land between different sectors and countries. This competition has led to a surge in global land deals, which are transactions involving large areas of land, often in developing countries, for agricultural, industrial, or residential purposes.

These deals have raised concerns about the impact on local communities, the environment, and the global food system. The rapid acquisition of land by foreign investors, often without the consent of local communities, has led to displacement, loss of livelihoods, and environmental degradation. The concentration of land in the hands of a few large investors has also raised concerns about the impact on the global food system.

As a result, there is a growing need for effective governance mechanisms to regulate global land deals. This includes ensuring transparency, accountability, and the participation of local communities in decision-making. It also involves addressing the underlying drivers of land grabbing, such as the need for food and the desire for investment.

Effective governance of global land deals requires a multi-stakeholder approach, involving governments, investors, local communities, and civil society. It also requires a focus on the underlying drivers of land grabbing, such as the need for food and the desire for investment. By addressing these drivers, we can ensure that global land deals are governed in a way that is fair, transparent, and sustainable.

The global land market is a complex and rapidly changing one, with a wide range of actors and interests. As the demand for land continues to grow, the need for effective governance mechanisms will become even more pressing. By working together, we can ensure that global land deals are governed in a way that is fair, transparent, and sustainable.

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Governing Global Land Deals: The Role of the State in the Rush for Land

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INTRODUCTION

Over the past decade, there has been a dramatic increase in large-scale land acquisitions for the purposes of securing access to the means of producing natural resource commodities (see Borras et al., 2011; Deininger et al., 2011; de Schutter, 2011). In just one year, from March 2008 to April 2009, an estimated 40 million hectares of land changed hands; the latest figures from the World Bank suggest that this was twenty times higher than the average annual level of land transfers for the preceding forty years (Arezki et al., 2011: 1).¹ The motives and the means differ, but transnational and domestic interests have acquired increasing quantities of land throughout the global South for a wide range of purposes, including logging, food, fuel and increasingly bio-fuel production, tropical forest products and plantation forestry, ranching, production of illegal narcotics, access to water or hydropower, precious minerals and metals, oil, natural gas, carbon sinks and protection of flora and fauna and global biodiversity (Zoomers, 2010). While many of the land deals conducted in recent years remain speculative — according to Deininger et al. (2011), 78 per cent of the land acquisitions included in their report were not under production — there is widespread concern that the deals will privilege production for external markets while allowing or even facilitating the neglect of local communities, that they will lack transparency

This essay introduces a special theme issue which is a product of two years of research collaboration through the Land Deal Politics Initiative (www.iss.nl/ldpi). The authors would like to thank the anonymous reviewers for their helpful feedback as well as the editorial team for their work and support in seeing the issue through. The authors would also like to thank Sara Keene for her invaluable assistance with revisions and editing.

1. Original estimates from the World Bank suggested that there was only a tenfold increase in land acquisitions (Deininger et al., 2011: vi) while estimates produced by the International Land Coalition (ILC) and Oxfam are significantly higher. The ILC has documented transfers of 80 million hectares from 2008 to 2011, while Oxfam suggests that more than 227 million hectares have been allocated in large-scale land deals since 2001, with the vast majority of those transfers occurring after 2008. See the ILC/CIRAD forthcoming synthesis report on the Commercial Pressures on Land Research Project cited in Oxfam (2011).

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or community dialogue and that they will result in displacement of residents with informal or traditional land rights (*The Economist*, 2011).

While the nature of this so-called 'land rush' is debated (see the forum in the *Journal of Peasant Studies*, March 2011 for different perspectives on the subject), and the definition and historical novelty of a global land grab increasingly questioned, there is little doubt that something important is happening. Much has been written about land acquisitions in the past five years (Borras et al., 2011; Fairhead et al., 2012; White et al., 2012), but we still need a better framework for an understanding of how land deals are shaping — and being shaped by — the modern nation state. The international community became aware of land grabs in March 2009, several years after what could be described as the beginning of large-scale land acquisitions. We suggest that what sparked international attention was not necessarily the land deals themselves but the spectacular fall of the Ravalomanana government when it attempted to lease almost one third of the country's arable land to a South Korean firm (see Burnod et al., 2013: 357–380). Land has been grabbed before, especially in Africa, and even the size of the Madagascar land deal might not have provoked particular concern (the rest of the world has historically turned a blind eye to land grabbing in Africa), but when a state falls, it is an international matter.

Thus it is probably not a surprise that as international actors turned to land deals, they focused on the state. The global political community suggested that the blame for large-scale deals lay with post-independence states themselves; it was argued that land grabs were happening in states where 'governance of the land sector and tenure security are weak' (Arezki et al., 2011: 3; also see Bomuhangi et al., 2011; Deininger et al., 2011). States like Madagascar, Sudan, Ethiopia, Cambodia and Laos were depicted as unable to provide the kind of tenure security or formal land markets or even social safety nets that would generate order and protect the national territory. These were the states described as fragile, disorganized or ungovernable because the rule of law appeared not to cover the full extent of their territories. The analyses suggest that improved governance is the key to addressing the most problematic aspects of land transfers, such as forced dispossession, speculative behaviour, corruption and a general lack of transparency (see Li, 2011 for a critique of these assumptions). Multilateral organizations have thus focused on improving the legal and bureaucratic mechanisms with which land deals are conducted and overseen: establishing better contracts, free, prior and informed consent and clear land rights. All of these elements build on earlier agendas; formalizing and simplifying land rights, in particular, has been seen as crucial to releasing the entrepreneurial spirit of the rural and urban poor in developing countries (Dwyer, 2013: 309–334; Grandia, 2013: 233–260; see also HLPE, 2011; Landesa, 2011).²

2. For at least twenty years, the international community has promoted land rights as a solution for lawlessness, political instability, environmental degradation, production inefficiencies and

While good governance and land rights are worthy goals, they are not implemented in a vacuum. In order for our analyses of, and prescriptions for, land deals to be accurate we need to know more about the nature of states themselves; we need to know more about the motivations of particular actors as well as the capacity of governments and the political cultures that shape the path from policy to practice. As some of the authors in this special issue argue, an analysis of governance must include a focus on formal legal mechanisms such as rights, but also on the formal and informal 'bundle of powers' exercised by different actors (Ribot and Peluso, 2003; Peluso and Lund, 2011; also see Burnod et al., 2013: 357–380; Fairbairn, 2013: 335–356). A nuanced analysis of how different actors at various levels within the state think and work, as well as how different kinds of state subjects are created (Baka, 2013: 409–428; Sullivan, 2013: 451–471) is necessary to shift the discussion of land deals from the current Manichean portrayal in which land deals are seen as either providing much-needed capital and technology for third world agricultural production, food security and employment (Ariyo and Mortimore, 2011; Cotula et al., 2009; Deininger et al., 2011; FAO, 2009; Robertson and Pinstrip-Anderson, 2010), or as neo-colonial scrambles for land and resources conducted by predatory investors at the expense of marginal populations abroad (Oxfam, 2010; Via Campesina, 2011).

In this special issue, therefore, we attempt to go beyond the rhetoric of 'land grabs' and weak, fragile or corrupt states. The papers as a whole develop a number of arguments about global land grabs and the state. First, in relation to the concept of land grabs, the papers suggest that our focus should not just be on land or on specific acts of grabbing; rather we need to analyse a host of processes from narratives of legitimation (Baka; Grandia; Oliveira) to subject making (Baka; Sullivan), technology transfer (Buckley) and industrial development policy (Levien) to understand the means by which large-scale dispossession, appropriation and extraction come to be seen as not just possible but even necessary.

In relation to the role of the nation state in land deals, the papers make four key arguments. First, they suggest that states are not simply passive victims in these deals; they are not coerced into accessing foreign capital by selling off pieces of their national territory to more powerful economic or political players. Instead, many states are active, calculating partners in land deals, negotiating the costs and benefits of the contemporary moment in order to maximize returns on what are considered marginal lands or marginal

even political corruption (Morris et al., 2009). The emphasis on land titles and the flexibility of land markets has arguably paved the way for land deals, providing a veneer of legitimacy through formalization (Fairbairn, 2013: 335–356). At the same time, the push for titling forms part of the radical strategy to protest land deals because social movement and civil society activists also argue that communities are being pushed aside precisely because they have customary or traditional forms of access that are not respected in the rush to parcel off areas (Daniel and Mittal, 2010; Landesa, 2011; Oxfam, 2010).

communities. The example of Brazil is a good one. The paper in this issue by Gustavo Oliveira suggests that the Brazilian government has weighed the costs and benefits of various land uses, such as selling land to foreigners or preserving biodiversity for domestic and international environmental concerns. To address multiple interests both within the country and without, the government has established environmental protections in the Amazonian region that then allow it to justify accepting capital investments — foreign and domestic — in the Cerrado region of the central highlands. The Cerrado region has become a territorial reserve for foreign investment into large-scale, input-intensive agriculture even as the Amazon remains relatively protected. The paper by Michael Levien in this issue provides another example, this time from India. He argues that dispossession has been a ‘constitutive feature of the socio-spatial transformations engendered by colonial, post-colonial and neoliberal political economies’, but he goes on to show how dispossession has changed over time and place: in the state of Rajasthan, the government works to legitimize its own role as land broker and in so doing sometimes supports land deals and sometimes fosters resistance against them.

Second, states do not divide neatly into those acquiring land and those being acquired; they are not nearly so coherent and unified. Actors *within* countries are exploiting unevenness wherever they can and often acting against each other in an attempt to mediate access to land. In this issue, Madeleine Fairbairn argues that inequality within Mozambique is at least as important as inequality between countries for determining the outcome of large-scale land deals there. Her paper stresses the role of domestic elites and shows how they draw on different kinds of authority to provide assistance or obstacles to would-be buyers. In one example, one group of local elites held up a land deal initiated by another group of elites because the first group demanded a bribe; in this case, corruption actually shut down a foreign land deal rather than facilitating it. In Madagascar, state representatives generally welcome agribusiness investments, but they compete over the corresponding benefits and, more significantly, over land management authority (see Burnod et al., 2013: 357–380). As Burnod and her co-authors illustrate, Malagasy elites, government officials and local leaders may use land deals as a way to negotiate local land management authority, in some cases exacerbating intra-community conflicts. These authors argue further that opposition to the Daewoo Logistics land deal of 2009 was more likely a case of internal politicking intended to destabilize the president at the time than a definitive opposition by elites to international land deals.

A third argument developed by the contributions to this issue is that governments around the world have had very different responses to land deals. Brazil, for instance, has reinstated more strict regulations on foreign land ownership (Oliveira), whereas other governments, such as Mozambique, have embraced large-scale land deals with foreign buyers (Fairbairn). And some countries have resisted formal land title in favour of community

ownership until pushed by the international community, particularly development banks, to legislate clear property lines. In the paper by Liza Grandia on Guatemala, these property lines preceded large infrastructure projects that then threatened smallholders who were forced to sell to developers.

Fourth and finally, the research in this issue highlights the articulation of different kinds of power within the state; government leaders call on the military, the police and the courts as well as shadowy elements such as paramilitary forces or narcotics traffickers to carry out the implementation and regulation of land deals. The paper by Jacobo Grajales illustrates the multi-faceted expression of state force in Colombia where the president, on one hand, enacted the Victims' Law to grant compensation to victims of the long-lasting armed conflict, yet simultaneously encouraged the rapid development and expansion of oil palm plantations, most of which are supported by the same narcotics traffickers and paramilitary groups who perpetuated the violence on smallholding peasants in the first place. Grajales argues that we need to see this sort of violence — the violence that accompanies land takings — as not abnormal or outside the modern state, but as constitutive of it.

In making these four arguments, the authors focus on several key components of governance more broadly understood: territory, or the legal extension of state power on the ground; sovereignty, or the capacity of rulers to control the conditions of their own reproduction; authority, or the role of diverse actors in governing at multiple scales, whether legitimate representatives of the state, third party actors such as non-governmental organizations, community leaders or corporate representatives; and subjects and subjectivities, or the constitution and influence of new actors who because of changing property relationships are either empowered or dispossessed of the ability to make claims on the state. These four components are difficult to analyse; they are not 'things' with fixed, identifiable natures and responsibilities. Rather, they are relationships and, as such, shaped by constant struggle embodied in everyday practices and discourses as much as in formal institutions (Abrams, 1988; Mitchell, 1991). Territories are designated by borders that appear as tangible lines on a map projection, but these borders only work because they are patrolled and defined — even 125 years after the Berlin Congo Conference — by a gentleman's agreement to acknowledge and respect formal claims. Sovereign states are represented by formal bodies such as parliaments, ministries and executive heads that bear some responsibility for public order and welfare but all of these need to be constantly legitimated through practices of consent and coercion. Likewise, the authority of a modern state is outlined in a set of principles and rules that establish political hierarchy and legal practice (such as the writing of contracts) but off the rarefied pages of the Constitution, state and non-state actors alike seize authority through everyday practices of negotiation, governance, oversight and improvement that are as important, if not more so, as the formal rules. Finally, states consist of members — citizens — who participate in state making through a variety of formal channels that mark them as proper subjects:

attending school, owning property, voting in elections, paying taxes, pledging allegiance, etc.; and yet the experience of citizenship is highly variable, differentiated by class, status, age, gender, ethnicity and capability.

Thus, the formal institutions of the state and governance are important, but they are only one aspect of the multi-faceted relationships represented by each. To fully understand contemporary land deals, we argue that they need to be analysed in particular places and times in order to capture the ways in which the deals shape — and are shaped by — *the institutions, practices and discourses of territory, sovereignty, authority and subjects*. We question the term ‘land grab’ and suggest that land deals have no necessary character; they are not *necessarily* ‘win-win’ nor do they *necessarily* entail dispossession and deceit (Cotula and Vermuelen, 2009). Land deals are nothing more (or less) than transformations in the ground on which states are formed.

Our approach to these four components of the state is situated in work being done in the broad fields of political ecology, anthropological analyses of the state and agrarian studies. Political ecology is a theoretically eclectic field defined by its concern with the relationship between people and their environments in the broader context of the state and economy (Blaikie and Brookfield, 1987; Robbins, 2004). Although political ecologists are increasingly re-conceptualizing the field, focusing more on developed economies (McCarthy, 2002; Robbins and Sharp, 2003; Walker and Fortmann, 2003; Wainwright, 2005), urban areas (Heynen et al., 2006; Leichenko and Solecki, 2008; Swyngedouw, 2004), and networks, webs and rhizomes (Escobar, 2010; Rocheleau and Roth, 2007), three classical concerns of the literature are relevant to a consideration of land deals and the state. First, the focus on the materiality of production and social reproduction in highly politicized environments helps to illuminate the interconnections between biophysical landscapes and the political economies of development. The characteristics of the physical environment are experienced and represented in ways that shape land deals, whether it be flat plains considered ‘ideal’ for large-scale, mechanized commodity crop production (Oliveira, 2013: 261–284; see also Deininger et al., 2011; Wolford, 2008), semi-arid savannas and so-called ‘marginal lands’ re-made into plantations and wilderness parks (Makki and Geisler, 2011), or ‘undeveloped’ frontier land in dense tropical rain forests (Dwyer, 2013: 309–334; see also Baletti, 2011), unused, undervalued, or state land (Burnod et al., 2013: 357–380) or geographically isolated borderlands (Grajales, 2013: 211–232). Growing interest within political ecology in the construction of nature itself (Braun, 2002; Escobar, 2010; Whatmore, 2002) also provides tools to shed critical light on the relationship between state discourses of ‘appropriate’ land use and essentializations of gender, class and ethno-racialized identities (Buckley, 2013: 429–450; Fairbairn, 2013: 335–356; Sullivan, 2013: 451–471; see also Bassett, 2002; Sundberg, 2003).

Second, the central role of conflict in political ecology (Moore, 2005; Perrault, 2008) highlights the ways in which different forms of power (state

and non-state) shape access to land as well as to labour, income or capital, technology, and rights such that 'struggles over material resources, labour discipline, and surplus appropriation are simultaneously struggles over culturally constructed meanings, definitions, and identities' (Hart, 1997: 45). Attention to conflict is crucial in studying land deals as they have been characterized by violent struggles over ownership and use (see Grajales, 2013: 211–232; Levien, 2013: 381–408). These conflicts are shaped by the different meanings associated with land, as a productive asset, a means of livelihood, a home or homeland, a method of achieving stability, etc. (see Graef, 2013: 285–308 and Dwyer 2013). Even when land deals occasion no outright resistance or protest, or when dispossession is not accompanied by displacement — what Feldman and Geisler (2011) call 'in situ displacement', and Hall (2011) calls 'adverse incorporation' — there are often small uncoordinated acts of resistance — James Scott's (1985) 'weapons of the weak' — produced in the interstices between ownership and use.

Finally, many of the papers in this special issue incorporate political ecology's traditional concern with the ethnographic method, focusing on 'land managers' (Blaikie and Brookfield, 1987) and using life histories to analyse the 'thick' questions of subjective interpretation, ideology and intention (Buckley, 2013: 429–450; Fairbairn, 2013: 335–356). They illustrate a political ecology of the state by examining not only the *role* of the state in shaping land deals, but the inner workings of states in shaping new understandings and articulations of territory, sovereignty, authority and subjects (see Dwyer, 2013).

This focus on the lived experience of governance builds on work loosely defined as the 'anthropology of the state' (Sharma and Gupta, 2006; see Buckley, 2013: 429–450) through which notions of governmentality have become central to an understanding of state power and the articulation of subjects (Baka, 2013: 409–428). Our approach builds on work by Ferguson and Gupta (2002; also see Gupta, 1998) who critique the normative conceptualization of society as below an omniscient and omnipresent state (the grassroots as 'on-the-ground' versus the 'top-down' execution of the state). We focus on the construction of territories, sovereignty, authority and subjects precisely to avoid seeing the state where it is not. Understanding *the process* of governance is an effective way of disrupting the state's own efforts to universalize, naturalize and simplify. In this we inevitably follow Foucault (1991), for whom governmentality — or the 'conduct of conduct' — derived from the problematic of 'how to govern oneself, how to be governed, how to govern others, by whom the people will accept being governed, how to become the best possible governor' (ibid.: 87). As Levien (2013: 381–408) suggests, coordinating land deals is a highly political process that lacks the veiling capacity of the market's invisible hand and so requires 'an extra burden of ideological legitimation' (ibid.) to be accepted by those whose access to land is threatened.

Foucault argued that the modern nation state organizes its subjects (including both people and things) in ways that make them easier to govern — or ‘visible’ — by ‘rationalizing and standardizing what was a social hieroglyph into a legible and administratively more convenient format’ (Scott, 1998: 3). Around the world, the post-colonial art of government is embodied in scientific experts (Buckley, 2013: 429–450) who provide expertise and infrastructure (Grandia, 2013: 233–260), creating a ‘technocracy’ that disciplined individuals to internalize, accept and perpetuate the conditions of their rule (Mitchell, 2002). As Foucault said, ‘when a state is well run, the head of the family will know how to look after his family, his goods and his patrimony, which means that individuals, in turn, behave as they should’ (Foucault, 1991: 92). The case studies in this special issue show how state and non-state actors alike work to promote the smooth internalization of hegemonic objectives, although the balance between coercion (Grajales, 2013: 211–232; Levien, 2013: 381–408) and consent (Buckley, 2013: 429–450) varies depending on the legitimacy of the state apparatus and the overlap between official goals and the desires of people on the ground. Analysing this balance requires working at multiple scales to see the ways in which seemingly local actors are influenced by interests and actions at broader scales (see Oliveira, 2013: 261–284 and Dwyer, 2013), while at the same time taking on crucial roles mediating access to land (Baka, 2013: 409–428; Burnod et al., 2013: 429–450; Fairbairn, 2013: 335–356).

Finally, our perspective on the state and land deals is shaped by political economy work in the field of critical agrarian studies (Bernstein, 2010; Borras, 2009; White et al., 2012). The scale and velocity of land acquisitions over the past decade makes ‘old’ agrarian questions of imperialism, political power and modes of production and reproduction relevant again. The relationship between political organization and capital (the subject of the original agrarian question, c.f. Kautsky, 1899/1989) requires re-examining; state actors from the global South and global North are actively participating in land acquisitions in ways that belie the strict separation between state and capital, and between buyers and sellers (Fairbairn, 2013: 335–356; see also Amanor, 2008; Hall, 2011). New concerns of resource scarcity and commodity production invoke old questions of the relationship between population, ecology and technology, even as states and private investors hedge their bets by purchasing the means to produce individualized abundance amidst dearth (McCarthy and Wolford, 2011; McMichael, 2011). Contemporary land deals are thus productively analysed through the lens of what David Harvey (2003) refers to as ‘accumulation by dispossession’ (see Levien, 2013: 381–408).

Drawing on Marx’s discussion of primitive accumulation (Marx, 1990: 873–96; also see Perelman, 2000), Harvey argues that capitalist expansion in the post-Keynesian period (1970s to the present) has been mediated through an equally violent and bloody process of alienation from the means of production, consumption and representation — what Harvey describes as