

# ejolt



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## The many faces of land grabbing

Cases from Africa and Latin America

Contributions by

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## Cases from Africa and Latin America

**Report written by:**

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## Abstract

The two big global crises that erupted in 2008 – the world food crisis and the broader financial crisis that the food crisis has been part of – are together spawning a new and disturbing trend towards buying up land for outsourced food production. ‘Land grabbing’ as these acquisitions are now called, is often led by the private sector (with support from governments) that sees opportunities triggered by the global financial, food and energy crisis.

Characteristics of land grabbing are large scale displacement of the rural poor without proper compensation and the destruction of the local ecology to make space for industrial agriculture and biofuels. Recent studies emphasize the links between land grabbing, biomass extraction, and the interests and needs of the few members of a global class of consumers distributed across an increasingly multi-centric global food system, against the vast majority of the world’s population. Thus, the fight against land grabbing currently lies at the interface of the climate debate, food sovereignty, indigenous rights, social and environmental justice.

This report describes and analyzes specific cases of land grabbing around the world within various socio economical contexts and with diverse social and environmental consequences as well as reporting successful cases of resistance to land grabbing to contribute to a preliminary understanding of the forces and also the conditions (opportunity spaces) for resistance, and the different types of alliances that can be made at different scales.

## Keywords

land grabbing

agribusiness

biofuels

economic development

food security

food sovereignty

industrial agriculture

community land rights

sustainable agriculture

world food price crisis

water grabbing



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## Acronyms and abbreviations

BID	Inter-American Development Bank
BNDES	Banco Nacional do Desenvolvimento
BRICS	Brazil, Russia, India, China and South Africa [major emerging national economies]
CAMEC	Central African Mining and Energy Company
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CIRAD	Centre International Recherche Agronomique pour le Développement
DOF	BirdLife in Denmark
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign Direct Investment
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
ha	hectares
HGF	High Grand Falls [dam project]
INCRA	Institute for Colonisation and Agrarian Reform
IUCN	International Union for Conservation of Nature
KWS	Kenya Wildlife Service
LNP	Limpopo National Park
LUP	Land Use Plan
NABU	BirdLife in Germany
OPM	Office of the Prime Minister (Kenya)
PROSAVANA	Development Programme in Mozambique Tropical Savannas
RSPB	Royal Society for the Protection of Birds
SEA	Strategic Environmental Assessment
SINDAG	Sindicato Nacional da Industria de Productos para Defesa Agricola
SVS	Schweizer Vogelschutz / Swiss BirdLife Partner
t	metric tonne
TANY	Collective for Land Defence in Madagascar
TARDA	Tana and Athi River Development Authority
TISP	Tana Integrated Sugar Project
TPAC	Tana Planning Advisory Committee
WRM	World Rainforest Movement
WWF	World Wide Fund for Nature

The ISO 4217 standard is used for the currency codes (e.g. USD for US dollar or BRL for Brazil real).



# Foreword

Conflicts over resource extraction or waste disposal increase in number as the world economy uses more materials and energy. Civil society organizations (CSOs) active in Environmental Justice issues focus on the link between the need for environmental security and the defence of basic human rights.

The EJOLT project (*Environmental Justice Organizations, Liabilities and Trade*, [www.ejolt.org](http://www.ejolt.org)) is an FP7 Science in Society project that runs from 2011 to 2015. EJOLT brings together a consortium of 23 academic and civil society organizations across a range of fields to promote collaboration and mutual learning among stakeholders who research or use Sustainability Sciences, particularly on aspects of Ecological Distribution. One main goal is to empower environmental justice organizations (EJOs), and the communities they support that receive an unfair share of environmental burdens to defend or reclaim their rights. This will be done through a process of two-way knowledge transfer, encouraging participatory action research and the transfer of methodologies with which EJOs, communities and citizen movements can monitor and describe the state of their environment, and document its degradation, learning from other experiences and from academic research how to argue in order to avoid the growth of environmental liabilities or ecological debts. Thus EJOLT will increase EJOs' capacity in using scientific concepts and methods for the quantification of environmental and health impacts, increasing their knowledge of environmental risks and of legal mechanisms of redress. On the other hand, EJOLT will greatly enrich research in the Sustainability Sciences through mobilising the accumulated 'activist knowledge' of the EJOs and making it available to the sustainability research community. Finally, EJOLT will help translate the findings of this mutual learning process into the policy arena, supporting the further development of evidence-based decision making and broadening its information base. We focus on the use of concepts such as ecological debt, environmental liabilities and ecologically unequal exchange, in science and in environmental activism and policy-making.

The overall **aim** of EJOLT is to improve policy responses to and support collaborative research on environmental conflicts through capacity building of environmental justice groups and multi-stakeholder problem solving. A key aspect is to show the links between increased metabolism of the economy (in terms of energy and materials), and resource extraction and waste disposal conflicts so as to answer the driving questions:

Which are the causes of increasing ecological distribution conflicts at different scales, and how to turn such conflicts into forces for environmental sustainability?



Within this background, the origins of the current research on the modern wave of 'land-grabbing' can be clearly traced to a well known report issued in 2008 by GRAIN, a civil society organization working since the 1980s on agricultural biodiversity and the biomass economy. It is as a transnational agrarian network, arguing in many *fora* in favour of peasant agriculture and against land-grabbing. GRAIN introduced the term and also published the first statistics on land-grabbing.

Land grabbing is a contested concept. In EJOLT we support its use because it was born from and is useful for analyzing the new brutal wave of land acquisitions in Southern countries for new plantations for exports. The World Bank is trying to find a less aggressive term, for instance 'land sharing' while academics (such as the editors of the Journal of Peasant Studies) have agreed with GRAIN's terminology and sponsor conferences and special issues on 'land grabbing'

This report explains what land grabbing is and how it operates, in an introduction that sets the stage. The geography of land grabbing is analyzed, showing the origins of corporations (in the North and also in the South) and the territories which are being grabbed by them for the extraction of biomass in its different forms. The role of financial speculation is mentioned.

Then, detailed examples are given from Africa (the Tana Delta in Kenya) and from Brazil written by Nature Kenya and by researchers at FIOCRUZ, Brazil, including Marcelo Firpo, who has much experience in the analysis of ecological distribution conflicts. In this case we are dealing with conflicts on biomass extraction, whether paper pulp, soybeans, pastures or agrofuels. The following chapter, written mainly by Leah Temper and Joan Martinez-Alier, analyzes a sample of successful cases of resistance to land grabbing in Latin America and Africa, comparing the valuation languages deployed by the social actors active in such conflicts and the modalities of struggle. Successful resistance movements able to stop land-grabbing projects have argued in terms of human rights and indigenous territorial rights but also in terms of the economic values of lost environmental services. At other times they also argue in terms of purely ecological values like endangered species. We find cases of alliances between conservationism (the 'cult of wilderness') and environmental justice and the environmentalism of the poor. This is followed by a short chapter on cases Madagascar written by Vahinala Douguet, followed by the conclusions.



## 1

# Introduction

"I'm convinced that farmland is going to be one of the best investments of our time. Eventually, of course, food prices will get high enough that the market probably will be flooded with supply through development of new land or technology or both, and the bull market will end.

But that's a long ways away yet."

George Soros, June 2009

## 1.1 The new farm owners: Land grabbing and the renewed push towards industrial agriculture<sup>1</sup>

On 16th of November 2011, Cristian Ferreyra was shot dead by two masked men in front of his house and his family. Cristian lived in San Antonio, a village north of Santiago del Estero in Argentina. He was part of the lule-vilela indigenous community, and member of the indigenous peasant organisation MOCASE belonging to Via Campesina. His 'crime' was to refuse to leave his homeland in order to make way for a massive soy plantation, one of so many that have been encroaching on rural communities throughout Argentina in the last decade. So the plantation owners had him assassinated. Cristian was only 25 years old (Aranda, 2011). Notice that Christian Ferreyra paid for his actions as an indigenous leader, a peasant leader, and an environmentalist. Land grabbing faces a multi-faceted opposition. Sometimes, resistance has been successful but quite often the asymmetries in political and economic power lead to dispossession and eviction.

A few weeks earlier, on 26 October 2011, one farmer died and 21 others were injured, ten of them critically, in the village of Fanaye in northern Senegal. They, too, were trying to stop the takeover of their lands. Government officials had handed over 20,000 hectares (ha) surrounding their area to an Italian businessman who wanted to grow sweet potatoes and sunflowers to produce biofuels for European cars. The project would displace whole villages, destroy grazing areas for cattle and desecrate the local cemeteries and mosques. Fanaye is not an isolated case. Over the past few years, nearly half a million ha in Senegal have been signed away to foreign agribusiness companies (AFP, 2011).

'Land grabbing' as these acquisitions are now called, is often led by the private sector (with support from governments) that sees opportunities triggered by the global financial, food and energy crisis

<sup>1</sup> This introduction is largely based on fully referenced reports produced by GRAIN in the past few years, especially: "The new farm owners: corporate investors lead the rush for control over overseas farmland", GRAIN, 20 November 2010. "Time to recall the land grabbers" GRAIN RLA acceptance speech, 5 December 2011, and "Squeezing Africa dry: behind every land grab is a water grab", GRAIN, 11 June 2012. They are all available at [www.grain.org](http://www.grain.org)



Gambela is a region in Ethiopia that borders South Sudan. It is home to one of the most extreme cases of land grabbing in the world. Over half of all the arable land in the region has been signed away to Indian, Saudi and other investors who are busy moving the tractors in and moving the people out. Ethiopia is in the midst of a severe food crisis and is heavily dependent on food aid to feed its people. Yet, the government has already signed away about 10 percent of the country's entire agricultural area to foreign investors to produce commodities for the international market (GRAIN, 2011).

One could continue with many more examples of how people who just want to grow food and make a living from the land are being expelled, criminalised, and sometimes killed, to make room for the production of biomass to the benefit of someone else's wealth. Today, we are witnessing nothing less than a frontal assault on the world's peasantry. Living from the land is becoming more difficult and, in many parts of the world, more dangerous by the day.

Peasants who have been feeding the world for thousands of years – and still are – are now increasingly being cast as backward, inefficient and obstacles to development. The not-so-subtle message is: peasants should cease to exist. Their role in seed conservation and coevolution is in practiced despised. Their low use of fossil fuels and high energy efficiency is recognised by ecologists but neglected by economists and business. The Via Campesina has rightly put forward the view that “peasant agriculture cools down the earth” because of its higher EROI (energy return on energy input). Mainstream economists, however, lament the low productivity per hour of work of peasant agriculture, therefore supporting peasant dispossession. We know however that such productivity is not properly measured (Martinez-Alier, 2011).

The recent surge for large scale land acquisition was first highlighted in 2008 following a report released by GRAIN called SEIZED (GRAIN, 2008). Since, academics and activists have formed coalitions and networks to bring to the world's attention the on-going rush for cheap land in Africa, Asia, Latin America and Eastern Europe. ‘Land grabbing’ as these acquisitions are now called, is often led by the private sector (with support from governments) that sees opportunities triggered by the global financial, food and energy crisis. Characteristics of land grabbing are large scale displacement of the rural poor without proper compensation and the destruction of the local ecology to make space for industrial agriculture and biofuels. While GRAIN emphasises the role of foreign investors in large-scale land purchase or leases, Daniel and Mittal (2009: 1) also include national elites within the host country, defining land grab as “the purchase and lease of vast tracts of lands by wealthier food-insecure nations and private investors from mostly poor developing countries in order to produce crops for exports”.

According to McMichael (2012: 684), “the land grab reveals a new threshold in the conversion of farming and farm land into a source of food, feed, agro-fuels and general biomass to serve the needs of a (minority) global class of consumers distributed across an increasingly multi-centric global food system”. While the emphasis often is on production of biomass commodities such as food, feed,



Land grabbing is most rampant in countries where corrupt and unaccountable decision making exist, combined with poverty and powerlessness

agrofuels and pulp (bio-economy), some authors (Fairhead et al., 2012) use the term 'green-grabbing' to include land and resources that are appropriated for environmental ends, such as for biodiversity conservation, carbon sequestration, and other ecosystem services or offsets related to any of these. Other authors go further and like to include land acquired for non-biomass purposes as well, such as mining, infrastructure development, creation of special economic zones and tourism (Borras and Franco 2012; Levien, 2012). This report focuses on land taken for biomass. In old or new industrial economies, although the main energy sources are the fossil fuels (photosynthesis of millions of years ago) and not biomass, nevertheless there is growth in the total amount of biomass being consumed.

Meat consumption and paper pulp are old biomass commodities which are increasing in quantity. Agrofuels and possibly carbon sequestration are new biomass commodities. They use large amounts of land. In this report, 'land grabbing' refers to land for food, feed and agro-fuels but also tree plantations for paper pulp or carbon sequestration and land for biodiversity conservation, but not land taken for mining, oil and gas extraction, tourism or infrastructures such as industrial special zones. We focus on the biomass. We are certainly aware of the growing conflicts surrounding the taking of land for quarries, for coal mining, for shale gas, for uranium mining, for disposal of waste. We are also aware of conflicts arising from urban sprawl and transport infrastructures. Of course, most environmental socio-conflicts take place on land. Some take place on aquatic environments, some have to do with air pollution. The roots of such conflicts lie often in the increased metabolism in terms of energy and materials other than biomass. At other times, their roots are demands for biomass.

The fight against land grabbing currently lies at the interface of the climate debate, food sovereignty, indigenous rights, social and environmental justice (Temper and Martinez-Alier, 2012). Land grabbing is most rampant in countries where corrupt and unaccountable decision making exist, combined with poverty and powerlessness. A contributing factor is a weak land tenure system so it is easy to displace populations from what are legally state owned lands (Anseeuw et al., 2012a). Sometimes, local populations easily opt out of their lands in regions where infrastructure and other state services are inadequate in the hope of getting a better deal. Whatever may be the reason, a number of cases have been documented by activists and scientists where the process of displacement ranges from coercion to forced eviction and killings.

## 1.2 Land grabbing: the backdrop, the scale, the actors

Never before has so much money gone into the industrial food system. The last decade has witnessed a spectacular increase in speculation in the food commodity markets, sending up food prices everywhere. With today's global financial and economic crises, speculative capital is searching for safe places to multiply. Food and farmland are such places. 'Everyone has to eat' is the new mantra preached in board rooms. The race is on to take control over the world's



food-producing resources – seeds, water and land – and the global distribution of food (Clapp, 2012).

An enormous amount of money is flowing directly into farming and land acquisition both by private sector and governments. Private investors include banks, investment houses, private equity, pension and hedge funds, while the category 'governments' refers to ministries, state-owned enterprises, sovereign wealth funds and government institutions (Sindayigaya, 2011). Land deals could solely be led by private investors, sometimes backed by governments, but also government to government arrangements (Cotula et al., 2009).

The data and the contracts are hard to get hold of, but the report released by Land Matrix documents 1,217 deals worldwide referring to 83.2 million ha of land grabbed in developing countries (Anseeuw et al., 2012b). This is equal to about half the farmland of all the EU or 1.7 percent of the world's agricultural area. A lot of this is happening in Africa, where people's customary rights to land are being grossly ignored. But it is also massively happening in Latin America, Asia and Eastern Europe. This latest trend in global land grabbing – that for outsourced food and agrofuel production – is only one part of a larger attack on land, territories and resources. Land grabs for mining, tourism, dam construction, infrastructure projects, timber and now carbon trading are all part of the same process, turning farmers into refugees on their own land.

Having said this, it is fair to acknowledge that land grabbing in some form or the other has been going on for centuries. It is not entirely a new phenomenon. One has only to think of Columbus 'discovering' America and the demographic collapse and brutal expulsion of remaining indigenous communities that this unleashed, or white colonialists taking over territories occupied by the Maori in New Zealand and by the Zulu in South Africa. It is a violent process very much alive today, from China and India to Peru and Brazil. Hardly a day goes by without reports in the press about a peasant or indigenous environmentalist being assassinated in struggles over land in conflicts on biomass, also in conflicts on coastal fisheries, on hydroelectric dams or on mining or fossil fuels extraction.

Thus food corporations such as Dole or San Miguel swindle farmers out of their land entitlements in the Philippines and aquaculture companies destroy mangroves for shrimp production and evict the people who have used them in communal tenure. Tree plantations expel local populations. In many countries, private investors are also buying up huge areas to be run as natural parks or conservation areas or they acquire carbon absorption rights under CDM or REDD schemes<sup>2</sup>. And wherever you look, the new agrofuels industry, promoted as an answer to climate change, seems to rely on throwing people off their land (GRAIN, 2013).

<sup>2</sup> See **EJOLT Report 3** 'An overview of industrial tree plantations in the global South. Conflicts, trends and resistance struggles' and **EJOLT Report 2** 'The CDM Cannot Deliver the Money to Africa. Why the carbon trading gamble won't save the planet from climate change, and how African civil society is resisting'.



New farm owners are private equity fund managers, specialised farmland fund operators, hedge funds, pension funds and big banks. The pace and extent of appetite is unsurprising, given the scramble to recover from the financial crisis

Something more peculiar is going on now, though. The two big global crises that erupted in 2008 – the world food crisis and the broader financial crisis that the food crisis has been part of – are together spawning a new and disturbing trend towards buying up land for outsourced food and biomass production. What distinguishes the previous from the recent rush for global farm land is: 1) the scope and size of the land grabs, 2) the new motivations of a bio-economy, and 3) the new actors and their configurations involved.

For the past few years, investors have been scrambling to take control of farmland in Asia, Africa, Latin America and Eastern Europe. In the beginning, during the early months of 2008, they talked about getting these lands for 'food security', their food security. Gulf State officials were flying around the globe looking for large areas of cultivable land that they could acquire to grow rice to feed their burgeoning populations without relying on international trade. So too were Koreans, Libyans, Egyptians and others. In most of these talks, high-level government representatives were directly involved, peddling new packages of political, economic, and financial cooperation, with agricultural land transactions smack in the centre.

But then, towards July 2008, the financial crisis grew deeper, and alongside the 'food security land grabbers' another group of investors started buying up farmland in the South: hedge funds, private equity groups, investment banks and the like, many of them based in the US. They were not concerned about food security. They figured that there is money to be made in farming because the world population is growing, food prices are bound to stay high over time, and farmland can be had for cheap. With a little bit of technology and management skills thrown into these farm acquisitions, they get portfolio diversification, a hedge against inflation and guaranteed returns, both from the harvests and the land itself.

In this context and with all the talk about 'food security' it often goes unrecognised that the lead actors in today's global land grab is still the private sector. So much attention has been focused on the involvement of states, like Saudi Arabia, China or South Korea. But the reality is that while governments are facilitating the deals, private companies are the ones getting control of the land. And their interests are simply not the same as those of governments.

Moreover, there's a tendency to assume that private-sector involvement in the global land grab amounts to traditional agribusiness or plantation companies, like Unilever or Dole, simply expanding the contract farming model of yesterday. In fact, the high-power finance industry, with little to no experience in farming, has emerged as a crucial corporate player. Speculative capital is in search for high returns after the housing bubble burst. This financial capital is even more volatile, moves even faster and has even less relation to the land than productive capital of other industrial sectors.

Today's emerging new farm owners are private equity fund managers, specialised farmland fund operators, hedge funds, pension funds and big banks. The pace and extent of their appetite is remarkable – but unsurprising, given the scramble to



recover from the financial crisis. Consolidated data are lacking, but we can see that billions of dollars are going into farmland acquisitions for a growing number of 'get rich quick' schemes. And some of those dollars are hard-earned retirement savings of teachers, civil servants and factory workers from countries such as the US or the UK. This means that a lot of ordinary citizens have a financial stake in this trend, too, whether they are aware of it or not. For example, pension funds currently juggle USD 23 trillion in assets, of which some USD 100 billion are believed to be invested in commodities. Of this money in commodities, some USD 5–15 billion are reportedly going into farmland acquisitions. By 2015, these commodity and farmland investments are expected to double (GRAIN, 2011b).

Indeed, the global land grab is happening within the larger context of governments, both in the North and the South, anxiously supporting the expansion of their own transnational food and agribusiness corporations as the primary answer to the food crisis. The deals and programmes being promoted today all point to a restructuring and expansion of the industrial food system, based on capital-intensive large-scale monocultures for export markets.

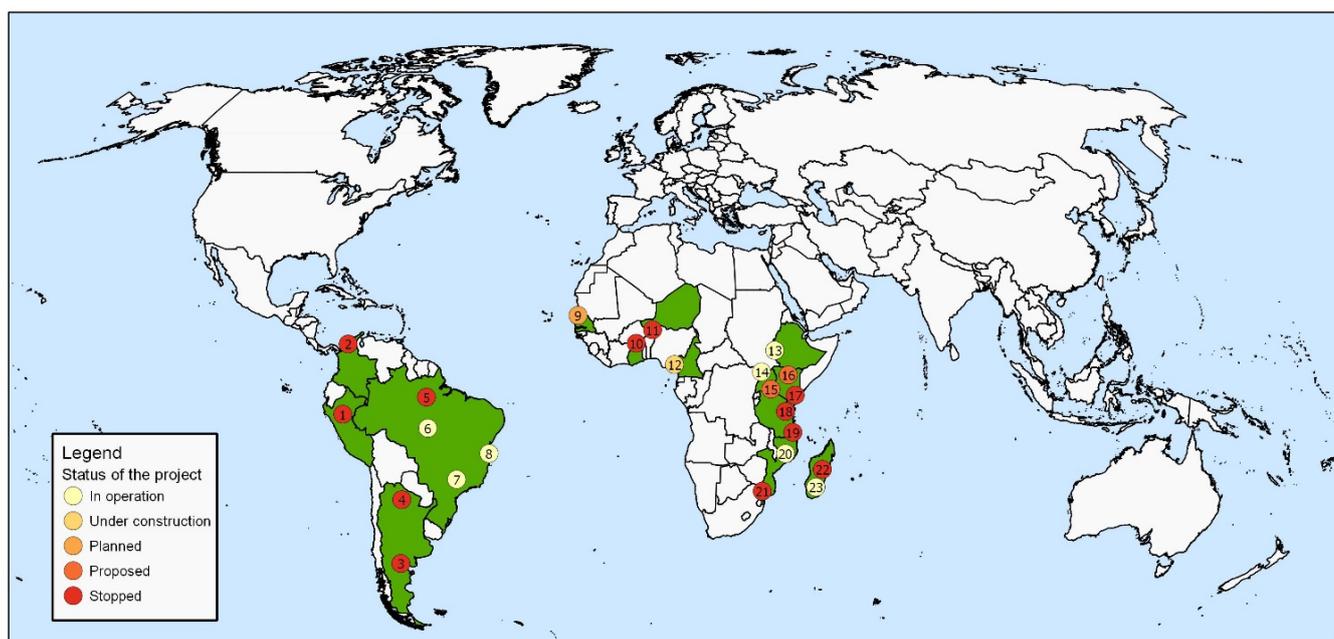
While that may sound 'old hat', as previously mentioned, several things are new and different. For one, the transport infrastructure needs for this model will be dealt with. The Green Revolution never took care of that. The growing protagonism of corporations and tycoons from the South is also becoming more important. US and European transnationals like Cargill, Tyson, Danone and Nestlé, which once ruled the roost, are now being flanked by emerging conglomerates such as COFCO, Olam, Savola, Almarai and JBS. A report from the UN Conference on Trade and Development pointed out that a solid 40 percent of all mergers and acquisitions in the field of agricultural production were South–South (UNCTAD, 2009). Our traditional North–South lens is clearly outdated.

This also means that a new, powerful lobby of corporate interests is coming together, asking for favourable conditions to facilitate and protect their farmland investments. They want to tear down burdensome land laws that prevent foreign ownership, remove host-country restrictions on food exports and get around any regulations on genetically modified organisms. For this, we can be sure that they will be working with their home governments, and various development banks, to push their agendas around the globe through free trade agreements, bilateral investment treaties and donor conditionalities. They ask for clearly established property and tenure rights so as to be more effective in carrying out at a very large scale what was called the 'clearances' in Scottish history: the eviction of peasants to the benefit of (corporate) landlords.

Governments, both in the North and the South, are supporting the expansion of their own transnational food and agribusiness corporations as the primary answer to the food crisis

### 1.3 In this report

This report describes and analyzes specific cases of land grabbing in Africa and South America (see **Fig. 1**, **Table 1**) within various socio economical contexts and with diverse social and environmental consequences. It also reports successful cases of resistance to land grabbing to contribute to a preliminary understanding of the forces and also the conditions (opportunity spaces) for resistance, and the different types of alliances that can be made at different scales.



**Fig. 1**  
Map of Land grabbing cases in this report

#### 1.3.1 Land, water, people

In June 2012, GRAIN issued a report on how land grabbing is directly linked to water grabbing (GRAIN, 2012) and indirectly to desertification, zooming in on the situation in Africa. All of the land deals in Africa involve large-scale, industrial agriculture operations that will consume massive amounts of water. Nearly all of them are located in major river basins with access to irrigation. They occupy fertile and fragile wetlands, or are located in more arid areas that can draw water from major rivers. In some cases the farms directly access ground water by pumping it up. These water resources are lifelines for local farmers, pastoralists and other rural communities. Many already lack sufficient access to water for their livelihoods. If there is anything to be learnt from the past, it is that such mega-irrigation schemes can not only put the livelihoods of millions of rural communities at risk, they can threaten the freshwater sources of entire regions. Water runs towards political power, depriving some areas and some users of water to the benefits of others.



N°	Country	Name	Project area (ha)	Specific commodity	Home country of investors
1	Peru	Ecoamerica SAC agriculture project in San Martin	72,700	Live Animals/Land/Timber / Fruits and Vegetables	Republic of Korea
2	Colombia	DAABON, Hacienda Las Pavas	1,220	Palm Oil	Colombia
3	Argentina	China's Heilongjiang/Beidahuang in Rio Negro	320,000	Soybeans/Water/Land/Wheat	China
4	Argentina	Murder of the MOCASE member Cristian Ferreyra in Santiago de Estero	2,000	Unknown	Argentina
5	Brazil	Cargill Agricola port for soy export	Unknown	Soybeans/Other	USA, Brazil
6	Brazil	Construction of the BR-163 highway	Unknown	Infrastructure	Brazil, with international funds
7	Brazil	Monoculture of sugar cane in Ribeirao Preto by several companies	Unknown	Sugar/Ethanol	Brazil
8a	Brazil	Chongqing Soybean Growing and Manufacturing in Bahia	200,000	Soybeans	China
8b	Brazil	Stora Enso Eucalyptus Monoculture in Eunapolis Bahia	96,000	Eucalyptus	Sweden, Finland
9	Senegal	Sen Huile Sen Ethanol Biofuels	20,000	Land/Ethanol	Italy, Senegal, USA
10	Ghana	Biofuel Africa Ltd. Jatropha Plantation	38,000	Jatropha	Norway
11	Niger	Al Tamimi Khaled attempts crop farming in Dosso	15,900	Water / Land/ Fruits and Vegetables	Saudi Arabia
12	Cameroon	Palm oil plantation by Herakles Farms in South-West Cameroon	73,100	Palm oil / Carbon offsets	USA, Cameroon
13	Ethiopia	Gambella agri-export land dispossessions by Karaturi, Saudi Star, RuchiSoy, etc.	1,250,800	Palm oil / Sugar / Land / Rice / Cut flowers	India, Saudi Arabia
14	Uganda	New Forests Company timber plantation	20,000	Land-Carbon offsets	UK
15	Uganda	Sugarcane plantation in Mabira Forest Reserve, SCOUL	7,186	Biological resources / Carbon offsets / Sugar / Land	India
16	Kenya	Southern Sudan-Ethiopia Transport Corridor (LAPSSET) project	Unknown	Infrastructure (Including dams, port and other transport)	Kenya/China/Others
17a	Kenya	Tarda agricultural farming in Tana River Delta	20,000	Ethanol / Rice / Corn / Land / Sugar	Kenya
17b	Kenya	Bedford Biofuels Jatropha plantation in Tana Delta	64,000	Carbon offsets / Land / Jatropha	Canada
17c	Kenya	G4 industries oil seed farming project in Tana River Delta	28,900	Crude oil / Carbon offsets / Land	UK
17d	Kenya	Biofuels plantation farming in Dakatcha Woodlands, Kenya Jatropha Energy Ltd	50,000	Biological resources / Carbon offsets / Land / Jatropha	Italy
18	Tanzania	EcoEnergy Ltd. (ex-SEKAB) project	22,000	Sugar cane	Sweden
19	Tanzania	Dutch merchant bank Kempen &Co & Eneco Energie BV	81,000	Jatropha / Timber	Netherlands
20	Mozambique	ProSAVANA development project	14,000,000	Agricultural commodities / Special Economic Zone	Brazil, Japan, Mozambique
21	Mozambique	ProCana CAMEC & BioEnergy Africa's Sugar Plantation in Limpopo National Park	30,000	Sugar / Ethanol	UK, South Africa
22	Madagascar	Daewoo Maize and Biofuel Project	1,300,000	Corn / Palm oil	South Korea
23	Madagascar	Tozzi Green Ihorombe Agro-fuels	100,000	Jatropha	Italy, Madagascar
*	Madagascar	A detailed list of land grabbing cases in Madagascar is provided in <b>Chapter 5</b> of this report			

**Table 1**  
Detailed list of land grabbing cases in this report

Source: Own elaboration



Evidence shows clearly that land grabs are undermining local food security and land rights, while displacing thousands of families from their homes and livelihoods

Drawing from FAO figures the report concluded for example that the land deals vastly outstrip water availability in the Nile basin. FAO establishes 8 million ha as the total 'maximum value' available for total irrigation in all ten countries of the Nile basin. But the four countries of the ten countries in the Nile basin already have irrigation infrastructure established for 5.4 million ha and have now leased out a further 8.6 million ha of land. This would require much more water than what is available in the entire Nile basin and would amount to nothing less than hydrological suicide. The same is true for many of the other major river basins on the continent.

A case of 'water-grabbing' is discussed in **Chapter 2** with respect to the Tana River Delta in Kenya, a vast seasonal wetland complex that is inhabited by peasants, indigenous communities and pastoralists adapted to the local ecology as well as to the extremes of drought and flood. The Tana River Delta is surrounded by development projects such as the Lamu Port and- Southern Sudan- Ethiopia Transport Corridor (LAPSSET), Tana Delta Irrigation project (TDIP) and the High Grand Falls (HGF) dam project for generation of electricity. Water grabbing in the context of the Tana River Delta refers to taking water away from the Delta's ecological functions and traditional users of the Delta.

Many civil society organisations and social movements across the world do not think that responsible land grabbing is possible, and argue that the principles put forward by the World Bank and others mainly serve to legitimize land grabbing (UNCTAD, 2010). With the main global investment houses and other financial institutions fuelling the massive new wave of land acquisitions, the risk of a rapid and long-term takeover of rural people's farmlands is real, with tremendous socio-economic and environmental implications. For social movements it is clear that today's global food crisis, marked by more than one billion people going hungry each day, will not be solved by large scale industrial agriculture and much less by agrofuels, which virtually all of these land acquisitions aim to promote. Instead, they argue, investment is needed in sustainable small scale food production under control of local communities, oriented towards local markets, and based on ecological farming methods, biodiversity and improved soil fertility. To achieve this, it is crucial that the biological and cultural diversity that these local communities sustain and embody are taken as the key element to build upon.

Evidence shows clearly that land grabs are undermining local food security and land rights, while displacing thousands of families from their homes and livelihoods. The process ushers in not only the controversial issue of giving foreign companies long-term control of domestic farmland, but the overall restructuring of agriculture towards plantation-style industrial production of food, feed, fuel or wood production. Apart from the human rights implications for those that already living on the brink of hunger, this massive new wave of investment potentially also has tremendous environmental implications: soil erosion, water depletion, increased pesticides use, more emissions of climate change gasses, and the loss of biodiversity. One such case of 'control grabbing' is discussed in **Chapter 3** of this report. Hugo Ferreira and colleagues from FIOCRUZ argue that in the case of Brazil "it might be better to think in terms of a monopolist



globalization of worldwide agro pastoral production, in which multinational firms no longer become direct owners of arable lands in other parts of the world, but rather monopolistic controllers of worldwide agro pastoral production that is largely land dependent”.

### 1.3.2 Exporting food insecurity

Given the heavy role of the private sector in today's land grabs, it is clear that these firms are not interested in the kind of agriculture that will bring us food sovereignty. And with hunger rising faster than population growth, it will not likely do much for food security, either. One farmers' leader from *Syn ergie Paysanne* in Benin sees these land grabs as fundamentally 'exporting food insecurity' because they are about producing food for export markets, creating food insecurity for the producers. They are about answering some people's needs – for maize or money – by taking food production resources away from others. He is right, of course. In most cases, these investors are themselves not very experienced in running farms. And they are bound, as the Coordinator of MASIPAG in the Philippines sees it, to come in, deplete the soils of biological life and nutrients through intensive farming, pull out after a number of years and leave the local communities with 'a desert'.

The talk about channelling this sudden surge of dollars and dirhams into an agenda for resolving the global food crisis could be seen as quirky if it were not downright dangerous. From the United Nations headquarters in New York to the corridors of European capitals, everyone is talking about making these deals 'win-win'. All we need to do, the thinking goes, is agree on a few parameters to moralise and discipline these land grab deals, so that they actually serve local communities, without scaring investors off. The World Bank even wants to create a global certification scheme and audit bureau for what could become 'sustainable land grabbing', or more politely, 'sustainable land acquisitions', along the lines of what's been tried with oil palm, forestry or other extractive industries such as mining.

All this talk of 'win-win' is simply not realistic. It promises transparency and good governance as if foreign investors would respect communities' rights to land when the local governments don't. It speaks of jobs and technology transfer when those are not the problems (not to mention that little of either may materialise). It is shrouded in words like 'voluntary', 'fear' and 'could' instead of 'guaranteed', 'confidence' and 'will'. And the win-win camp is itself divided about what should happen in case of food pressures in the host countries, a more than likely scenario. Should countries be allowed to restrict exports, even from foreign investors' farms? Or should so-called free trade and investors' rights take precedence? No one that we have talked to among concerned groups in Africa or Asia takes this 'win-win' idea seriously.

When we look at who these investors are and what they are after it becomes impossible to imagine that, with so much money on the line, with so much accumulated social experience in dealing with mass land concessions and conversions in the past, whether from mining or plantations, and given the central

Land grabs fundamentally 'export food insecurity' because they are about producing biomass for export markets



role of the finance and agribusiness industries here, these investors are suddenly going to play fair. Just as hard to believe is that governments or international agencies will suddenly be able to hold them to account.

The 'win-win' discussion is just a dangerous distraction from the fact that today's global food crisis will not be solved by large scale industrial agriculture, which virtually all of these land acquisitions aim to promote. But the governments, international agencies, and corporations steering the global food system are bankrupt when it comes to solutions to the food crisis. After decades of their Green Revolution projects and structural adjustment programmes, we have more hungry people on the planet than ever. Rather than question the model, the World Bank and others have decided that the only way to keep the global food system from coming apart at the seams is to fly forward, follow the money and install large scale agribusiness operations everywhere, particularly where they have not yet taken root. This is what today's land grab is all about: to expand and entrench the Western model of large scale commodity value chains. In other words: more corporate-controlled production for export.

The global land grab is thus only going to make the food crisis worse- with or without 'principles' and 'guidelines'. It pushes an agriculture based on large scale monocultures, chemicals, fossil fuels, and slave-like labour. This is not an agriculture that will feed the planet; it's an agriculture that feeds speculative profits for a few and more poverty for the rest<sup>3</sup>. As climate change takes us into an era of severe disruption of food production, there has never been a more pressing need for a system that can ensure that food is distributed to everyone, according to need. Yet never has the world's food supply been more tightly controlled by a small group, whose decisions are based solely on how much money they can extract for their shareholders.

Of course we need investment. But investment in food sovereignty, in a million local markets and in the three billion farmers and farm workers who currently produce most of the food that our societies rely on – not in a few mega-farms controlled by a few mega-landlords. And this is why there are so many cases of resistance to land grabbing as we see in **Chapter 4** and **Chapter 5** of this report.

<sup>3</sup> It is interesting to raise the fact that in the case of Brazil "Peasants and family farmers hold just 24.3% of farm land, though they make up 84.4% of all farms and gainfully employ three times as many people as does agribusiness" (Via Campesina, 2010).



# 2 Land Grabbing in the Tana River Delta, Kenya

by Serah Munguti and Paul Matiku

We lived in paradise, in peace. Now what? No water, only salty water, land thieves and water thieves, and children with empty stomachs. Ali Saidi Kichei, subsistence farmer, Ozi Village - Tana River Delta

The hippos have gone, the fish, the birds, and the soil is salty. The goats and cattle have no grazing. The rivers used to flush out the sea water, now the sea is coming up on to our land because there is no river. Everything is in danger. People thought they owned the land, we have been here for hundreds of years. Now we will fight; we are ready to die, for what else is there? Omar Bocha Kofonde, Pastoralist, Dide Waride Village – Tana River Delta<sup>4</sup>

Land grabbing in the context of this study refers to the large scale acquisition of lands (through long term lease, allocation, concession, or outright purchase) by individuals, corporations or states for either private use, production of food crops, biofuel crops or any other mega project that involves displacing hundreds of families and individuals. This paper examines historical injustices that perpetuated the current land grabs in Kenya's Tana River Delta. In addition legal and institutional weaknesses that have contributed to the land grabs are examined. The paper highlights the importance of water as a key component in Tana River Delta land grabs. Finally civil society and local community responses to the land grabs is discussed. As so often, the problem lies in the public perception of substitution of economic growth for ecological 'capital'.

This paper examines historical injustices that perpetuated the current land grabs in Kenya's Tana River Delta. In addition legal and institutional weaknesses that have contributed to the land grabs are examined

<sup>4</sup> Interviews conducted by The Guardian, 2011



**Fig. 2**  
The Tana River Delta, Kenya

Photo credig: C.S. Owen

## 2.1 Geography and Ecology of the Tana River Delta

The Tana River is Kenya's largest river and discharges, on average, 4,000 million m<sup>3</sup> of freshwater annually. The Tana River catchment has an area of 126,000 km<sup>2</sup> (equivalent to 21.7 percent of the land area in Kenya) and a population of over 7 million people (Water Resources Management Authority, 2009). The catchment extends from the crests of Mt. Kenya, the Aberdare Ranges and the Nyambene Hills in central Kenya extending southwards to the Indian Ocean (**Fig. 3**).

The Tana River Delta (**Fig. 2**) is located in Tana River and Lamu Counties in Kenya's North Coast, about 120 miles north of the coastal town of Mombasa. The Delta covers an area of more than 130,000 ha of which 69,000 ha are regularly inundated. The Tana River Delta is a vast patchwork of palm savannah, seasonally flooded grassland, forest fragments, lakes, marine wetlands and the river itself (Nature Kenya, 2008a).

The terraces bordering the Tana Delta are important for migrating wildlife and livestock. In addition this land forms a significant part of the lower Tana River Catchment and according to Peter Odhengo et al. (2012a) contribute very substantial flows to the lower catchment at certain times. On the right bank of the lower catchment there are seasonal streams which originate from dry areas with rainfall of less than 400 mm. These are the large drainage courses of ephemeral streams and rivers, called '*Lagas*' which enter the right (southern) bank of the Tana below Garissa. *Lagas* remain dry for most of the time but sometimes experience high local rainfall. When this coincides with heavy rainfall in the upper and middle catchment, individual *Lagas* can greatly increase localized flooding. Laga Kokani (Tiva) drains a huge catchment of around 14,800 km<sup>2</sup> and its contribution is more important than the waters from the other upstream *Lagas*. It has been estimated that the Kokani Laga is capable of delivering over one billion cubic metres (m<sup>3</sup>) in a single flood event to the Tana Delta (Odhengo et al., 2012a).

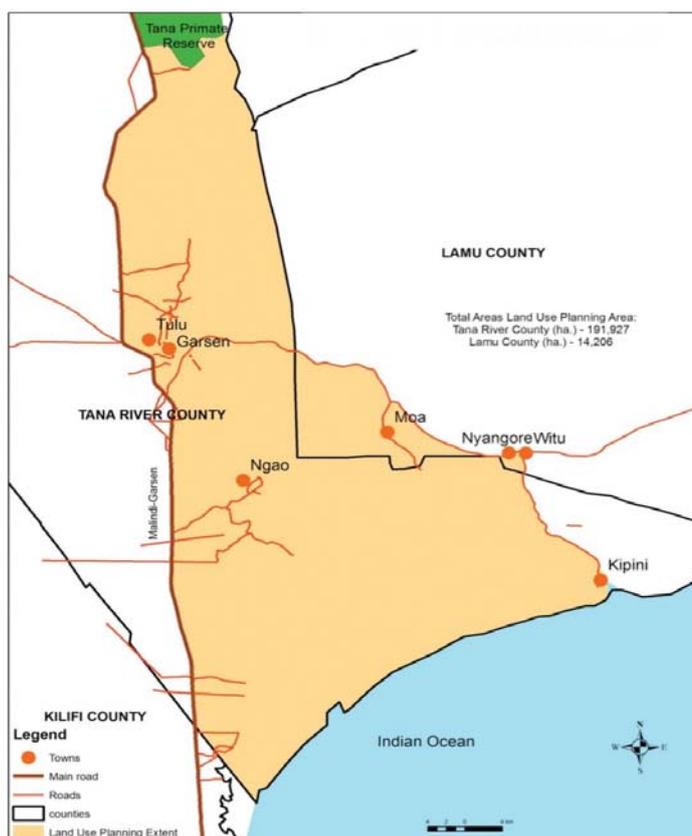


The Tana River Delta is a vast seasonal wetland complex. Its habitats, wildlife and people have adapted their lives to the extremes of drought and flood. The seasons themselves vary dramatically from year to year. A series of drought years, in which ponds dry up and the grasslands are eaten bare, may be followed by a great flood such as the 1997-1998 *El Niño* floods that washed away the tarmac road, destroyed the irrigation dykes, and filled the Delta south of the river with three metres of water (Nature Kenya, 2008a).

Environmental services provided by this vast wetland system include: regulating the hydrological cycle, including catchment, storage and release of rainwater; moderating the climate, including reducing the severity of droughts and floods; protecting the soil from erosion, stabilizing the shoreline and reducing the impact of storm surges; slowing global warming by the absorption of carbon dioxide and release of oxygen; and providing a range of habitats for terrestrial, aquatic and marine biodiversity.

The special importance of the Tana Delta for biodiversity conservation includes habitats such as Borassus Palm savannah on flooded grassland, which is not included in any protected area; coastal *Hyphaene coriacea* palm woodland, protected only in a few Forest Reserves such as Witu Forest; fragments of coastal and riverine forests with many rare and endemic plants; seasonally flooded acacia woodland providing nesting sites for water birds from all over Kenya; sand dunes along the coastline with their specialized vegetation; mudflats and sandbanks where migratory birds feed and rest; and mangrove forests with eight mangrove species and especially fine stands of *Heritiera littoralis*, *Xylocarpus granatum* and *Bruguiera gymnorrhiza* (Nature Kenya, 2008a).

**Fig. 3**  
**Map of the Tana River Delta**  
Source: Dickens Odeny





BirdLife International has designated Tana River Delta an Important Bird Area mainly on account of the presence of large assemblages of water birds. In October 2012 the Delta was declared Kenya's newest Ramsar site. A 1992-1993 study recorded 22 different species of water birds that occurred in the Tana Delta in significant numbers – 1 percent or more of the biogeographic population (Bennun and Njoroge, 1999). A brief survey in 2012 indicated that similar numbers are still found in the Tana Delta despite an increasing human population. The vast numbers of migratory and resident water birds are particularly dependent on the seasonally flooded grasslands and Borassus Palm savannah that cover some 70,000 ha in the heart of the Tana River Delta.

Over 1,000 hippos and crocodiles are estimated in the river and associated lakes. There are herds of buffalo, topi, elephant, zebra and other wildlife in the palm woodland on the edge of the Delta. The Tana River Red Colobus, one of the world's most endangered primates, is found in some riverine forest fragments. Marine turtles nest along the beaches, and three different species of true eels have been recorded from the Tana River (Seegers et al., 2003). The mangrove forests play an important economic role, sheltering fish and shellfish nurseries that nourish the rich fisheries of Ungwana (Formosa) Bay.

There are 320 plant taxa in the Lower Tana River; 58 of them tree species, of which two are considered Critically Endangered. Twenty one per cent of the plants are of conservation concern. The area hosts seven plants on the IUCN Red list of threatened species. The discovery of several trees of *Cassipourea gummiflua* in 2005 was only the second time this species has been recorded in coastal Kenya and possibly only the third time in Kenya (Luke et al., 2005).

Three shark species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix 1 have been recorded in the Tana Delta. The sharks enter estuaries occasionally, and their populations are greatly impacted by habitat degradation (Nyingi et al., 2007). A further two fish species in the Delta are Red-listed as data deficient. Three important amphibians include the endemic Tana River caecilian, *Boulengerula denhardtii* and the near-endemic mud-dwelling caecilian *Schistometopum gregorii*. Reptiles in the Delta include the near-endemic Tana writhing skink *Lygosoma tanae* and the *Ngatana* or *mabuya*-like writhing skink *Lygosoma mabuiiformis* (Malonza et al., 2006).

### 2.1.1 The Human Dimension and Socio-economic profile

Mt Kenya and the Aberdare Ranges, which are both gazetted and protected areas, are the main water towers of the Tana River catchment, providing 49 percent and 44 percent of the region's waters, respectively. The remaining 7 percent is provided by Nyambene Hills and other minor catchments. Tana Catchment holds 33.5 percent of the national safe yield for surface water and 23.8 percent of the national safe yield for groundwater. The upper Tana River catchment provides more than 70 percent of Kenya's hydropower and 80 percent of the water consumed in Nairobi City, the Kenyan capital (Water Resources Management Authority, 2009).



The core area of the Tana River Delta spreads across the Tana Delta and Lamu Districts with a total population of 102,000 (Odhengo et al., 2012b). According to the 2009 national census, the population in the actual delta is 96,664. This is distributed across 12,457 households giving an average household size of about 8 persons. The Delta has a high prevalence of poverty, estimated at 76 percent compared with a national average of about 50 percent. The unemployment rate is high at 33 percent, compared with the national average of 20 percent (Government of Kenya, 2009).

Education levels in the Tana Delta District are very low. The District has one of the highest percentages of people who have never attended school in the entire country. According to government statistics from the National Population and Housing Census (2010), the pattern of school attendance is as shown in **Table 2**.

**Table 2**  
**School attendance at the Tana Delta District**  
 Source: Government of Kenya, Kenya Population and Housing Census, 2010

Level of schooling	Percentage (%)
At school	35.7
Left school	23.4
Never attended school	39.3
Not stated	1.6

The delta is sparsely populated and inhabited by three major communities comprising of Pokomo farmers (44 percent), Orma pastoralists (44 percent) and Wardei pastoralists (8 percent). Other ethnic groups (Luos, Luhyas, Wataa/Sanyes, Malakote and Munyoyaya) account for the remaining 4 percent. Luo and Luhya are fresh water fishermen.

The Wataa, traditionally a hunter-gatherer society, are generally recognised as the earliest inhabitants of the delta. They are now marginalised within the delta (Duvail et al., 2012). Another community, the Pokomo practiced flood recession agriculture along the riverbanks and made use of the riverine forests. Currently, they produce recession and tidal rice but, mainly due to the reduced peak flows they have diversified into rain-fed maize, mango and banana cultivation, fishing and small livestock-keeping.

Flood recession agriculture uses the residual moisture of seasonally flooded lands when the floods recede. The annual flood that comes in the rainy season brings fertile sediment from the upper catchment. The flooded areas are often gently sloped floodplains or margins of lakes or wetlands where these sediments can settle (Nederveen, 2012). Organic material in the sediment acts as a natural fertilizer. The recession farmers do not have to add fertilizers and plots are suitable for continuous cropping without fallowing. The sedimentation of fine-grained material allows the development of clayey soils that have high water retention capacities. The shallow groundwater table and residual moisture are relatively high in the floodplains, and this allows agricultural practices in the dry



The people of Tana Delta have adapted their lifestyle to seasonal extremes. Nearly 93 percent of the people live in rural areas and practice crop farming, livestock keeping and fishing

season (Nederveen, 2012). In Tana River Delta farmers cultivate on receding lake edges, seasonally fertile floodplains, and where the river spills fresh water into their fields with the tidal flow (Nature Kenya, 2008a).

The Delta is especially important as a dry season and drought refuge grazing area for pastoralists. Economic use of the Tana Delta traditionally includes dry season and drought refuge grazing for enormous herds of cattle from Tana River, Lamu, Ijaara, Malindi and other districts. In drought seasons more than a million head of cattle have been recorded in the Delta: some 335,000 cattle, 260,000 sheep, 360,000 goats, 57,000 camels, 19,000 donkeys, and 105,000 chickens among others graze the delta (Nature Kenya, 2008b). The Orma are pastoralists who use the pastures of the floodplain to graze their cattle during the dry season (**Fig. 4**). They have progressively settled in the delta since the mid-20th century and have built permanent villages (Duvail et al., 2012). Wardei and Somali pastoralists also visit the delta with their livestock during the dry season, and some have settled in the delta year-round.

In addition, Luo (migrants who originate from Lake Victoria) have been living and fishing in the delta for several decades now, mostly next to the floodplain lakes. The movement occurs in the cause of search for pasture as well as for trade in the livestock. During wet seasons, herders move west to as far as Kitui and Mwingi and drive back at the end of the rainy season. This movement is intense during the driest months of January and March when herds converge in the heart of the delta, passing through group ranches as they move. The main buyer of cattle is the Kenya Meat Commission situated in Mombasa.

Over 90 per cent of the delta population lives in rural areas. Garsen is the only urban centre with a population of 7 percent of the total population. Settlement is influenced by the livelihood type which in turn is influenced by water availability. Most farming communities live along the Tana River while fisher communities live near ox-bow lakes (Odhengo et al., 2012a). Kikuyu settlements are found north of the delta. Mijikenda/Giriama from the South have also established base locally, practicing rain-fed agriculture on increasingly marginal soils. For the past 5 years, with the area less affected by 'banditry', small towns are sprouting up along the main road which goes around the delta. Charcoal burning has considerably increased and has become a major supply for the entire coastal region (Duvail et al., 2012).

The people of Tana Delta have adapted their lifestyle to seasonal extremes. Nearly 93 percent of the people live in rural areas and practice crop farming, livestock keeping and fishing. When the wetlands are left undisturbed, they act like sponges, absorbing floods, storing the water and remaining green during the dry season. In times of drought, pastoralists bring livestock from as far as the Somali and Ethiopian borders to graze on the grasslands. In times of flood, the Delta fills with water, and water birds from all over Kenya nest and raise young, replenishing bird populations throughout the country (Nature Kenya, 2008a). Majority of the houses are temporary while the rest are either semi-permanent or permanent. The semi-permanent houses are mainly found among the agriculturalists who build their houses with mud walls and corrugated iron roofs. The pastoralists however



live in structures with thatched roofs and walls made of poles. This type of housing allows for ease movement of people during floods (Odhengo et al., 2012a).

The inhabitants of the Tana Delta produce or have insufficient food to sustain its population although there is a surplus of meat and milk from the delta. About 70 percent of the district population receives relief food supplies. Agriculture is mainly practiced along the Tana River and the main food crops grown are bananas, cowpeas, green grams, rice, maize and cassava while the main cash crops are cotton, mangoes and coconuts. The rangeland occupies over 67 percent of the total land area. Livestock production follows the precipitation patterns. The Orma-Boran cattle are a common breed along due its high tolerance to tsetse fly. Galla goats and black head Persian sheep are also kept but in relatively small numbers (Odhengo et al., 2012c).

The ranches were established to encourage local communities to get involved in modern livestock production and development on a commercial basis. However, the plan to transform these parcels of land from subsistence production to commercial ranching has not been successful. Apart from Ida-sa-Godana, which has some cattle, the resident communities on the ranches have reverted to non-commercial pastoralism based on goats and sheep. Most of them are however faced with problems of mismanagement (Odhengo et al., 2012a).

Towards the northern part of the delta, rainfall becomes less abundant and the arid land is suitable only for rearing camels, sheep and goats. Communities obtain milk and meat from the livestock and occasionally export live animals. There is a livestock auction yard at Garsen. A number of middlemen also take a centre stage in marketing of live animals. Farmers sell their livestock to traders or brokers at local markets. Sales of cattle are highest during the dry seasons, with peaks in March and September. While there is also seasonal variation in the sale of small stock, this is not as pronounced as it is for cattle (Odhengo et al., 2012a).

Fishing is another important livelihood activity. This is practiced in ox-bow lakes along the river as well as along the Coastal strip. Shifting river course is responsible for drying of many ox-bow lakes thereby affecting the fishing activity in the delta. Most of the marine fishing is preserved by smoking and sun drying and sold to external markets in Malindi and Mombasa. The Luo migrants are the main fishermen in the delta, but are usually joined by fishermen from Pemba and Mafia in Tanzania and Vanga in Kwale County. These fishermen arrive in around October for deep sea fishing of lobsters and leave around end of March (Odhengo et al., 2012a).

Thus, the main economic activities in the Tana Delta District can be said to be livestock keeping and farming. The two are the leading sources of income generation in the District. Livestock keeping contributes about 70 percent of the incomes of the households in the Delta. According to a study conducted by Nature Kenya (2012), potential income generating activities could be extended to include ecotourism, beekeeping, and tree planting. Income households could also be enhanced through value addition to the existing products of mangoes, rice, and fishing.

In a survey carried out by Odhengo et al. in 115 villages in the Tana Delta the overriding concern mentioned independently by more than half the communities is the confusion caused by lack of title deeds and confusion over ownership and rights to the use of land and water. This concern is closely followed by the anger expressed over land grabbing by both private developers and the public sector. Conflict with wild animals was recorded by 22 villages followed by concerns over high poverty levels, lack of education and the influx of uncontrolled livestock.



**Fig. 4**  
**Life in an Orma village**

Photo credit: Ernest Mwongela

Over the past decade, conflicts have been increasing in the Tana Delta due a number of factors namely: increasing population, competition for land and water, delineation of land into private ownership, declining natural resources, encroachment into fragile ecosystems, poverty and changing climatic conditions (Odhengo et al., 2012a). In August-December 2012 more than 157 people lost their lives in violent clashes between farmers and pastoralists. Unresolved land tenure issues compounded by a lack of a land use planning framework to guide decision making on developments within the Delta remains a big challenge. This situation is bound to intensify with the proposed new developments such as the construction of new dams upstream on the Tana River, increasing population, large scale land acquisition and demand in the global market for food and bio-fuels.

Conflicts in Tana River Delta manifest in the form of wildlife-human and human-human conflicts. Human-human conflicts have been associated with competition for pasture and farmland. The Pokomo who are farmers have historically clashed with the pastoral Orma community leading to loss of life and destruction of property. The Pokomo community traditionally cultivate along the river whereas the Orma require access to the river to water their livestock. Unfortunately there are no designated access points to the river and at times the livestock have to pass through the farms to access the river. There are conflicts between local pastoralists and pastoralists from outside the delta. The delta is a crucial dry season grazing area not only for local pastoralists but from pastoralists from



outside. During this season competition for pasture and water is intense sometimes leading to open conflicts.

Tana Delta is also home to a diverse variety of wildlife. The Tsavo national park, Tana River Primate Reserve, protected forests, river and oxbow lakes are habitats for diverse species of animals. Increased human encroachment of wildlife habitats for settlement, grazing and farming have resulted in wildlife – human conflicts occasionally leading to loss of life, livestock and destruction of crops. The wildlife corridors and dispersal areas have been encroached (Odhengo et al., 2012b).

### 2.1.2 Land-use and land rights in Kenya

The declaration of a protectorate over much of what is now Kenya on 15 June 1895 – which marked the official beginning of British rule in Kenya – laid the foundations for the land problem that has been experienced in many parts of Kenya over the years (Syagga, 2010). Policies of the colonial government helped to entrench a dominant settler economy while subjugating the African economy through administrative and legal mechanisms. Land in Kenya today is classified in terms inherited from colonial times when there was crown land, private land and native reserves. Crown land was defined as all public lands within the East African Protectorate. Native reserves were occupied by Africans. A new Crown Land Ordinance in 1915 declared all land within the Protectorate as crown land. This effectively made all Africans in the country squatters or temporary tenants of the Crown in their motherland (Syagga, 2010). This set the stage for the divorce between legitimate and legal claim to land ownership and laid the foundation for the land crisis in Kenya today (Duvail et al., 2012). It is to be noted that dispossession of land was at the centre of the armed struggle for independence in Kenya.

Individualization of land tenure disregarded customary access rights and took account of people who had land and not the landless or those whose interests did not amount to ownership. This system of land registration was adopted by the post-colonial governments and remains unchanged to date (Syagga, 2010). As in the case of Tana Delta the system facilitates fraud, corruption and disinheritance of families and communities. The customary land tenure systems under which Africans had guaranteed claims over the land they occupied were supplanted by the registration of individual title holders under the colonial system (Kenya Land Alliance, 2004). Particularly in the years before and after independence the system was used to disenfranchise pastoralist communities of land.

A case in hand is the Maasai community. According to Syagga (2006 quoted in Syagga, 2010) in 1902 an agreement was made with the Maasai, represented by their leader Lenana, and the British government that forced the Maasai to vacate their lands in Suswa, Ol-Joro-Orok and Ol-Kalau areas to the southern Ngong and Laikipia reserves to be used by the government for purposes of European settlement. In 1911 the Maasai were made to sign a second agreement, which led to their eviction from Laikipia to the southern Ngong reserves, with resultant loss of livestock and human life during the trekking (Syagga, 2010).

*Everything is in danger. People thought they owned the land. We have been here for hundreds of years. Now we will fight; we are ready to die, for what else is there?*

Omar Bocha, Orma elder in Dide Waride



Although they have lived in the Tana Delta for about 600 years the people living in the Delta are viewed as squatters in their ancestral land

According to the Kenya Land Alliance (2004) most of the displaced peasants never got back their land after independence owing to the limitations of the post-colonial land resettlement policy. After independence, the Kenyatta government opted for a land resettlement programme based on a 'willing buyer-willing seller' system rather than direct land repossession and redistribution. However, two serious shortcomings undermined this land resettlement program. First, the market-based system required mobilization of financial resources which many of the landless did not have. Second, corruption in the land resettlement programme allowed the corrupt political and economic elites within the Kenyatta government to acquire land that was meant for the landless (Kenya Land Alliance, 2004)

Following independence, land designated crown land became 'government land', and native reserves became 'trust land'. Crown land became public land. After independence most trust land was adjudicated and communities given tenure rights. Throughout the Kenyan coastal region where the Tana Delta lies, indigenous communities' land rights are yet to be adjudicated. Although they have lived in the Tana Delta for about 600 years the more than 96,000 tribes people living in the Delta are viewed as squatters in their ancestral land. Ironically, land rights have been given in case of settlements which are dominated by people from outside the Delta.

### 2.1.3 A River under siege: Development projects in the Tana Delta

The 'Kenya Vision 2030' is the development blue print for the country which was launched in 2008 to help the country to transform to a middle income and newly industrialized country by the year 2030 (Odhengo et al., 2012c). The vision is anchored on 3 pillars namely political, economic and social. A number of Vision 2030 flagship projects will greatly impact on River Tana and Tana delta including the Lamu Port and- Southern Sudan- Ethiopia Transport Corridor (LAPSSET), Tana Delta Irrigation project (TDIP) and the High Grand Falls.

To understand planned developments in the Tana River Delta it is important to understand the national issues within the catchment. Kenya is demographically dynamic and characterised by a strong urbanisation trend. As a result, water demand for city and town-based domestic uses, irrigation and industry is increasing rapidly, as is the competition for water between different sectors (often with contradictory policies). The main losers in this equation are the more diffuse rural-based traditional water use (e.g. small scale agriculture) and the environment (Hamerlynck et al., 2010)

The Tana River catchment plays an important role in the national economy through provision of electricity. There are many hydro-generation plants constructed on the Tana River with the main power plants located in the Seven Forks within the middle catchment. These account for nearly 70 percent of electricity in the national grid (Odhengo et al., 2012c). There are plans to construct another 5 billion m<sup>3</sup> multipurpose dam at High Grand Falls as Kenya seeks to increase her hydropower capacity, provide water for irrigation, domestic use and supply the upcoming Lamu Port (Odhengo et al., 2012c).



A major feasibility study was completed by consultants in February 2011, for construction of the HGF Dam and Reservoir. This project has been contemplated for more than fifty years and will form the largest impoundment on the Tana River, with a lake covering 160 km<sup>2</sup> at top water level, and a storage capacity of five billion m<sup>3</sup>, equivalent to the annual discharge of the Tana River (Odhengo et al., 2012c). Four objectives have been set for the HGF Dam: increase power generation, develop irrigation, manage floods on the Tana River and provide drinking water supplies.

Release of water from the main dam will be timed to generate hydro-electricity during evening peak demands. Capacity will initially be set at 500 MW, rising to 700 MW as demand increases. According to the feasibility study, the diurnal pattern of water release threatens to create major changes to the hydrology of the Tana River. The consultants have proposed construction of a second impounding reservoir, to convert the daily flows into a seasonal pattern of discharge more suited to meeting the needs of irrigation, water supply and environmental protection. This reservoir would not be completed until 2027, when the second phase of power production is commissioned (Odhengo et al., 2012c).

The HGF Dam is designed to bridge the current gap in power generation on the Tana River which arises during the dry season when the 'normal' rainy season output of 572 MW drops to around 125 MW. During this period of about 5 months, it would be necessary to release water from the new dam at the rate of 170 m<sup>3</sup>/s, i.e. more than 2,000 million m<sup>3</sup> or 40 percent of the Tana River's annual flow. An even larger capacity would be required to meet dry year conditions (Odhengo et al., 2012c). A critical question that is raised by the size and scale of the HGF Dam is how releases will be managed during the filling stages when the reservoir will take a number of years to fill (Odhengo et al., 2012c).

Proposals set out in the feasibility study report are for the development of up to 100,000 ha of irrigated land in three stages (Odhengo et al., 2012a). The HGF Dam is envisaged to have a major role in regulating flooding in the Tana River although, given the paucity of information on the underlying causes and characteristics of flooding events, it is not possible to say how successful this role might be (Odhengo et al., 2012a).

There are also proposals to divert bulk water to Lamu for all purposes other than irrigation and livestock development. This is in particular due to the proposed development of a port under the LAPSSET project and an industrial complex in Lamu County (Odhengo et al., 2012c). The new port and associated infrastructure at Magogoni near Lamu constitutes another of the major flagship proposals set out in Vision 2030 (Odhengo et al., 2012c). This is a very long term vision to transform the economy of Northern Kenya by developing the LAPSSET and it is, potentially, one of the largest infrastructure projects on the African continent (Odhengo et al., 2012a). Consequently, the plans pose both major opportunities but also great challenges for the region. Water is one of the key resources that will need to be sourced in order to achieve the vision. A preliminary feasibility study completed in 2011 outlines the many components of the scheme including the new port, international corridor (road/rail and oil pipeline), international airport, industrial and



economic exclusion zone, oil refinery, municipal city, resort city and new international airport (Odhengo et al., 2012a). Facilitating Southern Sudan's oil exports through Kenya is a geopolitical card to be played against Sudan.

The proposed Lamu Port will be located approximately 80 km from the Tana River Delta. Construction has already started. Damming upstream causes deposition of sediments in the reservoirs and takes up useful storage space. This affects the water reaching the flood plain areas thereby negatively impacting flood recession agriculture in the delta which depends on alluvial waters for irrigation. The accumulation of the sediments in the dams and reservoirs also reduces the operational lifespan of the structures and reduces the power output (Odhengo et al., 2012c).

## 2.2 Land grabbing, a recent phenomenon

In contrast to colonial and post-colonial disregard of traditional land tenure, land grabbing is a more recent phenomenon where both state and non-state actors (namely large national and international corporations) seek large parcels of land for commercial gains and so called development projects. **Box 1** provides a summary of some more proposed initiatives for the Tana Delta. This demand for large chunks of land for commercial activity started in the 1980s and 1990s. However it was not until 2007 that a real scramble for land hit the Tana River Delta with national and multinational corporations, national and international governments jostling to exploit the potential riches of the Delta.

### Box 1 Summary of proposed development projects in the Tana Delta requiring large scale land acquisition

There are a number of worrying developments that are currently proposed or ongoing in the Tana River Delta and its catchment. The most advanced ones are:

The proposal by Mumias Sugar Company (MSC) Ltd. and Tana and Athi Rivers Development Authority (TARDA), in a planned private joint venture, to turn 20,000 ha of the Delta into sugarcane. Bedford Biofuels, a company incorporated in Canada has National Environment Management Authority's consent to grow *Jatropha curcas* in some 10,000 ha as a 'pilot'. The company has entered into 45 year lease agreements with six ranches with a combined area of 164,000ha. The UK based G4 Industries, the company awarded a licence to cultivate oil and seed crops, in July 2011 pulled out of the area citing technical issues with the soil type, long term climate change effects and government mismanagement of the delta's resources. However the company still holds the more than 28,000 ha of land it leased from the community.

Another sugar scheme is proposed by Mat International, and would take up more than 30,000ha of land in Tana Delta and another 90,000ha in adjacent Lamu County. Flow Energy, an Australian company, is currently proposing to explore for gas and oil in the Delta. FAR Limited's takeover of Flow Energy (formerly Gippsland Offshore Petroleum Limited) was completed in October 2011. Extraction of Titanium from the sand dunes of the delta has been proposed by Tiomin Kenya Ltd, was originally incorporated in Canada but the local subsidiary has now been bought by the Chinese. It proposes to extract Titanium from the sand dunes of the Tana delta in an area of more than 20,000 ha.

Galole Horticulture Project. This is a Kenyan owned firm and claims to have been allocated 5000 ha of delta land by the County Council. There is however, no official record of the land being transferred but the project has already cleared some land for maize production.

Press commentary in 2010 suggested that the Government was in negotiation with the Emirate of Qatar to lease 40,000 ha for a period of 80 years in exchange for USD 3.5 billion loan to be used for construction of Lamu Port. Although the exact location of the proposed plantation was never defined the local communities point out the only possible location could be somewhere in the middle part of the delta.

The Tana Delta area was declared to be a land adjudication zone. However, only the beach plots and other prime land were allocated, allegedly to influential people, while local people remained squatters on the remaining land. In May 2011 auctioneers advertised the sale of 9,568 ha of land in the Tana Delta. This is the land owned by Coastal Aquaculture Ltd. A company that tried to farm prawns in the Lower Tana Delta in the early 1990's but was stopped by community and environmentalists' campaigns. See **Box 2**.



The corporations seek more than 300,000 ha of land in the Delta and outlying terraces. Large scale investors are said to have been given title deeds within a short time, and often without following official procedures, giving rise to situations that are a recipe for conflicts (Odhengo et al., 2012a). In a survey carried out by Odhengo et al. the tendency for major development to occur without adequate consultation and with disregard for the ownership and access rights of the communities was highlighted in over 50 percent of 106 village meetings. As a corollary to positive development opportunities, communities were asked what they most wanted to avoid in terms of future development. Three topics dominated this list: Deforestation was raised as a concern by 10 villages, closely followed by the need to avoid expansion in uncontrolled grazing and to reject all project proposals in which the communities themselves are not involved as promoters and beneficiaries.

However, in practice these concerns are of no avail. Currently, land ownership in the delta is 70 percent Government, 20 percent trust land, 10 percent water mass (Odhengo et al., 2012a). Throughout Kenya there has been rampant illegal and irregular allocation of public land through market purchase, government credit arrangements and political rewards (Syagga, 2010). For instance Tana and Athi Rivers Development Authority (TARDA), a government agency, owns about 40,000 ha of land in the Delta. TARDA's land ownership is contested in courts by local communities. However there is no reprieve for the marooned communities as the case has languished in the courts for more than twenty years and most of the petitioners have died without seeing the conclusion of the case. Another company, Coastal Aquaculture Ltd owns more than 13,000 ha in the lower Tana Delta. The ownership of this land came to public knowledge in the early 1990's when the company unsuccessfully tried to farm prawns. Chara and Ozi locations fall in the land owned by Coastal Aquaculture. It, therefore, came as a shock to the local communities when in May 2011 auctioneers put notices in national newspapers to auction the land on which communities have lived for centuries (see **Box 2**).

#### Box 2 The Coastal Aquaculture fiasco

In 1990 a portion of 20,000 ha was allotted to a group ranch, Kon-Dertu, made up of around 100 people living near the delta. Kon-Dertu, saying that it lacked the funds to develop the area, promptly sold half the allocation to the Greek owned Coastal Aquaculture Ltd., who intended to develop their piece as a commercial prawn farm (Matiku, 2009). The project never kicked off. Prawn farms are notorious for their extremely negative environmental effects, and the allocation was hotly disputed by many concerned for the conservation of the delta. Almost a year's raging controversy culminated in an announcement by Kenya's President Moi in July 1993 that the Tana Delta should be protected as a wetland of international importance. The land allocation to the company was nullified, and a governmental Tana Delta Wetland Steering Committee set up to develop a management plan.

Coastal Aquaculture unsuccessfully claimed USD 1 billion in damages and loss of income from the Kenyan government. The company was said to have invested USD 25 million in equity by the time the land was taken away. Before filing the Lusaka case Coastal Aquaculture had successfully contested the government action in the High Court of Kenya in 1996. The company was reportedly frustrated by the government in the Kenyan court systems and finally moved to the regional COMESA Court in Lusaka. In April 2002 the COMESA Court of Justice referred the matter back to the Kenyan Courts. Part of the regional court's ruling said "Much as this Court may sympathize with the Respondent regarding the frustration of his projects on the said parcels of land by the Applicants, and the resultant shyness of investor funding for the projects, the Respondent may refer a matter to this Court, and this Court can exercise jurisdiction over such reference, only if the Respondent has exhausted all its remedies in the municipal courts of the particular Member State." (World Courts, 2002).

### 2.3 Water grabbing in the Tana Delta: Attraction for agricultural projects and ranching

Today the Tana River Delta is at the centre of 'a new scramble for Africa'. Although rainfall is unreliable and soils are sandy and prone to salt water intrusion, the Delta is viewed as fertile. The Tana Delta has a history of poor environmental management and planning and failing development schemes. In fact all large scale projects that were attempted in the Delta in the last 50 years have ended up in dismal failure, with millions of US dollars wasted.

The record of development within the Lower Tana River and Tana Delta over the last 60 years is a litany of poorly planned engineering and irrigation schemes, based on inadequate data with inadequate scientific knowledge, misleading economic evaluations, a disregard for human welfare and management failures and incompetence. Attempts to grow irrigated rice (**Fig. 5**), cotton, maize and shrimp on a commercial scale met with little success, although local farmers continue to grow rice, maize and other crops by traditional methods. International and local companies are claiming more land than is available (see **Box 1**). Since local communities have no land ownership documents the Delta is viewed as a vast unoccupied prime land for development.

The availability of 'free' water is also a major attraction for developers in Tana Delta. A case in hand is the Tana Integrated Sugar Project (TISP). According to BirdLife International (2008) the Environmental Impact Assessment (EIA) report of TISP report showed that the project value was heavily overvalued because the costs of water, land and loss of community livelihoods were ignored. Future socio-environmental liabilities were not taken into account in the valuation. According to Duvail et al. (2012) most of the planned projects designate the floodplain areas as 'unused land' and its adjacent terraces as 'empty dryland'.



**Fig. 5**  
**TARDA rice paddy**

Photo credit: Dominic Mumbu



What are the consequences of 'water grabbing'? Water grabbing in the context of the Tana River Delta refers to taking water away from the Delta's ecological functions and traditional users of the Delta. Besides diverting water for development projects and commercial agriculture, thereby affecting both water availability and quality, there is also an increase in demand for water due to a growing population. Population in the Tana River Basin was around 1.5 million in 1962 and had risen to 6.1 million in 2006. The number of people living in the Tana River Basin is currently estimated to be around 7.1 million (WRMA, 2009). In 1999, the Tana River Basin provided the equivalent of 724 m<sup>3</sup> per capita, which had reduced to 387 m<sup>3</sup> per capita in 2006. According to World Business Council for Sustainable Development (2005) it has been proposed that when annual per capita renewable freshwater availability is less than 1,700 m<sup>3</sup>, countries begin to experience periodic or regular water stress. Below 1,000 m<sup>3</sup>, water scarcity begins to hamper economic development and human health and well-being.

There is a lack of water management coordination for the entire river basin, taking into account the variety of uses and services (Duvail et al., 2012). No comprehensive studies have been undertaken to determine annual and seasonal flows in the river to inform decisions. Each project's Environmental Impact Assessment (EIA) is done in total disregard of upstream developments and other irrigation projects, some of which have consent to proceed. Government policy, national and international developers and local authorities do not seem to appreciate the stark evidence of severe lack of water in the Tana River.

Ranches are mostly found on the rangelands lying just outside the Tana Delta though some of them stretch into the Delta. The status of the terraces surrounding the delta, has evolved differently: since the end of the 1960s, the land has been leased through commercial or group ranches, following the ranch model promoted by the World Bank under the Kenyan Livestock Development project and introduced in the Kenyan Law by an act of parliament in 1968 (Keya, 1991 quoted in Duvail et al., 2012). Group ranches operate on a different concept from that of Trust land which was normally held in trust or managed by local councils on behalf of communities. Ranches are distinct because they own land that has been surveyed and registered for a particular group.

Group ranches were established to encourage the local communities to get involved in modern livestock ranching to be developed on a commercial basis as well as introducing legal ownership of the land to the indigenous people who were already occupying it. Group ranches essentially hold a common title that grants collective rights to the owners. According to Keya (1991 quoted in Duvail et al., 2012) it was expected that ranch members would gain access to credit and link up with the market economy. It was thought that this would encourage livestock keepers to restrain their cattle within the ranch boundaries and to limit their number.

There is evidence that the local population in the Tana River Delta is highly dynamic. In addition to traders, there are pastoralist migrants and farmers from outside the district (particularly North-Eastern Province). Historically, these have come on a temporary basis during the long dry season and, since the ranches did

Future socio-environmental liabilities were not taken into account in the valuation. Most of the planned projects designate the floodplain areas as 'unused land' and its adjacent terraces as 'empty dryland'



not have significant numbers of resident livestock, there was pasture available for these newcomers' herds of livestock.

However, as drought conditions persisted, these pastoralists have settled in the area (including at Ida-sa-Godana, Giritu and Haganda ranches), and their herds have contributed to land degradation problems on the ranches. Squatters on Kon-Dertu, Kitangale and Giritu ranches are a more recent development. On Giritu Ranch, there are resident squatters around Sera. Despite having no consent of the ranch owners, their development includes permanent structures such as mosques and schools (Odhengo et al. 2012b). The position on Kon-Dertu and Kitangale is not quite clear: squatters on Kon-Dertu are mostly Pokomo, Giriama and Malakote and small scale farmers. Squatters on Kitangale are mostly Orma pastoralists. These settlements pose a challenge to the future development and management of the ranches (Odhengo et al., 2012b)

Group ranches were plunged into problems from the outset:

The very concept of land ownership in the Tana Delta resulted in communities now questioning the processes used in formation of the ranches as well as issuance of leases (Odhengo et al., 2012b). Historically, delimitation of boundaries did not take into account all the relevant facts on the ground, which resulted in some people living inside group ranches to which they are not members. This has, in essence, left many people with hereditary rights of occupancy as squatters on their own land.

After the ranches were formed, there was no centralized system that would ensure prompt payment of land rates which accrued to huge amounts. Situations existed where ranch owners acquired herds of cattle that belonged to a ranch and not to individuals. This made it difficult for the ranch members to contribute towards payment of land rates. Thus the concept of the group ranches as initially thought out failed.

In the whole of northern and north-eastern Kenya, most of the ranches failed and were quickly confronted with financial problems, which became a source of social friction. Just as in other parts of the country, management committees of such companies were manipulated by politicians (Keya, 1991 quoted in Duvail et al., 2012). In addition, they were faced locally with harsh environmental conditions and major security constraints. In the lower Tana the establishment of ranches also contributed to increased pressure on communal Orma grazing areas and impacted on their lifestyle as a whole (Johansson, 1991 quoted in Duvail et al., 2012). Still, with management failure, the boundaries of some of these ranches were not enforced and access to land remained open (Duvail et al., 2012).

With the burden of large debts in the form of unpaid land rates ranch owners were at risk of losing the land. The ranch owners are eager to lease out the land to developers, who agree to pay up the debt. Nearly all group ranch lands within the Delta have been leased out. The Tana Delta terraces have eight ranches covering about 300,000 ha. Of the eight, six have been in the recent years leased out to Bedford Fuels (**Box 1**), a foreign company, to grow biofuels. Other leases are in the hands of local investors who are interested in production of biofuels and other



agricultural projects. Now communities traditionally occupy the leased parcels are afraid of being pushed off the land.

## 2.4. Weak legislations and EIAs allow for land grabbing

The companies and other agents of land grabs take advantage of weak national legislative frameworks and the ignorance of local communities to front their investments. The role of Environmental Impact Assessments in the consideration of large scale projects is a controversial topic among Kenyan conservationists. The Environmental Management and Coordination Act was enacted in 1999 as framework legislation for environmental management in Kenya. This law established the National Environment Management Authority with a mandate to coordinate and supervise environmental management. Notably the Environmental Management and Coordination Act introduced a requirement for large projects to be subjected to an Environmental Impact Assessment (EIA). This is supposed to support the government to make an informed decision on whether to consent the project to proceed or to decline. While it is meant to vet projects to ensure that development is subjected to environmental and social safeguards, EIAs have largely failed to achieve this. There are many reasons for this:

In Kenya, EIAs are often considered as a formal procedure that needs to be ticked off on a 'to do' list before implementation, and that can be dealt with through all available means, legal or otherwise (Mbonde, 2012 quoted in Duvail et al., 2012). There are many strategies to subvert an EIA, starting with the selection of the consultants who will perform it. In the case of the Tana Integrated Sugar Project, the company, well known for selling irrigation equipment had no experience in conducting EIAs (Duvail et al., 2012).

Often when an Environmental Impact Assessment (EIA) is carried out, this is done in ways which exclude good practice or even out rightly ignore the law. For instance in the case of the Tana Integrated Sugar Project one third of Tana River water would be needed for sugarcane irrigation but feasibility studies, published by Mumias Sugar Company, ignored charges for water extraction levied under Kenyan law.

It is not uncommon for EIA announcements to be posted in national newspapers during major holidays especially Christmas when many people are unlikely to see them and with deadlines that fall in the first week of January when many offices are still closed. Frequently EIAs point out severe impacts of projects on local livelihoods and biodiversity but then give no suggestions for mitigation.

EIAs are published in national newspapers to which many community people have no access. In addition until recently it was next to impossible even for organizations like Nature Kenya to get a copy of the EIA report to read and submit comments. On countless occasions Nature Kenya staff had to camp at the National Environment Management Authority offices to try and get copies of reports.



The EIA report is a technical document which many communities and even some professionals are not able to comprehend. With literacy levels in Tana Delta standing at 33.7 percent one questions the ability of these communities to give meaningful feedback to EIAs. As a result local communities depend on information fed to them by EIA consultants and their leaders. Most times both leaders and EIA consultants are advocates for the projects.

Consultants are paid by the developer making it difficult for them to recommend that their 'employer' should not proceed with a project. It is quite common to see EIAs that appreciate profound impacts of projects with no mitigation measures and still recommend that the project should proceed.

**Box 3 Comments from a participant in Flow Energy 'public' consultation with local communities in Tana Delta carried out in August 2010**

"I happened to be at the public hearing on the oil exploration in Kipini on 10th August 2010".

- The proposal to explore for oil is by a company named Flow Energy of Australia
  - The company has had exclusive exploration rights on block L6 (whatever that means) covering the area from near Lango la Simba in Tana Delta District to beyond Mpeketoni in Lamu and then extend into the ocean. Most of the block is offshore.
  - Preliminary surveys had been done in 2007 using aircraft which was however illegal for no EIA was tabled for the same
  - Consultation with the community was done in three days. Majority of the people were not even aware that the EIA was done
  - The method involved planting small bombs 10 m underground and detonating them to produce vibrations which would be picked up by sensors placed in various places to detect seismographic contents of the earth crust up to 5000m below
  - Transects length for the operation was to be 160 km. The number of bombs to be used was not stated.
  - People and their belongings were expected to move at least 300m off the explosions. This was to be done even in settlement schemes in Mpeketoni.
  - People could not see how they would be forced to leave their homes to allow for the explosions. Many would demand compensation for damages and inconvenience, which were promised by a representative from Attorney General's chambers
  - It was not clear how the free ranging livestock would be secured from the unwelcome bombs. Many people rejected the exploration based on this.
  - There had been marine surveys done by the same company which heavily damaged corals and fish rich areas. Fishermen would not hear of the impending exploration
  - Other oil rich areas have left local communities poorer and the current livelihoods would be the best options
  - Only 3 people were in support of the project out of about 200 present
  - It is expected that NEMA will obey the wishes of the people and reject the project in total"
- In spite of this the project was given a clean bill of health and granted consent to proceed.

Stakeholder consultative meetings to discuss EIAs are often called in secrecy without informing organizations that are seen to be troublesome such as environmental NGOs. Even consultations with local communities who would bear the full brunt of impacts are often at best severely inadequate (see **Box 3**).

Just like elsewhere in the country projects proposed in the Tana Delta sometimes enjoy political patronage at very high levels. As such investors may feel they do not have to meet required legal conditions as they are already assured by powerful people that their projects will proceed anyway. A case in hand is a developer who started clearing indigenous forest in Dakatcha Woodland at the Kenya coast before conducting any Environmental Impact Assessment. Later



politicians in support of the project made pronouncements in media on decisions that can only be made by the National Environment Management Authority.

## 2.5 Response of Nature Kenya and the civil society

### 2.5.1 The position of Nature Kenya

Nature Kenya as an organisation has been active in the region since 2007, advocating and lobbying for ecosystems and local communities who depend on the Delta for their livelihood. Over time Nature Kenya adopted various advocacy strategies for the conservation of Kenya's Important Bird Areas. The Tana Integrated Sugar Project came to the public limelight in December 2007. At the time Nature Kenya and other Kenyan and International NGOs were involved in a protracted campaign against proposed soda ash mining in Lake Natron in Tanzania. The Lake Natron case was the first major intensive advocacy campaign for Nature Kenya to engage in. The Lake Natron case provided valuable lessons that we applied to the Tana Delta campaign. Some of the strategies that were applied in the campaign for the conservation of the Tana Delta include framing the issue and taking a stand on the Tana Delta developments.

Early on in the campaign Nature Kenya took a decision on the path of the Tana Delta campaign. At this time the only proposal on the table was the sugarcane project proposed by Mumias Sugar and TARDA. A Key decision that Nature Kenya took that critically influenced the campaign was to have a consistent message on the matter. This key message has not changed much to date:

That the Tana Integrated Sugar Project as currently proposed be rejected. Later on when other development proposals came on board our stand was that all large scale commercial developments in the Delta be rejected until the government put in place an agreed land use framework, in consultation with all stakeholders.

That the government takes the lead, through appropriate agencies, in listing the Tana River Delta under the Ramsar Convention on Wetlands of International Importance, for which it is unquestionably qualified. This would set the stage for any permitted developments in the Delta, which will need to be designed to ensure the integrity of the Delta.

That an appropriate government agency takes the lead in facilitating the formulation of a Conservation and Development Master Plan for the Tana Delta. This Plan is to be drawn up in consultation with other Government agencies and stakeholders. The Plan must include an economic assessment of the local, national and global environmental values of the Tana Delta.

That TARDA and Mumias Sugar Company take the brilliant opportunity to create a truly 'Green' development by supporting the gazettement and management of large parts of the Delta as conservation areas, and tailoring development activities to small schemes that will directly benefit the local people, and maintain the hydrological and ecological integrity of one of Kenya's most important natural assets.



The Tana Integrated Sugar Project was as much a biofuels project as it was a sugar project. This brought an international dimension to the campaign by targeting European Renewable Energy policies and brought European NGOs into the campaign. What started as an advocacy campaign against one sugarcane project would soon grow into a much bigger issue in the next four years as company after company identified the Tana River Delta a preferred investment site for large scale land acquisition for commercial farming and mining. In 2008, Nature Kenya formulated an advocacy strategy for the Tana River Delta. The strategy is reviewed and updated annually.

### 2.5.2 Initiatives in and with the civil society

#### **BirdLife International Partnership**

Nature Kenya is the BirdLife International Partner in Kenya. With significant lack of experience in campaigns Nature Kenya greatly benefited from crucial technical advice from BirdLife notably the Global and Africa regional Secretariats and the Royal Society for the Protection of Birds, the BirdLife Partner in the United Kingdom. When the Tana Delta campaigns started in 2007/8 Kenyan conservation organizations lacked funds to carry out basic activities such as calling coordination meetings, press conferences, and later on in the campaigns litigation costs. At the very beginning of the campaigns in 2008 small funds came from BirdLife Partners: the Royal Society for the Protection of Birds, DOF (BirdLife in Denmark), NABU (BirdLife in Germany) and Schweizer Vogelschutz SVS/BirdLife Schweiz (Swiss BirdLife Partner). Without this financial support the campaign would have faced crippling fundamental problems at the kick-off stage.

#### **Kenya Wetlands Forum**

The Kenya Wetlands Forum (KWF) was started as an advocacy group for the conservation of the country's wetlands. Its membership comprises more than fifty organizations and individuals. Nature Kenya is one of KWF's founding members. Formed at a time when Kenya was under a high-handed government KWF is unique in that it is not registered as a nongovernmental organization (NGO). It was common for the past political regime to deregister NGOs that were seen to be troublesome. By not being registered the KWF was able to function without it being shut down. Effectively this made the organization active but intangible. Fortunately Kenya has made great strides in governance and NGOs are now a recognized part of the country's democracy. KWF's membership comprises NGOs, community based organizations (CBOs), government institutions and individuals.

Right at the start of the Tana campaign Nature Kenya mobilized KWF to front the campaign. This made it a campaign of more than 50 organizations instead of a Nature Kenya campaign and no single organization could be an easy target for a developer or powerful political interests. The KWF coalition also helped to bring on board a wealth of ideas especially from people who had worked in the Tana Delta for long periods of time. KWF also provided opportunities for division of labour for the enormous task at hand. It should be noted that while the campaign remained



under the KWF umbrella Nature Kenya led the pack in ensuring actions were followed up and often met costs of the campaign. Within Nature Kenya an officer was designated to be the nerve centre of the campaign.

### Engaging local communities

From the beginning it was obvious that communities were not aware of the full scale of impacts that the Tana Integrated Sugar Project would have on them. Local community based organizations had been facilitated to submit written comments to the National Environment Management Authority. However the communities were far from organized. Farmers had been duped to believe that the project was beneficial to them while pastoralists were clear from the start that the project was not good for them. Farmers and pastoralists in Tana Delta have deep seated historical tribal conflict and it was easy to divide the community along tribal lines.

Therefore Nature Kenya teamed up with the East African Wild Life Society to conduct village to village awareness on the actual impacts that the project would have on all communities. People in many villages were not even aware that they would be displaced. Even though the developers also conducted their own awareness events to sell the project conservationists had managed to convince villagers that the project would seriously adversely affect them.

### Engagement in EIA process

Advocacy is a game of numbers. As a strategy conservationists agreed that for every development proposal as many organizations as possible would submit comments to NEMA, instead of submitting a joint document. This trend which was initiated in 2008 for the Tana Integrated Sugar Project was employed for all subsequent development proposals in the Delta. The EIA process offers the first line of intervention in conservation advocacy. EIA is an established legal process offering stakeholders an opportunity to provide input into development proposals. After a while developers started consulting Nature Kenya at the feasibility studies level which comes before an EIA is done.

### Cost benefit analysis

In April 2008 Nature Kenya and the Royal Society for the Protection of Birds commissioned a cost benefit analysis for the Mumias/TARDA sugarcane project. The study showed that the project documents underestimated the cost of the project, overestimated the profit, and ignored fees for water extraction, compensation for lost livelihoods, chemical pollution and loss of tourism earnings and wildlife. The study done by Kenyatta University lecturers showed that annual economic gains from current uses of the delta by farmers, pastoralists and fishermen stood at Ksh. 3.7 billion (Nature Kenya, 2008b). The sugar and biofuels project would generate Ksh. 1.2 billion annually. The Cost Benefit Analysis became the single most powerful campaign tool against the project and was widely published by media in Kenya and leading global media including BBC, Reuters and The Economist (**Box 4**).



**Box 4 Kenya plants sugarcane; America uproots it. From an article in *The Economist*, June 2008**  
[http://www.economist.com/daily/columns/greenview/displaystory.cfm?story\\_id=11652396](http://www.economist.com/daily/columns/greenview/displaystory.cfm?story_id=11652396)

LAST week Charlie Crist, the governor of Florida, announced the purchase of almost 300 square miles of land in the middle of the Everglades from a sugar producer. Rather than building on it, Florida will allow the land to revert into its natural state.

On the other side of the world, the government of Kenya said it plans to do exactly the opposite: 80 square miles of the Tana River delta will be dug up by a private company that will grow sugarcane to be turned into biofuel. The Tana delta, which lies 120 miles north of the coastal city of Mombasa and drains Kenya's longest river, is a mix of savannah, mangrove swamps, forest and beaches. Like the Everglades, this wetland area has unique wildlife; it sustains lions, hippos, reptiles, primates, rare sharks and 345 bird species, as well as thousands of farmers and fishermen. It provides the only dry-season grazing for hundreds of miles around

Since 1900, the world has lost roughly half of its wetlands. In the first half of the 20th century, most of this occurred in northern countries, but since the 1950s, tropical and sub-tropical wetlands have faced the axe.

This is a shame: not only are wetlands beautiful and rich in biodiversity, they also play vital roles in flood protection, water storage and or water filtration. The wetlands that Florida plans to preserve will not only provide a natural buffer against hurricanes, they will also help provide fresh water to Florida's growing population. It will also act as a natural filtering system, eliminating the need to pump contaminated agricultural runoff into the Everglades' Lake Okeechobee. In Kenya, the Mumias Sugar Company boasts about the jobs its project will create and the infrastructure it will improve. Mumias says environmental damage will be limited and income will reach GBP 1.25m (USD 2.49m) over 20 years.

But two environmental NGOs, Nature Kenya and The Royal Society for the Protection of Birds, estimate revenue from fishing, farming and tourism will provide GBP 30m over the same period, and they worry that Mumias' project will cause "an ecological and social disaster". They worry about pollution from farming and heavy drainage of the delta. Their reports say that Mumias' projections greatly overstate the potential profit, and ignore fees for the use of water. They add that the loss of grazing land will have a huge impact on livelihoods locally, and will result in overuse and increased degradation of remaining grazing lands. Deciding who is right is difficult. US Sugar's activity in the Everglades shows that planting sugar in wetlands will likely cause huge fresh-water loss. Agricultural pollution may have a wide impact on everything from wildlife to fisheries. So the NGOs are not just being alarmist. What matters most to the governments is the cost-benefit ratio. And here things get really tricky.

According to "The Economics of Ecosystems and Biodiversity", a new report commissioned by the European Union, the overall economic value of intact wetlands varies widely (from USD 200 to over USD 1,000 ha/year) depending on surrounding ecosystems. Restoring wetlands, however, is always expensive: in America, where land is costly, it costs between USD 25,000 and USD 130,000 an acre

So what should the Kenyan government do in the face of fierce opposition from wildlife groups? First, it should commission an independent international company to do both an environmental-impact assessment and a full economic valuation, both of which should be available to the public. If the government finds that leaving the area intact provides more financial benefit than development, it should offer conservationists the option to purchase the land themselves. Alternatively, the government could make sure that the sugar company pays the true cost of the water resources that it removes, the loss of grazing land and, makes amends for any pollution it creates. Developing the Tana River may bring jobs and wealth to the region, just as sugar did for Florida. But if the Kenyans realise that it has enriched a few and impoverished many, it will prove a costly mistake to reverse.

### **Advocating for the designation of Tana Delta as a Ramsar site**

It always helps when an area of conservation concern has some designated status that is either recognized in national law or has a widely acceptable conservation status globally or regionally. When the Tana Delta campaign started in 2007 the area had only one designation - as an Important Bird Area. The process of getting Tana Delta listed as a Ramsar site had stalled in the early '90s. In July 2008 Nature Kenya supported the Kenya Wildlife Service (KWS), the national Ramsar focal point, to hold a stakeholder's process to jump start the process to get Tana Delta Ramsar status.

A small team was nominated to fill the Ramsar information sheet and KWS prioritized Tana Delta among sites lined up for Ramsar listing. The Kenya Wetlands Forum continuously provided technical support and followed up with KWS on the status of the Ramsar listing process in the subsequent years. In addition, BirdLife International prioritized Tana Delta among globally threatened sites and kept the Ramsar Secretariat informed about developments in Tana Delta including getting resolutions during international environmental meetings. In October 2012 Tana River Delta was designated as Kenya's newest Ramsar site.



### Extensive publicity and media coverage

Kenya's National Environment Management Authority carried out extensive consultations on the Tana Integrated Sugar Project and for obvious reasons conservationists, local communities, local and international conservation organizations, and some government agencies were publicly against the project. It therefore came as a shock when on 11th June 2008 the project was given approval to proceed. Nature Kenya led other conservationists in Kenya to conduct extensive media campaign to create awareness about the matter to Kenyans.

The Royal Society for the Protection of Birds (RSPB) worked to create awareness in the United Kingdom while BirdLife International sent alerts to the entire partnership in more than 100 countries. After that the plight of the Delta climbed into the international limelight feeding on the biofuels and land grabbing angles. BirdLife International and the RSPB prioritized the campaign and put it on their websites and publications.

A Rocha Kenya started a website dedicated to the campaign ([www.tanariverdelta.org](http://www.tanariverdelta.org)). A film '*Is Tana Sugar Really Sweet?*' was produced and distributed to media and online. The film exposed the fact that in Western Kenya where Mumias Sugar Company had operated since the 1970s poverty index was 60 percent, prevalence higher than national averages and Tana Delta where the index was 42 percent.

**Fig. 6**  
**Tana boat men**

Photo credit:  
Cheryl Samantha Owen



### Petitions and letters

Nature Kenya and other conservation organizations wrote letters to the National Environment Management Authority and the Environment ministry with copies to other government agencies, UN agencies, Diplomatic missions, the project proponents, and relevant government institutions. Supporting documents were send alongside letters such as comments on EIAs, biodiversity fact sheets; and the cost benefit analysis study. Kenyan conservation groups also send letters to



the Ramsar Secretariat. At the international level, BirdLife International partners send letters to the Kenya Government. The RSPB requested its members to write to the Kenya Government with a good response. Wetlands International and the Ramsar Secretariat also wrote to the Kenyan government.

Apart from letter writing petitions several online petitions were put up and signatures sent to the Kenya government. Notably Climate Ark, an American lobby group, on its own initiative launched an online petition against the Tana Integrated Sugar Project through which hundreds of thousands of protest letters were sent to the Kenyan Government and diplomatic missions. Also, throughout the campaign numerous face to face meetings were held with investors, government officials, County council officials, local communities, and international governance structures such as Members of the European Parliament.

### **Taking advocacy to home countries of ‘developers’**

Taking advantage of the BirdLife partnership campaigns meant often to take them to the home countries of various developers. Sustained negative media coverage in the United Kingdom may have been a main driver of G4 Industries’ decision to abandon their Tana Delta oil seed project in 2011. Nature Canada (BirdLife partner) created a lot of awareness on Bedford Biofuels project in the Tana Delta including a letter to the country’s Minister of Foreign Affairs. By November 2012 the company had reportedly already laid off most workers on its project site in Tana Delta. In January 2013 their website went blank, possibly the latest casualty of hurriedly planned large scale commercial plantation in the Tana Delta.

### **Litigation**

Many projects in Tana River Delta have faced crippling litigation, with some legal battles going to regional courts such as the Coastal Aquaculture Ltd Project in 1990s and early 2000’s (see **Box 2**). Litigation is a powerful advocacy tool. It offers an avenue through which contested projects can be at least temporarily stopped before they start, pending court decisions. In addition even where courts do not grant stay orders against projects, many investors tend to shy away from investing in a project which is facing litigation. Generally conservation NGOs in Kenya use litigation as a last resort. This is mainly because:

There has been a lack of expertise in environmental litigation. The judicial system has for long had serious limitations in this sphere. It was only under the new constitutional dispensation in 2012 that the High Court created a Land and Environment Division. Further not many Kenyan lawyers have competence in this area.

Litigation can be quite costly and is difficult for conservation NGOs to fundraise for it. At times Kenyan conservation NGOs have used pro bono lawyers only to have poorly packaged court cases which are thrown out of court on technicalities.

Until recently Kenyan court cases progressed at an excruciating slow pace. For instance a court case filed by farmers in Tana Delta against the Tana and Athi Rivers Development Authority (TARDA) more than 20 years ago is not yet concluded and all but one of the petitioners have reportedly died. However with

*Bedford, which closed its Edmonton office a month ago and is now based in Calgary, has already drawn notoriety at home. The Alberta Securities Commission issued a cease trade order (CTO) on May 25, prohibiting the company from raising funds for its Tana project in Alberta*

The Edmonton  
Journal,  
November 30, 2012



constitutional and judicial reforms cases are now taking much shorter periods of time.

On 11th July 2008, the Tana River Pastoralist Development Organization, Tana Delta Conservation Organization, East African Wildlife Society, Center for Environmental Legal Research and Education and George Wamukoya applied for and got stay orders against the Tana Integrated Sugar Project at the High Court in Malindi. This court case was later dismissed on a technicality on 18th June 2009.

On 9th August 2010 communities living in the Tana River Delta went to the High Court seeking orders against all the planned projects in the Delta. Nature Kenya and the East African Wild Life Society paid lawyers, filing costs and other litigation costs. Representing the communities were three farmers, three pastoralists, three fishermen and three conservationists. The local communities were seeking the court to compel the respondents to develop, in consultation with all stakeholders, a comprehensive master plan for land use, development, livelihoods and ecological protection of the Delta.

On 4th February 2013 the High Court in Nairobi ruled largely in favour of the community petition. The High Court ruled that there was a need to have one agency to oversee the development of the Tana Delta; that TARDA (one of the respondents) develop with full participation of the community as well as the agencies and other stakeholders who have interest in the Tana Delta, short, medium and long range land use development plans for the Tana Delta where the projects are to be carried out within 45 days of the ruling date. The Court also ordered periodical reviews of land use development plans.

## 2.6 Successes and lessons

To Nature Kenya in 2007 Tana Delta was just another important bird area which required intervention but did not rank very high in the organization's priority list. Since then the site has climbed to the top of priority sites for conservation intervention, using up considerable resources including staff time and financial resources. While we cannot claim to have achieved everything we set out to do we have made significant strides towards securing the future of the Delta for local communities and biodiversity. Key successes include halting projects at inception stage, the designation of the Tana Delta as a Ramsar site and the formulation of a land-use plan for the area.

### 2.6.1 Projects have been halted at inception stage

With an exception of TARDA which has been trying to grow rice and maize for national food, none of the other projects picked up. G4 Industries abandoned their project while Bedford Biofuels cultivated a mere 16ha of the 10,000 ha consented for Jatropha. In fact Bedford Biofuels seem to have abandoned their project as well. The Tana Integrated Sugar Project has not kicked off. Flow Energy Limited, which later sold to FAR Limited has restricted its oil and gas exploration to the



seas. Other project proponents have gone curiously silent. Many project proponents have been quoted in media citing investor shyness after they become targets of campaigns by environmental lobbies. This success cannot be underrated because the Delta has remained in a more or less intact state – a major win for biodiversity and communities.

### **2.6.2 Tana Delta listed as a Ramsar wetland of international importance**

In October 2012 Tana Delta was designated Kenya's newest Ramsar site. This was a major win for conservation as it recognizes the global importance of the Delta. With Ramsar status the government is now obliged to prepare a management plan for the Tana Delta, in consultation with all stakeholders. In addition the Delta will need to be managed for sustainability in line with Ramsar principles.

### **2.6.3 Land use planning initiated**

Nature Kenya strategy was to use all the above processes to open up space for local community rights and environmental conservation. The long term solution lies in the formulation of an agreed land use master plan in which local communities have rights to their ancestral land and biodiversity is recognized.

In July 2011, Nature Kenya successfully lobbied the Office of the Prime Minister (OPM) to oversee the formulation of a land use plan for the Tana River Delta. Subsequently OPM established an Inter-Ministerial Technical Committee composed of seventeen ministries to coordinate the sustainable management of Deltas in Kenya starting with the Tana Delta. In September 2011, the Government, through the Ministry of Lands and with involvement of other agencies coordinated by the OPM, started preparing a Land Use Plan (LUP) for the Tana River Delta to guide policy formulation and decision-making on future development of the Delta. The LUP will significantly influence the way land is allocated to various users and interest groups. Given the implications of the LUP on the sustainable development of the Delta, it is being subjected to Strategic Environmental Assessment (SEA). The Netherlands Environmental Assessment Commission is advising the Kenya government on the Tana Delta SEA. The Tana River Delta LUP process is based on extensive stakeholder consultations at the national level, local county councils and local communities.

Within the Delta, a Tana Planning Advisory Committee (TPAC) consisting of 25 persons has been established to provide an avenue for eliciting the views of local people in the LUP process. The TPAC is made up of four district government and 21 community representatives. Nature Kenya facilitated government officials' visits to 106 villages within the Tana Delta where each village drew a village land use plan. The village land use plans will be considered in the drafting of the delta wide land use plan.

**Figure 7**  
**Aerial view of a section of**  
**Tana River Delta**

Photo credit: Judith Nyunja



## 2.7 Final remarks on the Tana Delta case

Civil society has an indispensable role in preventing land grabbing in the interest of local communities, ecosystems and biodiversity in the developing world. Third World governments are under increasing pressure to develop and sometimes decisions do not take into account environmental concerns and local livelihoods. Speculation and financial markets have fuelled global demand for agricultural land for food and biofuels presents a major threat to areas of high biodiversity values in Africa such as the Tana River Delta. In the Tana River Delta systemic historical injustices have worked against local communities rights to land ownership and caused a rift between legitimate and legal claims to land. Civil Society has to adapt new strategies to cope with mounting pressures on biodiversity.

Also, additional difficulties arise because of different claims from pastoralist and farming communities. In Kenya over the last decade civil society organizations have had to come up with new strategies and venture into uncharted waters to stand up against potentially destructive development proposals. The best time of intervention is before projects start otherwise it becomes difficult to stop them. Due to civil society campaigns the Tana Delta has so far been spared widespread environmental damage through alliances between local inhabitants and conservationist organizations. Economic valuation of lost ecological functions, international advocacy and 'shaming' of companies, litigation and other instruments have been deployed. A major success was obtaining the designation as a Ramsar site. However immense challenges remain and until an agreed land use framework for the Tana Delta is in place the future of the Delta remains uncertain.

# 3

# Land grabbing or 'Control grabbing'? The expansion of agribusiness in Brazil

by Hugo Ferreira, Wagner Soares and Marcelo Firpo Porto

This chapter aims to analyze the phenomenon of land grabbing in Brazil, discussing its characteristics, limitations and trends. Despite the area directly registered in name of foreign investors being low, the global logic and the quantity of investments in agro industry and infrastructure, as well as the significant amount of Brazilian businesses being bought out, lands rented, under contract, and finally growing exports all point towards growing foreign control over production and circulation of agro pastoral products.

The Brazilian scenario is closer to the idea of *control grabbing* in referring to the control over natural resources and production/circulation rather than direct ownership of factual lands

Therefore, the question of 'foreignizing lands' seems to be inadequate, and it might be better to think in terms of a monopolist globalization of worldwide agro-pastoral and agro-forest production, in which multinational firms no longer become direct owners of arable lands in other parts of the world, but rather monopolistic controllers of worldwide agro pastoral production that is largely land dependent. In other words, the Brazilian scenario is closer to the idea of control grabbing, as suggested by Borras et al. (2012), in referring to the control over natural resources and production/circulation rather than direct ownership of factual lands. In order to discuss these arguments the chapter is structured in three main sections: (i) general characteristics of land grabbing in Brazil, analyzing the purchase of land



by foreigners, Foreign Direct Investment (FDI) and control of agro-industry by foreign companies; (ii) context and insertion of the Brazilian agriculture in the international trade as well as trends of expansion of export infrastructure, use of pesticides and environmental conflicts arising from the expansion of this agricultural model; (iii) the emerging role of Brazil in land grabbing in other countries, using the case of Mozambique. Finally, we point out a synthesis of the issues and conclusion to this study.

### 3.1 Characteristics of land grabbing in Brazil

In 2008 the global phenomenon known as land grabbing entered Brazil, foreign investors buying large tracts of land in Brazil. This tendency came to be known as 'foreignisation' (Wilkinson, 2012) and would, as such, represent a threat to national sovereignty. This unchained a debate in the political milieu as to whether or not the land market should be opened to prospective foreign buyers. This debate is visible in the most influential mainstream print media, which has been publishing alarming numbers on this subject. An example: The newspaper *Folha de São Paulo* – which enjoys widespread circulation in the country – informed that in 2010 “businesses and individuals of foreign nationalities have been obtaining the equivalent of 22 soccer fields in Brazil by the hour” (Sauer and Leite, 2012: 15 quote Odilla, 2010).

However, official data in Brazil doesn't reveal extensive land purchase by non-Brazilians, even though this phenomenon has been taking place in numerous countries and is especially debated regarding African countries. Based on the data from INCRA (Institute for Colonisation and Agrarian Reform), we may conclude that official land possession by foreigners in Brazil is still relatively low. According to INCRA an area of 4,039 million ha is in the hands of foreigners in 2010, this is merely 0.5 percent of the total area of rural properties in Brazil (Oliveira, 2010). It is worth noting that in 2010 the area owned by foreigners is less than 64 percent of what was in 1972.

Data from the last agricultural census (IBGE, 2006) reveal an even smaller share of land in foreign ownership (0.47 percent of the land). In general most of these owners are early migrants still trying to consolidate their lives in Brazil. Among the owners of agricultural establishments whose nationality was foreign, about 22 percent were of Portuguese origin, 32 percent Japanese, 7 percent Italian, 6 percent German: Spanish and other countries accounted for a total of 28 percent.

Oliveira argues that 'foreignisation' is more associated with a nationalist discourse, in the name of a so-called 'national sovereignty', which has been registering large quantities of strategic land so that it may be used to expand agribusiness in Brazil. However, many of these land lots registered were obtained in an illegal fashion (by force/violence, falsifying documents, etc.), thus suggesting that the term 'foreignisation' serves to cover up the counter land reform underway in Brazil by taking advantage of the wide-scale reach this subject has been obtaining in the international scenario. On the other hand, the expansion and articulation of both national and international capital interests in rural Brazil is undeniable, especially



The agribusiness in Brazil is largely controlled by foreign capital as their production and distribution is largely contingent and contracted by foreign investors through crediting and finance

in those regions where the recent expansion of agribusiness has been radically transforming the country's agrarian/agricultural sector.

At the same time, foreign enterprises can use strategies to purchase land using enterprises controlled by Brazilians (the so called '*laranjas*'). Such forms of indirect land acquisition by foreigners do not show up in official statistics. This is the case of the Swedish/Finnish cellulose-paper sector enterprise Stora Enso, that illegally purchased lands in south of Brazil. However, in order to give continuity to its expansion, Stora-Enso created another business called 'Azenglever Agropecuária LTDA', whose owners were both Brazilians (João Fernando Borges and Otávio Pontes) and high-ranking executives of the original corporation (Lerrer and Wilkinson, 2012). As Oliveira (2011) has stated:

" (...) foreign ownership of land is not necessarily the best lens through which to capture the international pressures and foreign interests in Brazilian agriculture and its commodities. Brazilian agribusinesses themselves constitutes the world's largest market for agricultural machinery and inputs, and foreign investors often prefer partnerships and investments in Brazilian agribusinesses rather than direct investments in farmlands or agricultural production itself. (...) Moreover, to limit a discussion of land grabs in Brazil merely to foreign investments in agricultural land and agribusiness production is only telling part of the story (...)".

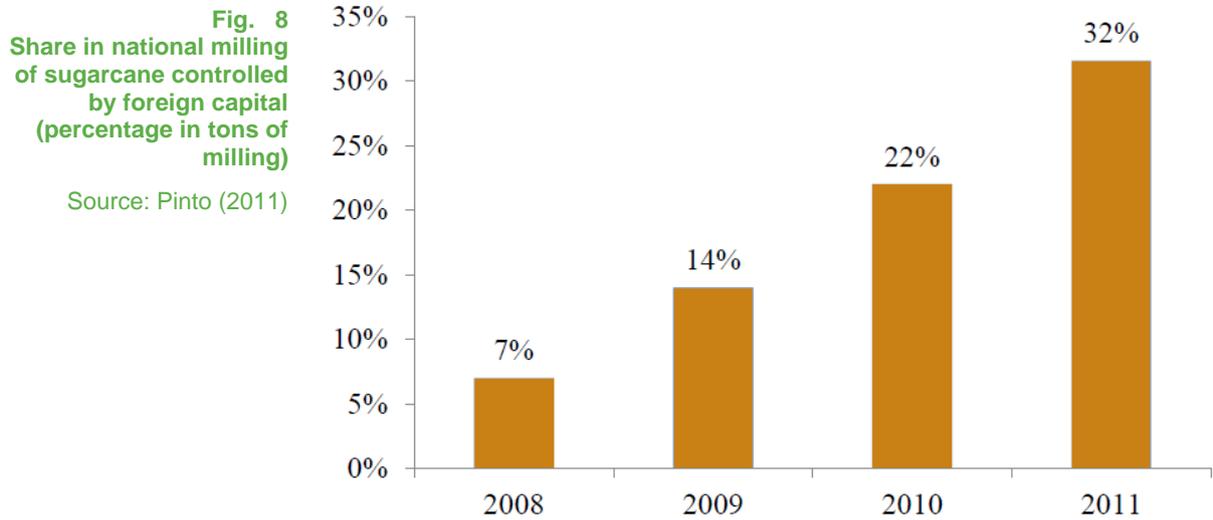
Again, the control grabbing idea is more appropriate in this case. Conjugating the commodities boom in the decade of 2000 (McMichael, 2012), the generous availability of land/natural resources in Brazil, the political-institutional situation (agribusiness and its influence on the government) and the financial and food crisis in 2008, a favourable environment was created for investments and business. In the soy case, international capital participation in the total of agro industries in the milling sector was 16 percent in 1995, increasing to 57 percent in 2005 (Sauer and Leite, 2011). The FDI in the agribusiness sector was USD 46.95 billion between 2002 to 2008. Besides soy there were significant direct foreign investments in agrofuels and ethanol, which increased from USD 4 million in 2002 to USD 1.64 billion in 2008 (Sauer and Leite, 2011).

In this context, the key global players, multinationals and agribusiness firms known as A, B, C, and D (ADM, Bunge, Cargill and Dreyfus, respectively) strengthened their control in Brazil. It is estimated that the most important soy commercializing firms, ADM, Bunge, Cargill and Coimbra (tied to the Dreyfus group) are responsible for 61 percent, or almost 32 million tonnes (t) of the total exports of grains, bran, and oil, and 59 percent of milling (Zafalon, 2005). In terms of the sugarcane agro industry the share of national milling (in tonnes) controlled by foreign capital went from 7 percent in 2008 up to 32 percent in 2011 (Pinto, 2011), showing the increasing geopolitical importance of sugar and agrofuels in the global market (**Figure 8**).

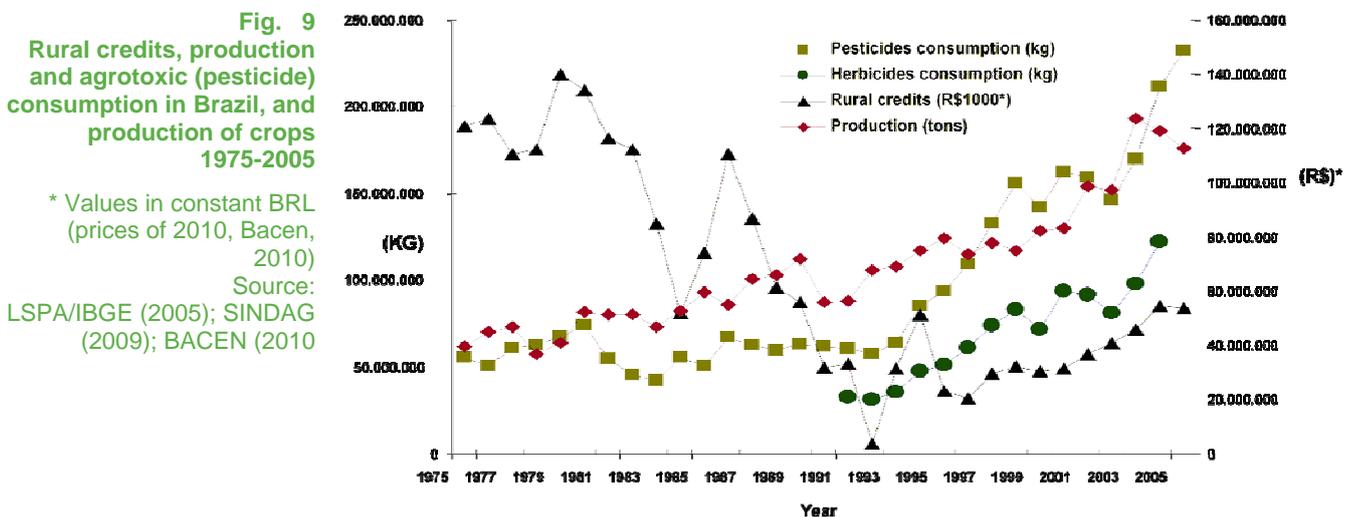
Thus, the agribusiness in Brazil is largely controlled by foreign capital as their production and distribution is largely contingent and contracted by foreign investors through crediting and finance. Production contracts adjust deadlines, conditions, and values to be paid by the contractor to the agro pastoral



establishment for the production of cultures, animals, or fowl. The contractor generally is the owner of the agro pastoral products contracted and frequently provides inputs for the productive process.



As far as private sector financing of agricultural production goes, soy is a perfect example. Multinational firms contract future produce at fixed rates or rates to be fixed, providing inputs in the pre-harvest period (for instance, pesticides and fertilizers), and discounting their values when they acquire the final product. This modality of credit contract is curiously known as green soy, and supports producers to finance their working capital, whether in the form of direct financing or providing agricultural inputs. In turn, traders and processors guarantees the supplies. According to Jank (2004), this transaction represents 25 percent of the commercialization of soy in Brazil. The consequence of the relative absence of the State in terms of credits since the 90's was that private businesses were entering the credit market through transactions with agents throughout the agro industrial trade credit chain (Fig. 9), and controlling not the land, but the production itself – how, when and how much.





The Brazilian government's reduction of credit in the mid 1990s basically triggered increasing private credits with a significant share of pesticide resale. This in turn provided incentive to the large-scale consumption of pesticides, and in 2008, becoming the main consumer market, surpassing the USA and consuming 733.9 million t of agrottoxics in general (SINDAG, 2009). It's worth pointing out that agrottoxics, despite numerous externalities and health impacts, receive important subsidies, and enjoy 100 percent tax exemptions in certain states. In summary, as state support through tax mechanisms and weak public institutions to control these hazardous substances, large international trading companies are establishing financing and production technology standards that make farmers increasingly dependent on these inputs.

### 3.2 Acceleration of Brazilian food and ethanol production

Particularly from the 1970s and 1980s on, Brazil witnessed the consolidation of the so-called agro industrial complexes in which agriculture could no longer be considered in terms of a few specific products strictly tied to a farm, but rather integrated with the entire industry on both extremes of the production process (Graziano Da Silva, 1991), generally oriented towards international commerce of rural commodities. In the late 1980s, but especially in the 1990's, the international context prescribed neoliberal structural adjustment policies, promoting the market opening (Bresser Pereira, 1997). As such, the production of agricultural commodities and their exports have been expanded considerably since the 2000's. To give an idea, in the period 2005-2011 the value of exports related to soy, sugarcane, and beef increased by 155 percent, 250 percent and 92 percent, respectively (**Table 3**). Soybeans are mainly for export (nearly 30 million t in 2012) while about 20 percent of ethanol (in tonnage) goes to exports.

Sector / complex	Unit	Production (physical units)		Growth (%)	Exports (USD million)		Sector export growth (USD %)	
		2005	2011		2005	2011		
Sugarcane	10,000 t	42 296	73 401	74	4 699	16 450	250	
Soy	10,000 t	5 118	7 482	46	9 474	24 139	155	
Fiber and textile products	Charcoal	10,000 t	253	413	63	466	1 631	250
	Timber	10,000 m <sup>3</sup>	10 061	12 585	25			
Meat	Poultry	10,000 units	81 247	105 199	29	2 929	8 733	198
	Cattle	10,000 units	20 716	21 282	3			
	Pig	10,000 units	3 406	3 931	15			

**Table 3. Production (biophysical) and exports (USD) of the main agri-food product**

\* Charcoal and timber can be artificially produced (industrial tree plantations) or extracted. These production data are related to the former

Source: IBGE (Brazilian Institute of Geography and Statistics, [www.ibge.gov.br](http://www.ibge.gov.br)) and MAPA (Ministry of Agriculture, Livestock, and Supply, [www.agricultura.gov.br](http://www.agricultura.gov.br))



To facilitate exports for the global market, several transport infrastructures have been built around the country, in many instances resulting in cases of land grabbing (Pedlow, 2012). This infrastructure includes many railways, highways and harbors. According to Vencovski (2011), the recent restructuring of the Brazilian railway system is oriented and oligopolized mainly by large corporations in the biomass sector, clearly connecting the farmlands to harbors, despite the fact that most financial investments for infrastructure development actually come from public governmental sources.

Another polemic and important example is the construction of the BR-163 highway, connecting Cuiabá (Mato Grosso) to Santarém (Pará). This highway coincided with the opening of regional branches of large business firms in Mato Grosso and Pará (Cargill, Bunge and the Maggi Group, a Brazilian firm) and was constructed using funds from public financial organizations (Amazon Banc, BNDES and BID). The highway's primary purpose is to provide logistics for production, stocking, distribution, and transporting agricultural products (soy and beef) to be exported from the Santarém Port. The expansion of this highway has been creating a zone of influence that generates many conflicts with indigenous people, fisherfolks and small farmers due to the changes in the land and natural resources use and their related social and environmental impacts.

### 3.3. Resulting environmental conflicts

The expansion of agribusiness in Brazil and its place in world agriculture is strongly related to the expansion of monocultures and export agribusiness, which have been responsible for numerous environmental conflicts and health impacts (Fig. 10).

Soybean is the culture that generates more conflicts. As its expansion is in areas far from urban centres in the Amazonian, Midwest and Northeast regions, is also the one that mostly reaches peasant and traditional populations, including indigenous and quilombolas (descendants of maroons). There are several conflicts with big farmers and 'grileiros' (traditional land grabbers) involving cases of threats and killings.

The cultivation of eucalyptus, in turn, has its expansion in relatively less isolated areas since their planting does not occur in Amazon and Midwest regions. But there are historical conflicts with indigenous peoples, Maroons and farmers, and more explicit violence occurred during the expansion of the 'green deserts' in the period of the military dictatorship.

The expansion of sugar cane for biofuel production is occurring in agricultural areas already consolidated, and reported cases of violence and deaths mainly occur with workers by overwork (burnout). In the case of sugar cane, perhaps the main problem it is affecting food safety.



**Fig. 10. Biomass conflicts involving (a) soybeans, (b) Eucalyptus and (c) sugarcane production in Brazil**

Source: Map of Conflicts Involving Environmental Injustices and Health in Brazil ([www.conflictoambiental.icict.fiocruz.br](http://www.conflictoambiental.icict.fiocruz.br))

**Fig. 10** shows maps identifying locations of environmental conflict cases involving important crops: soy production (39 conflicts), eucalyptus (35 conflicts), and sugarcane and ethanol (23 conflicts)<sup>5</sup>. Thus, the socio environmental and health impacts of agribusiness in Brazil may be highlighted (Rigotto, 2009; Pignati, 2009; Carneiro et al., 2008) as follows:

Concentration of land, profits, and political power among large producers as well as dispute over land and developmental projects in territories where peasant populations, small farmers, indigenous groups, quilombolas and with all those who live off from forest and riverside products.

Violence and impunity in rural areas, whether involving assassinating leaderships, exploiting workforce, including slavery, child labor, and death by exhaustion in sugarcane plantations;

Land grabbing caused by infrastructure expansion;

Loss of land, unemployment in rural areas and the migratory rural-urban flow, favoring urban chaos in cities and metropolitan regions;

The consequences on local food security, especially when agricultural commodities are exported to wealthier countries (e.g. soy, basically to be used as animal feed for producing meat) or when land is subjected to other purposes than food (such as for biofuels or industrial tree plantations for pulp, etc.);

Health problems associated with chemical contamination stemming from the intensive use of pesticides, especially agrottoxics; consumption of huge amounts of agro-toxics is one of the marks of Brazilian 'agricultural modernization' that has

The price of land in Brazil has been drastically rising. It's not by chance that Brazilian soy agribusiness are seeking new opportunities in countries such as Paraguay, Bolivia, Argentina, and Uruguay, purchasing land and forming what may be called the Soy Republic

<sup>5</sup> It's interesting to observe that the greatest dispersion of cases in the Midwest and North of the country doesn't correspond to the extent of the territories and populations affected, since the map merely indicates a particular point of conflict. For instance, conflicts involving soy monoculture affect a vast territorial extension in the Midwest as well as in the Amazon, since the size of one mere rural establishment can reach up to 80 thousand hectares in Mato Grosso.



turned the country into the main world consumer since 2008, a tendency that is still rising.

The conflicts, therefore, express a great dispute for land not only among rural establishments, with heavy territorial concentration involving the expansion of monocultures imposed on small farms and rural land-lot settlements given to landless poor groups, but also tremendous pressure on conservation units, indigenous groups and quilombolas (maroons); in sum, on Brazilian territory as a whole.

There is then 'control grabbing' by foreign firms like Cargill and many others. There is also internal land grabbing, pushing the biomass commodity frontiers, sometimes by entrepreneurs from the South of the country (Sao Paulo, Rio Grande do Sul). There is resistance to such internal colonialism against poor population and against indigenous populations.

### 3.4 Brazil as a 'land grabber'

With the commodities boom in the decade of 2000 and the recent food-production crisis, the price of land in Brazil has been drastically rising. It's not by chance that Brazilian soy agribusiness are seeking new opportunities in countries such as Paraguay, Bolivia, Argentina, and Uruguay, purchasing land and forming what may be called the Soy Republic (Turzi, 2011; Fernandes, 2012). However, the expansion of soy production to other Latin American countries has also become expensive; this is where Sub-Saharan African countries have become 'fertile (cheap) soil' for new investments.

As such, Brazil, in partnership with governmental institutions from Japan and Mozambique, launched the PROSAVANA (Development Programme in Mozambique Tropical Savannas). In a few words, the program stimulates transferring agricultural technology and knowhow from Brazilian agribusiness to rural Mozambique, whose countryside has traditionally been occupied by small farmers and shepherds, in order to modernize agricultural production, achieve greater productivity, profits and reduce food and energetic risks, besides getting closer to the Chinese market - the main destination of Brazilian soy exportations. In sum, the idea is replicating the Brazilian modernization model, using the same discourse in terms of economic and social benefits, although under a mask of South-South cooperation and trade, supposedly more democratic and fair.

In any case, the project is already underway and enjoys the widespread support of the government of Mozambique. To get a better idea, trade between the two countries grew 101.2 percent from 2010 through 2011, when it reached USD 85.3 million. Since 2009, a series of corporations tied to the power sector and to Brazilian agro-industrial chains has been operating in this African country, and contrary to what is said, the most probable prospect is repeating history in Brazil: reproducing an excluding, unjust, and environmentally devastating agriculture, under the command of the Brazilian State and capital, be national or international.



### 3.5 Final remarks about the case of Brazil

Foreignizing land (or land grabbing for foreign investors) is not as significant in Brazil as in other countries. However, if we change our prism to the concept of control grabbing, Brazil presents itself as a key piece in consolidating an agriculture-world system, controlled by a flow of national and international capital and the State. This is orchestrated through many ways like the credits distribution policies, providing public infrastructure or passing through a whole gamut of institutionally legal and illegal mechanisms, as well as not following or even changing the legislation (as the forest code, flexibility in the use of agrottoxics rules, labour rules, etc.). Hence, controlling the process of what, when, and where to produce, without necessarily owning the land.

There is also large scale internal land grabbing, a trait in the history of Brazil since colonial times. Expanding capitalist control of territory has taken place by registering legal and illegal plots of land in the agricultural frontier, in consonance with a process of agrarian counter reform, legitimized by the State by way of a 'national sovereignty' discourse. This rationale is used by left political parties to explain their alliances with the conservative *bancada ruralista* constituted by political members supported by agribusiness in the Federal Congress. Plundering a natural resources and dispossession of poor rural people and indigenous communities is enabled by a State that is for the sake of economic growth promoting the agro industry and at the same time overlooking public interest of the people. This situations presented above end up causing environmental conflicts, violence and the expropriation of traditional peoples– who in all fairness, probably don't care at all about the nationality of whoever is doing this to them.

One conclusion is then that foreigners do not grab much land in Brazil, and second, there is 'control' grabbing. But also in Kenya, the Mumias in the Tana Delta are Kenyans, not foreigners. In Brazil land grabbing is mainly by Brazilians (often from states in the South) while 'control grabbing' is both by Brazilian and by foreign firms. There are many killings in Brazil at the biomass commodity frontiers.



# 4 Successful resistance and valuation languages

by Leah Temper and Joan Martinez-Alier

This chapter examines both resistance from ‘above’ – through trans-national activism against land grabbing by GRAIN and the World Rainforest Movement (WRM) –, as well as resistance on the ground to the implementation of agricultural and forestry projects, based on a comparative study of some cases of successful resistance (as in the Tana River Delta), where the projects were either cancelled or suspended following local mobilizations. Through a discussion on the framings of the campaigns, the languages of valuation deployed, the action forms (including financial activism), and alliances between actors at different scales, we come to some conclusions about the factors for success in resistance tactics to large-scale biomass projects.

## 4.1 The inventory of biomass conflicts in the EJOLT project

This article draws on the work done in the EJOLT project in regards to the part of the inventory of ecological conflicts related to biomass extraction conflicts. In the previous chapter, we have seen the large inventory and map of environmental injustices in Brazil, including conflicts on eucalyptus, soybeans and sugar cane. The result of this group in FIOCRUZ has been already published (in Portuguese), and is publically available online.

Similarly, we define socio-environmental conflicts as struggles over the burdens of pollution or over the sacrifices made to extract resources. The conflicts arise from the increase in the economy’s metabolism causing environmental impacts



Activist coalitions mobilizing against land grabbing have made use of networks already formed around the intersection of climate and food issues, indigenous rights, and agrarian justice and the mobilization of transnational agrarian movements

combined with inequalities of income and power. The mobilizations are collective incidents in which persons from a specific geographic area express criticism, protest, or resistance, making claims for their preservation of the physical environment and against likely impacts on their health or livelihood. Such contentious gatherings (Tilly, 1993) include formal claim-making, petitions, meetings, demonstrations, boycotts, strikes, threats, civil disobedience, collective violence, and other action forms (Kousis, 1998).

The EJOLT inventory and map aims to collect and classify these conflicts revealing the complexity and variety of actors, strategies and actions and also to give insights into the determining factors for different outcomes through comparative and statistical analysis. Beyond this, we also aim to question the global socio-metabolic patterns driving conflicts and networks of resistance. What are the forms of “accumulation by dispossession” (Harvey, 2003) and “accumulation by contamination” that such shifts in metabolism entail? What are the financial flows behind them?

In this paper, we draw on preliminary outputs of the EJOLT project to examine both resistance from ‘above’, through the trans-national activist organizations working in EJOLT and which are at the vanguard of knowledge and campaigns against land grabbing, such as GRAIN and the World Rainforest Movement (WRM), as well as resistance from below, based on a comparative study of some cases of successful resistance on the ground.

After briefly defining the scope of the analysis, the first section focuses on how TANs (transnational advocacy networks) engaged in activism around land grabbing have successfully employed these different forms of pressure, focusing on informational politics and on financial activism directed at the funding sources for large agricultural acquisitions. The second section provides an overview of successful on the ground mobilizations, discussing the framings of the campaigns, the valuation languages deployed and the factors for success in their resistance tactics. The third section analyses the possible convergence against land grabbing by different social groups at different scales. Section 4 contains the conclusion.

## 4.2 Land grabbing: focus on biomass conflicts

Land grabbing was coined as a concept and entered the public imaginary in 2008, following the publication of the GRAIN (2008) report ‘Seized!’ that documented 100 recent land acquisitions. As the land-grab has gathered pace, activism, academic literature, videos and advocacy around land grabbing have been growing in step. Activist coalitions mobilizing around the issue have formed quickly, making use of networks already formed around the intersection of climate and food issues, indigenous rights, and agrarian justice and the mobilization of transnational agrarian movements.

The definition of land grabbing in this chapter considers only agricultural or forestry projects. Their main driving force is the increased physical metabolism of the world economy, in terms of increased inputs of paper pulp, wood, meat,



agrofuels, as also the search for carbon sinks in the form of tree plantations or forests. There are several tentative reasons why we consider only agricultural and forestry conflicts in this analysis, and not other forms of conflicts such as those arising from transport infrastructures, fossil fuel extraction, mining for metals, sand and gravel mining, tourism, biodiversity conservation, biopiracy, industrial special zones. The reasons are:

Agricultural and forestry projects represent the 'soft commodities' which financially have nearly overtaken 'hard commodities' (energy and mining resources) in recent years (although not in terms of tonnage or energy content).

The scale of land needed for agricultural and forestry projects is larger than for mining, oil and gas extraction or tourism projects (although not larger than for biodiversity conservation projects)

They are part of the new 'biomass economy' (Smolker, 2008) and the related flexibilization strategies that allow investors to switch between crops, fuel, feed and carbon offsets termed flex-crops (Borras and Franco, 2012).

Biomass conflicts are relatively more land intensive and less capital intensive (per unit of area) than oil, gas or mining projects. By the same token biomass projects may have less funds available per unit of area for compensation (persuasion) and thus may rely on other means (coercion) to 'clear the ground' as plantations and large-scale sheep or cattle raising have so many times done in history.

Because of the structure of biomass investment, the acquisitions are often carried out by corporations that do not sell directly to consumers and are thus less vulnerable to activist pressure than tourism or precious metals companies can be at times.

Biomass projects are more mobile than other geology-dependent extractive industries such as metal mining and oil and gas extraction, yet at the same time rely on 'water grabbing'<sup>6</sup> at a much greater scale than other extractive projects (which can also be highly water intensive).

Biomass projects apparently allow a degree of compatibility with local livelihood strategies (through outgrower schemes, contract farming, etc.) and there may therefore be greater differentiation in local responses to the projects. Sugar cane or rubber production sometimes subsumes the surviving peasant economy into the logic of export production through an exploitative strategy that leads to savings in labour surveillance costs. This 'outsourcing' process very rarely happens in oil and gas extraction. It sometimes happens in mining.

### 4.3 Trans-national activism against land-grabs

<sup>6</sup> GRAIN, 2012. Squeezing Africa Dry: Behind every land grab is a water grab. Available at <http://www.grain.org/article/entries/4516-squeezing-africa-dry-behind-every-land-grab-is-a-water-grab>.



### 4.3.1 Framing the fight against land grabbing

From 17-19 November 2011, the first international peasants' conference to stop land grabbing took place in Nyéléni, Mali in an agro-ecology training centre symbolic as the site of the first international forum on Food Sovereignty. Over 250 women and men, peasants, pastoralists, indigenous peoples and their allies from 30 countries participated, including GRAIN and WRM.

The declaration they issued adopts a rights-based discourse and environmental justice framing in defence of “food sovereignty, the commons and the rights of small scale food providers to natural resources” (NGOs, 2010). Framing the fight against land grabbing as a fight against capitalism, neoliberalism and a destructive economic model, participants reiterated that they were not interested in “getting a better deal” but rather in a transformational project, a radical politics or “counter-hegemonic globalization”. All the groups we profile here display this outright opposition to any form of land grabbing (stop and roll-back approach) (Borras and Franco, 2012), rather than adopting the more cautious ‘ecological modernization’ approach of some other groups. GRAIN for instance qualifies the land-grab as a ‘food robbery’ and a new form of agricultural neo-colonialism.

WRM and GRAIN fall under Tarrow’s definition of trans-national activists groups: “individuals and groups who mobilise domestic and international resources and opportunities to advance claims on behalf of external actors, against external opponents, or in favour of goals they hold in common with transnational allies” (Tarrow, 2005: 29) and under what Borras (2010) has further charted as the emergence of TAMs (Trans-national Agrarian Movements). As Pye (2010) writes, the scope of TAMs has broadened significantly in recent years, uniting with other socio-environmental justice movements around themes such as biofuels, forestry and climate justice, in the process building a transnational contentious discourse that has significant impact on the positions of international governance institutions concerned with agriculture, including the FAO, the WB and the UN Special Rapporteur on Food (Rosset and Martinez, 2005).

Keck and Sikkink (1998) describe four types of pressure mobilized by Trans-national Advocacy Networks (TANs): information politics, symbolic politics, accountability politics, and leverage politics. The primary form of resistance from Northern EJOs to land grabbing has been informational politics, which entails the framing of the phenomenon and bringing it to public attention. Key in informational politics is the language used for framing issues and the terms employed as for example, land grabbing v. land acquisition, and the introduction of alternative discourses, such as land and food sovereignty.

GRAIN is a small international non-profit organisation present in all continents and with a main base in Barcelona that works to support small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems. GRAIN is credited as the first organisation that in 2008 drew the world’s attention to the land grabbing phenomenon. The framing established by GRAIN as well as the terminology have been exceedingly successful and hard to



shake off, despite attempts by actors such as the WB to rename the phenomenon in an effort to neutralize the debate.

Their primary contribution to anti-landgrab activism has been as a source of information, tracking monetary flows and providing inventories of landgrab deals that other organizations have drawn on. They have been able to achieve this through the use of activist networks, drawing on activist knowledge (Escobar, 2008) that has then been integrated into mainstream political discourse and picked up by multi-lateral organizations that have responded with their own reports and knowledge production in a process of framing and counter-framing.

Information politics and the struggle to frame and define nature and the processes impacting it is also key to one of the primary campaigns of the World Rainforest Movement (WRM) against institutional complicity in the spread of large-scale tree plantations. WRM, an EJO that defines itself as a movement supporting the rights of forest communities, demands that the FAO considers tree plantations as 'forests', when they should in fact be considered as a form of agricultural plantation. Their campaign and slogan, "Plantations are Not Forests", goes back to Carrere and Lohman (1996). It argues that the definition employed by FAO<sup>7</sup> has made it "possible to replace primary forests with monoclonal plantations of genetically engineered exotic tree species, without this being considered as deforestation. This definition has also made it possible to use the term 'forest' to refer to the industrial monoculture tree plantations that are expanding at the expense of the destruction of other ecosystems." (Overbeek et al., 2012).

The work of both organizations highlights the important role of transnational activists in challenging 'hegemonic semantics' and reveals how interpretations and applications of terms lead to the possibility to channel public and private resources. In the fight over 'the land-grab' contested terms and definitions include the term itself, references to 'wastelands' or 'idle and marginal lands' and framings such as the 'yield gap' (Deninger et al., 2010), which in themselves are used to justify the occupation of lands by more 'productive' users.

As TAMs, the work of GRAIN and WRM often focus on international targets such as financial actors and multilateral organizations with the view that a focus on domestic power structures is inadequate, and campaigns should be embedded within a global perspective. Regarding accountability politics, Grain and WRM have decided not to participate in official processes that aim to regulate landgrabs, despite having been invited to participate in drafting principles such as the RAI (responsible agricultural investment). As GRAIN puts it in a recent pamphlet decrying voluntary standards as ineffective and counter-productive: You wouldn't regulate slavery, so why regulate land-grabs (GRAIN, 2012:11).

Financial investors who previously did not have much influence within the food system have recently begun to play a much more important role under a process that has been termed the financialization of the food system

<sup>7</sup> FAO defines "forest" as "land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ."(\*)



### 4.3.2 Targeting institutional investors: the financialization of food and financial activism

Financial activism, directed at corporate or investor networks, is often employed by TANs when they feel the state may not be responsive to pressure or cannot take action. The impacts include hurting the company's bottom line as well as 'naming and shaming', that can be successful at discrediting a company or pension fund or forcing states to take action (Mcateer and Pulver, 2009).

Financial investors, including banks, financial services firms, and large-scale institutional investors – who previously did not have much influence within the food system - have recently begun to play a much more important role under a process that has been termed the financialization of the food system (Clapp, 2012). While this trade in agricultural commodity derivatives trade takes place in financial markets and in many ways is only 'virtual' for the investors, it generates a number external costs in the real biophysical economy (ibid).

Again, GRAIN was key in pointing out the role of speculative capital in fuelling farm land grabbing both in the 2008 report and in a follow-up report focussing specifically on the role of pension funds in such projects: "Pension funds are supposed to be working for workers, helping to keep their retirement savings safe until a later date. For this reason alone, there should be a level of public or other accountability involved when it comes to investment strategies and decisions. In other words, pension funds may be one of the few classes of land grabbers that people can pull the plug on, by sheer virtue of the fact that it is their money. This makes pension funds a particularly important target for action by social movements, labour groups and citizens' organisations" (GRAIN, 2011:1).

Following the GRAIN report on pension funds, national NGOs have also produced reports in their own domestic contexts. This was sometimes combined with direct action, for example protests at the big AG finance meetings and at specific banks or corporate offices. The report 'Farming Money' by Friends of the Earth analysed the activities of 29 European financial institutions, including Deutsche Bank, Barclays, RBS, Allianz, BNP Paribas, AXA, HSBC, Generali, Unicredit and Credit Agricole, showing that they were all involved in the direct or indirect financing of land grabbing. The report further estimated that by 2017 institutional investors would increase their agricultural investment portfolios by 500 percent. To reverse this trend, the report recommended changes in the EU rules for commodity derivative markets that would tighten corporate policies on financial services and investments in food commodity derivatives and land deals (FoE, 2012).

Pressure on European banks at the national level led to a review at Rabobank of 'land conflicts' related to its investment practices<sup>8</sup>. Rabobank even uses the term 'land grabbing' in its brief and has launched an extensive study of the issue under its Ethics Committee with the aim to develop a policy for the prevention and resolution of land-related conflicts to be finalised and implemented in 2013.

<sup>8</sup> Rabobank Group, 2013. Annual Report. April 2013. Available at [www.rabobank.com/annualreports](http://www.rabobank.com/annualreports).



Financial activism directed at institutional investors has also had some success in relation to futures trading in commodities (including food commodities), whereby a coalition of family farm, faith-based and anti-hunger groups targeted CALSTRS, the California teachers' retirement system. CALSTRS had been considering shifting USD 2.5 billion of their portfolio into commodities. In response to the campaign, the CALSTRS board decided to invest no more than USD 150 million in commodities for 18 months (Grain, 2011).

Financial activism is most effective when it hurts the company's bottom line or when the perceived risks became too great. As we shall see below, many of the cases of resistance to specific projects succeeded through allying with NGOs in the investing countries and causing the drying up of investment streams for the company. A proliferation of such cases will also impact risk assessment at the institutional level.

#### 4.4 Successful grassroots mobilizations

Successful opposition to land grabbing has been documented in projects in Kenya, Ghana, Argentina, Madagascar, Peru, Uganda, Senegal, Mozambique, Cameroon, Tanzania, Niger, Colombia and the Philippines. In **Table 4** we list 16 cases of successful resistance. In the **Chapter 5** there is some more analysis of the Madagascar cases, while **Chapter 2** has already explained some of the Kenyan cases.

Successful grass-roots mobilizations against land grabbing have been able to position themselves as legitimate and command a response from government or corporate actors using a varied repertoire of legal, political and direct action tactics (Tilly, 1978). These include delay tactics, mobilising of supporters who themselves had some social leverage, causing harm to corporate reputation and also sometimes physical direct actions, and administrative and judicial challenges to the EIA or other procedures. Grievances are expressed employing a range of valuation languages, not always mutually exclusive, including environmental costs in money terms, conservation and ecological values, livelihood needs, indigenous rights, international conventions (Ramsar, ILO 169), nationalism and others. Sacredness or spiritual values and also the Rights of Nature are mentioned in some cases.

Equally important for success in stopping projects is the context, the responsiveness of the home state and of the investing company or fund (and its state of origin), the legal context and the political leverage of the mobilizers. Popular struggles against landgrabs have been successful using mechanisms such as 1) legal and judicial activism (Argentina, Kenya, Peru, Colombia); 2) challenging the EIA (Kenya, Cameroon); 3) winning over sectors of the government (Kenya, Niger, Mozambique); 4) massive social unrest (Madagascar, Senegal); 5) appealing to high biodiversity values through economic valuation (Kenya, Uganda, Cameroon), 6) financial activism addressed to investors (Ghana, Tanzania) and 7) Indigenous rights under ILO 169 (Shawi in Peru, Mapuches in Argentina).

Equally important for success in stopping projects is the context, the responsiveness of the home state and of the investing company or fund (and its state of origin), the legal context and the political leverage of the mobilizers

**Table 4 Suspended and cancelled land-grabbing projects**

Source: Own elaboration based on data from GRAIN, Farmlandgrab.org and listed sources

Company/Investors	Host region/country	Home country	Area (ha)	Commodity	Environmental Justice Organizations	Forms of mobilization	Narratives and valuation languages	Current status	References
1. Kenya Jatropha Energy Ltd, owned by Milan-based Nuove Iniziative Industriali SRL	Dakatcha Woodlands, Kenya	Italy	50,000	Jatropha	Site Support Group for the Dakatcha Woodlands, Nature Kenya, East African Wildlife Society, ActionAid, Birdlife International, Royal Society for Protection of Birds	public campaign; media based activism complaint letters, court case	Biodiversity conservation, livelihood rights, Alternative economic valuation, biofuels	Stopped. Government refused license	Ejolt landgrab report, ch. 2 <a href="http://www.ejolt.org/2012/06/nature-kenya-campaign-saves-dakatcha-woodlands-and-puts-jatropha-in-the-dock/">http://www.ejolt.org/2012/06/nature-kenya-campaign-saves-dakatcha-woodlands-and-puts-jatropha-in-the-dock/</a>
2. G4 Industries	Tana Delta, Kenya	U.K.	28,000	Oilseeds	Nature Kenya, Peoples Solidaire, EAWLS, RSPB	public campaign; media based activism complaint letters, court case	Biodiversity, deforestation, illegal land clearing, EU Renewable Energy Directive	Cancelled. Company pulled out, stating environmental and social reasons.	Ejolt landgrab report, ch. 2 <a href="http://arochakenya.wildlifedirect.org/2011/07/19/british-farming-industry-g4-industries-pulls-out-of-the-tana-river-delta/">http://arochakenya.wildlifedirect.org/2011/07/19/british-farming-industry-g4-industries-pulls-out-of-the-tana-river-delta/</a>
3. Sugar Corporation of Uganda Limited (SCOUL)Mehta	Mehta, Uganda	India, Uganda	14,600	Sugar	Fast African Bicycle Organization, Environmental Conservation Effort, Uganda Land Alliance	riots, media based activism, call for boycott against SCOUL sugar, 3 people died protesting in 2007	Biodiversity, Economic Valuation study, deforestation	Uganda's environment minister announced that deforestation plans had been suspended, the govt. trying to find land for Mehta.	<a href="http://www.birdlife.org/datazone/sowb/casestudy/231">http://www.birdlife.org/datazone/sowb/casestudy/231</a> <a href="http://farmlandgrab.org/post/view/20457">http://farmlandgrab.org/post/view/20457</a>
4. Tempieri Group/Senethanol/Senhuile	Fanaye, Senegal	Italy, Senegal, USA	20,000	Sunflowers and sweet potatoes (biofuels and feed)	Enda Pronat, National Council for Rural Cooperation, National Research Foundation, CICODEV, Collectif pour la défense des terres de Fanaye	official complaint letters, street protest, 2 people died and 20 were injured in violent protests.	Desecration of religious sites, livestock protection, displacement	The government decided to suspend the project but it has now been relocated from Fanaye to Gnith	<a href="http://farmlandgrab.org/post/view/19535">http://farmlandgrab.org/post/view/19535</a>
5. Bin Taleb Group / Al Tamini Khaled Alhil	Niger	Saudi Arabia	15,922	Irrigated crops		Survey, opposition to the contract on legal and human rights grounds	Rights-based on Rural code of Nigeria	Stopped. Government agency, Permanent Secretary of the Rural Code was opposed to the deal.	<a href="http://farmlandgrab.org/post/view/10425">http://farmlandgrab.org/post/view/10425</a>
6. Beidahuang	Rio Negro, Argentina	China	320,000	Soybean, maize and other crops	Foro Permanente por una Vida Digna	Lawsuits, court cases, judicial activism, demonstrations	Neocolonialism, corruption, water scarcity, deforestation, indigenous rights, ILO 169, land concentration.,	Stopped. In Nov. 2011, the superior court of Rio Negro Province ruled that the project should be suspended.	<a href="http://farmlandgrab.org/post/view/19657">http://farmlandgrab.org/post/view/19657</a>
7. Swedish Alcohol Chemistry AB (SEKAB)	Bagamoy and Rufiji, Tanzania	Sweden	200,000	Jatropha	Swedewatch, WWF Sweden	Court case, financial activism	Allegations of corruption, Biodiversity conservation, High level of biodiversity in Rufiji, lack of transparency, carbon debt.	Opposition at home and abroad led Swedish owners to lose confidence and not finance future operations in East Africa. SEKAB handed over in 2009 to new company Bagamoyo EcoEnergy Ltd	<a href="http://farmlandgrab.org/post/view/9440">http://farmlandgrab.org/post/view/9440</a> Ness et al. 2009 <a href="http://farmlandgrab.org/post/view/21776">http://farmlandgrab.org/post/view/21776</a> <a href="http://www.plaas.org.za/sites/default/files/publications-landpdf/LDPI31Locher%26Sulle_0.pdf">http://www.plaas.org.za/sites/default/files/publications-landpdf/LDPI31Locher%26Sulle_0.pdf</a> Locher, M. and E. Sulle. 2013.

Company/Investors	Host region/country	Home country	Area (ha)	Commodity	Environmental Justice Organizations	Forms of mobilization	Narratives and valuation languages	Current status	References
8. Daewoo	Madagascar	South Korea	1.3 m	Corn and oil palm	Collectif pour la Défense des Terres Malgaches, TANY	Massive social unrest. Over 100 people died and the government was toppled.	National sovereignty, food security	Officially cancelled but is being replaced by smaller deals	<a href="http://farmlandgrab.org/post/view/9440">http://farmlandgrab.org/post/view/9440</a> Ness et al. 2009
9. Procana CAMEC (Central African Mining and Energy Company)/ British company BioEnergy Africa	Limpopo, Mozambique	U.K.	30,000	Sugar	National Organization of Mozambican peasants, pastoralists, JA (Justiça Ambiental) UNAC (União Nacional dos Camponeses), Centro Terra Viva	Resisting displacement, reports, meetings	Water scarcity, Defense of indigenous populations, land allocated inside Limpopo National Park, insufficient consultation, pastoralist rights, displacement of 30,000 residents	Concession Revoked by the council of ministers, non-compliance contractual clauses. CAMEC shifted investment away from biofuels. Other investors still possible.	Hanlon, 2011 Milgroom, 2013 Borras, 2010
10. EcoAmerica	San Martín, Peru	South Korea	72,000	Crops, forestry, livestock	WRM, Shawi Indigenous Regional Federation of San Martín (FERISHAM)	judicial activism (ILO 169) ; involvement of international NGOs	ILO 169, Indigenous rights, arguments for the rights of mother nature	Suspended. The case is still in court	WRM, 2011
11. Tana Delta Integrated Sugar Project (Mumias)	Tana Delta, Kenya	Kenya	20,000	Sugar	Nature Kenya, Birdlife, EAWLS	Court case, letter writing, contesting the EIA, alternative CBA, land occupation, sabotage of vehicles.	Pastoralist rights, Ramsar convention, biodiversity protection	Project on hold until Master Plan is carried out	Temper, 2012 Ejolt landgrab report , ch.2
12. Biofuel Africa Ltd.	Northern Region, Ghana	Norway	38,000	Jatropha	Action-aid Ghana, trade unionists, GAWU, RAINS, African Biodiversity Network, RSPB	International campaigns	Women's livelihoods, biodiversity protection, biofuels	Suspended. Biofuel filed for bankruptcy, allegations of corruption, Statoil pulled out as partner.	Biomah, 2011
13. Herakles Farms (private equity firm Blackstone), Sithe Global Sustainable Oils Cameroon Limited (SG-SOC),	Talangaye village, South West of Cameroon	United States	73,086	Palm Oil	GreenpeaceUSA, CED Cultural Survival, RELUFA, Korup Rainforest, SEFE, Conservation Society, WWF The Oakland Institute, Oroko Cultural Association, scientists	Petitions, letters, international campaigns, blockades, arrests, alternative EIA and reports, valuation of nature study, corruption case against the company with OCDE contact point, financial activism.	Forest conservation, protected areas, endemic biodiversity, indigenous rights, livelihood, violation of Cameroonian law & rights of people, damage to livelihoods and environmental destruction.	Suspended. On May 18, 2013 Herakles Farms (also known as SG SOC) announced that work was suspended in response to an order received from Cameroon's Ministry of Forestry and Wildlife.	<a href="http://farmlandgrab.org/post/view/22156">http://farmlandgrab.org/post/view/22156</a> <a href="http://farmlandgrab.org/post/view/22105">http://farmlandgrab.org/post/view/22105</a> <a href="http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Report_Herakles_Exposed.pdf">http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Report_Herakles_Exposed.pdf</a> <a href="http://farmlandgrab.org/post/view/22204">http://farmlandgrab.org/post/view/22204</a> <a href="http://farmlandgrab.org/post/view/20797">http://farmlandgrab.org/post/view/20797</a> <a href="http://www.scribd.com/doc/85383092/Scientists-Letter-on-the-Herakles-Farms-Proposed-Oil-Palm-Plantation-in-Cameroon">http://www.scribd.com/doc/85383092/Scientists-Letter-on-the-Herakles-Farms-Proposed-Oil-Palm-Plantation-in-Cameroon</a> <a href="http://www.greenpeace.org/usa/Global/usa/planet3/PDFs/Fores/HeraklesCrimeFile.pdf">http://www.greenpeace.org/usa/Global/usa/planet3/PDFs/Fores/HeraklesCrimeFile.pdf</a>

Company/Investors	Host region/country	Home country	Area (ha)	Commodity	Environmental Justice Organizations	Forms of mobilization	Narratives and valuation languages	Current status	References
14. Bedford Fuels, Kenya	Tana River district, Kenya	Canada	19,000 planted out of 160,000 concession	Jatropha (60,000 ha)	Nature Kenya, East African Wildlife Society, Nature Canada, Royal Society for the Protection of Birds	Petitions, letters, international campaigns, court case	Endangered Birds, opposition to the plantation had been met with death threats.	Stopped after Alberta Securities commission prohibited the company from raising capital in their home province. The company in 2013 declared bankruptcy.	Ejolt landgrab report ch. 2 Smalley and Corbera, 2011.
15. Bioshape, Tanzania Dutch merchant bank Kempen & Co & Eneco Energie BV	Kilwa district of Lindi region, Tanzania	Netherlands	34,000 acquired out of total 81,000 concession	Jatropha, CDM credits	FOEI, Tanzania Bioenergy Forum-TABEF, Lawyers' Environmental Action Team, Land Rights Research and Resources Institute, Groenlinks and Liveable Rotterdam, WWF	Reports, financial activism	Sustainable biofuels directive, low compensation for land, EIA integrity questioned, impacts on wildlife, undermining food security, disputed land titles, lack of consultation, negative carbon savings.	Feb.2010 field operations and salaries to employees suspended, following the withdrawal of major investor Eneco, amidst concerns over sustainability criteria of the project. In June 2010, BioShape declared bankruptcy.	<a href="http://www.fian-nederland.nl/pdf/Publications/HOTL/nl_and_the_global_land_grab.pdf">http://www.fian-nederland.nl/pdf/Publications/HOTL/nl_and_the_global_land_grab.pdf</a> <a href="http://www.plaas.org.za/sites/default/files/publications-landpdf/LDPI31Locher%26Sulle_0.pdf">http://www.plaas.org.za/sites/default/files/publications-landpdf/LDPI31Locher%26Sulle_0.pdf</a> <a href="http://www.ipsnews.net/2011/03/tanzania-biofuel-projects-barren-promise/">http://www.ipsnews.net/2011/03/tanzania-biofuel-projects-barren-promise/</a> ocher, M. and E. Sulle. 2013.
16. New Forests Company (NFC), Uganda Investors include Agri-Vie Agribusiness Fund, WB, IFC, EIB. (HSBC) owns about 20% of NFC.	Mubende, Kiboga, and Bugiri districts, Uganda	U.K.	27,000	Pine and eucalyptus tree plantations, CDM credits	OXFAM, Uganda Land Alliance, Ugandan Joint Christian Council	Reports, petition to lands minister, lawsuits, two Ugandan communities filed a complaint with the CAO, the World Bank's Advisor/Ombudsman.	CDM critique, lost livelihoods, gazetted forest reserve, violent 22 000 evictions, beatings, abduction and crop damage by armed groups, 18 community leaders arrested.	The company suspended operations in January 2012. A mediation process by International Finance Corporation is being carried out.	<a href="http://farmlandgrab.org/post/view/20457">http://farmlandgrab.org/post/view/20457</a> <a href="http://www.oxfam.org/en/grow/policy/new-forests-company-and-its-uganda-plantations-oxfam-case-study">http://www.oxfam.org/en/grow/policy/new-forests-company-and-its-uganda-plantations-oxfam-case-study</a>
17. DAABON, Hacienda Las Pavas, Colombia.	El Peñón, corregimiento Buenos Aires, Bolívar	Colombia	1223	Oil Palm	ASOCAB	Court cases, marches to Bogota, complaints to The Body Shop company	Local livelihood against displacement, environmental value of wetlands	Suspended. Peasants were expelled in 2009, reinstated in 2011.	



## 4.5 Languages of valuation in successful resistance against land grabbing

### 4.5.1 Conservation and Environmental Values

The involvement of environmentalist organizations and discourses over biodiversity both figure prominently in 13 out of the 16 cases surveyed. For example, what could be less political than birds? Yet, the bird lobby or 'birders' tend to be extremely influential as evidenced by the involvement of the suspension of the 3 projects in the Tana Delta and one in Uganda, all important areas for birdlife. The involvement of Birdlife international has also been documented in other non-biomass environmental justice struggles with positive outcomes. A study in Taiwan against gravel extraction tells how "initially, protests appeared to be ineffective, as the villagers were up against strong political and economic interests... The fate of the protest, however, changed after the spotting of a Fairy Pitta (*Pitta nymphia*), an endangered bird species, in the woods of the nearby Pillow Mountain, which would be a potential victim of gravel extraction" (Tang 2004: 177).

Birdlife, of which Nature Kenya is a part, is also a TAN and the organization took advantage of these partnerships to take the campaigns home to the investor countries. Nature Kenya considers that this sustained negative coverage was key to the withdrawal of both G4 and Bedford fuels.

The effectiveness of conservation arguments may be precisely because of their 'apolitical nature'. As Peluso et al. (2008) explain, environmental activists have often tried to 'disguise' themselves as technical apolitical experts, to their advantage. They mobilize at multiple scales, targeting laws and other institutions of state power at the same time as organizing the grassroots.

A clear example of such a 'technical-apolitical' strategy, used in the Mumias case by Nature Kenya (Mireiri et al., 2008) and also in Mabira, Uganda by Birdlife International, is that of economic valuation of the environment, in an attempt to prove that the economic value of the wetlands exceeds that of the potential project. As shown in the chapter written by Nature Kenya above, The Economist responded favourably to this argument in June 2009. Yet, despite current NGO enchantment with economic valuations of ecosystem services, ecological economists often argue that such valuations may be counterproductive and lead to perverse effects (Rodriguez-Labajos and Martinez-Alier, 2012; Spash, 2011; Kallis et al., 2013; Temper and Martinez-Alier, 2013). We have here an interesting situation in which the NGOs appear to be more pragmatic and academics such as ourselves more fundamentalists.

Beyond 'proper' EIAs and CBAs, there are other arguments based on social injustices. According to Serah Munguti from Nature Kenya (pers. comm.), attacking EU biofuel policies has been a strategy of her organization. Campaign materials featuring questions such as "Why 'feed' a car in Europe when hunger at home is still a reality?" attacked the Mumias project as a biofuel project, despite its stated intention of producing primarily sugar and then ethanol only as a by-



product. Yet this strategy seems fair game in light of the trend towards flex-crops, and as evidenced by a quote from a Mumias spokesman: ‘The future lies in diversification. Cane farmers may be encouraged to grow cane for purposes of producing electricity (Agencies, 2011).’

#### 4.5.2 Human rights, identity politics and indigenous identities

When indigenous populations are impacted by land grabbing, resistance is often expressed in the language of human rights, indigenous territorial rights, and the right to previous consultation under Convention 169 of ILO. A reclamation of the rights of indigenous communities to free, prior informed consent for projects on their land were key discourses in the case of Peru and also in the Argentine case in **Table 1**, as both countries are signatories to the Convention.

In the case of Peru, a Korean company, ECOAMERICA, had applied for the registration and titling of more than 72,000 ha of land for crop production, logging and livestock raising on land registered by two Shawi and one Kechwa communities. The company had submitted its application to the Commission for the Formalization of Informal Ownership (COFOPRI) in the Amazonian province of Loreto, an agency whose existence was unknown to the indigenous communities and others living in the area.

The Shawi people declared in their open letter: “Our native communities do not have property titles, we have only legal recognition, and we are in possession of our ancestral territories. It is not just for our community lands to be valued at 80 cents a hectare; they want to hand them over without understanding the significance of the spiritual life of nature, of the trees, of the animals that the Shawi indigenous people protect” (WRM, 2011).

In the Argentine (Rio Negro) case, the Mapuche were also contemplating filing an ‘*amparo*’ [constitutional relief] action in court to try to stop the investment, arguing that the rights of the original peoples were not taken into account, much less the right to free prior informed consent and mentioning that this right is enshrined in ILO Convention 169, which Argentina has ratified (Law 24.071).

In the case in Ghana, a Norwegian company hoping to create “the largest *Jatropha curcas* plantation in the world” (Nyani, 2008:2) failed to do so, as a discourse around women’s livelihoods became a key argument due to the fact the company had deforested land that had provided shea nuts (Boamah 2011) obtained from the shea tree (*Vitellaria paradoxa*). A combined campaign by local group RAINS and Action Aid Ghana<sup>9</sup> employed symbolic politics with crisis narratives and visual images of lands stripped naked interposed with narratives of chiefs who signed away their lands ‘by thumbprint’. The joint campaign by RAINS and Action Aid Ghana peaked with the issue of an order from Ghana’s EPA for the suspension of the project in Alipe (Boamah 2011).

<sup>9</sup> ActionAid is an international anti-poverty NGO who works with local partners to fight poverty worldwide. In 2008, turnover was close to EUR 180 million.



The successful campaigns and legal actions by Nature Kenya in the four cases listed need not detain us here because they have been explained in **Chapter 2** of this report. Notice the human rights arguments, based on Kenya's new Constitution of 2010, which aligns closely with local opposition discourse that views land grabbing as an abuse of rural people's rights (Smalley and Corbera, 2011). Furthermore, the draft national land policy has created a community land rights recognition model (CLRR) that aims to devolve all government and trust land to communities to recognize customary and historical rights<sup>10</sup>.

The case in Niger, whereby the Permanent Secretary for the Rural Land Code was able to enforce rights accorded under the code to legally stop the project is an example of how one sectors of the government (The Rural Land Code Officer) intervened on behalf of local communities to uphold their rights.

In Colombia, there have been so many cases of displacement facilitated by the internal war, to the profit of land grabbing for oil palm plantations, that public opinion and also the courts are much aware of this. The Hacienda Las Pavas case (see below) is a small symbolic victory for human rights, land reform and local livelihoods.

### 4.5.3 Livelihood, agrarian and land tenure rights

Livelihood arguments against land grabbing may not be the most effective due to the two contrasting visions and realities of land: on one hand, the motivation of governments to extract surplus from rural areas for overall economic growth and export to urban areas, and on the other for rural communities to reproduce their self-sufficient rural systems (Scheidel et al., 2013). Li (2011) has shown that land grabbing is unlikely to bring increased opportunities for rural employment, yet governments in highly agrarian societies may precisely hope to displace rural population and free up the 'reserve army of the labour' so as to secure low wages for industrial production and growth in other sectors.

At the same time, in the tradition of Chayanov (1966), Shanin (1986), and Netting (1993), Gerber (2011) points to the capacity to resist of the smallholder family, since they have the independent economic base – even if undermined – that the landless sharecropper or plantation workers lack. Smallholders or pastoralists have thus both the reasons and some of the resources to resist land grabbing. This points to a link between the agrarian question in its initial sense (the persistence of the peasantry against enclosures, displacement and capitalist proletarianization) and the resistance to the modern land-grabs. The social organization of the project will also have impacts and offer possibilities for alliances with other workers. One astute press article (Agencies, 2010) points to how the approval of the Mumias Sugar project (see **Chapter 2**) might impact agrarian stakeholders on the other side of the country – the rural contract farmers (outgrowers) in Kenya's traditional sugar belt where Mumias is based – by "finally breaking the political and economic stranglehold that Western Kenya holds over sugar millers and the industry":

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<sup>10</sup> The first pilot is in the Doni-Boro corridor in Coast Province.



This case shows how proposed ‘greenfield’ projects may be a corporate strategy towards the ‘taming of labour’ in other districts. Such knock-on impacts and potential alliances between those dispossessed at one location and labour or small tenant movements elsewhere should be kept in mind by activists.

At the same time it should be further studied how from a labour perspective, different crops imply vastly different labour and social organisations and impacts, and how this attunes community responses and resistance. For instance, regarding the labour relations in tree plantations versus job opportunities available in agricultural work, Gerber (2010) points out that in a tree plantation, little labour is employed. The local population is displaced without qualms. In such a non-labour-exploitative economic relations, as there is no dependency of the oppressing group on the extraction of labour effort of the oppressed, there is also much less need to obtain either their active consent or (as in a slave plantation) to engage in intensive vigilance. Purely repressive reactions are therefore feasible. This has been observed in many conflicts over tree plantations.

One successful (small) case of resistance to displacement in Hacienda Las Pavas (in Bolívar, Colombia) supports such hypotheses. The local company DAABON tried to expel 123 families who had obtained the land through occupation and land reform measures between 1994 and 2006. DAABON bought the land (1,223 ha) from the previous owner. In 2009 the peasants were expelled to leave space for an oil palm plantation. There have been many similar cases in Colombia, Indonesia and in several other countries. In the particular case of Colombia, through a varieties of means (including pressure on The Body Shop who bought materials from DAABON, and broke its contract with it, marches to Bogota, appeals to the environmental value of wetlands), the peasants achieved a favourable Supreme Court decision in 2011 and went back to the Hacienda Las Pavas. Nevertheless, there was an attempt in late 2011 to blame the peasant association ASOCAB with involvement in guerrilla groups.

#### 4.5.4 Tenure rights

In the EJOLT project we tend to see socio-environmental conflicts as being caused by the increase in the social metabolism. We do not favour explanations appealing to ‘market failure’ since we see so-called externalities as successful instances of cost-shifting. We do not favour either explanations based on ‘bad governance’. We share the caution expressed by GRAIN (2013: 17) that the trend for (many) “NGOs and academics to interpret land grabbing as determined by the lack of transparency in land governance and tenure security [...and to] propose individual forms of secure, private property as a form of legal protection against land grabbing” is problematic. They point to the cases of land grabbing in Uganda where although some people got title deeds this did not secure them from dispossession and displacement.

Moreover, as Smalley and Corbera (2011) have pointed out, although the commons are the primary target for the landgrab, and would appear on the surface to be the easiest way to acquire land, the “the existence of formally recognized property rights can actually speed up land acquisition”, whereas



competing and multiple claims can create a platform for resistance. Clearly established property rights (in the parlance of Ronald Coase's followers) may speed up the 'clearance' of local inhabitants.

There have been many cases of claiming the commons while resisting against land grabbing (much before the word was invented) as in the Birla case in Karnataka in the mid-1980s (reported in Guha and Martinez-Alier, 1997, chap. 1) which included judicial activism and a 'pluck-and-plant' satyagraha where saplings of eucalyptus were pulled out in order to plant in their place locally useful tree species.

Demands for land reform based on individual ownership will inevitably clash with pastoralist and indigenous communities demands for collective rights over land for use as pasture, hunting and gathering, and can thus lead to intensified conflict, such as for example between pastoralists and farmers (Temper, 2012a, 2012b).

#### 4.5.5 Economic arguments: bad business

In some cases under study, we see that the project collapsed because the company went bankrupt or could not deliver the exaggerated production claims outlined in the business plans under which they were granted the concession. The promise of such high rates of return (combined with claims to being green) are difficult to meet in practice, and as Hanlon (2011) notes, may even push investors to violate environment and community rights. This is why we see companies such as G4 industries and SAPPI that chose not to go down that road and withdrew willingly from the projects. Unveiling the shoddy economics behind these projects has been successful both at causing investors to pull out and for leading governments to cancel the concessions.

For example, the failed Procana sugar project claimed it could produce four times as much ethanol per ha as any other sugar producer in Mozambique. It raised USD 13 million from investors and hoped to borrow most of the rest of the USD 500 million investment (Hanlon, 2011). When the government began to see that the reality was not as sweet as the dream, they revoked the license.

Bioshape was exposed for expecting to earn up to USD 6.7 million in profits from logging and to use this money to partly subsidise its biofuel project<sup>11</sup>. About 225 m<sup>3</sup> of valuable miombo hardwood timber was harvested from just the first 70 ha to be cleared. The Bioshape concession included between 200 000 and 800 000 m<sup>3</sup> of valuable hardwood, worth USD 50-150 million.

All 5 cases where the companies pulled out before their licenses were suspended (G4, SEKAB, Bedford, Bioshape, NFC), involved lack of capital after investors pulled out. This phenomenon is most evident in the cases involving European companies, including Swedish, Norwegian and British companies, whereby campaigns revealed them as vulnerable to allegations of human rights abuses, and investors got cold feet and pulled out. For example, oversight from interest

<sup>11</sup> IPS claims it had access to Bioshape's confidential business plan which stated this information.  
<http://www.ipsnews.net/2011/03/tanzania-biofuel-projects-barren-promise/>.



groups in Sweden such as SWEDWATCH and WWF-Sweden played an important role in the failure of the SEKAB acquisition in Tanzania. As SEKAB is furthermore a municipally owned company (70 percent municipally owned and 30 percent privately owned by EcoDevelopment), this means it is directly accountable to Swedish tax payers and local stakeholders. SEKAB was also strongly involved in the promotion of certification processes for biofuels globally. These European companies also had to meet sustainability and operational standards set by the European Biofuels directive.

The NFC announced that the suspension of planting was a direct result of investors withdrawing their investments from the company following an Oxfam report. “This resulted from the negative publicity caused by an Oxfam report released September which attacked the eviction of illegal squatters by the Ugandan government from NFC’s plantations” (DeMan 2012: 9).

At the project level, the vulnerability of specific companies depends on the form of investment. Certain investors have a clear business interest not to be associated with irresponsible land acquisitions or irresponsible investments, and to promote (the perception of) transparency because they are subject to public scrutiny, either through political channels or through the vulnerability of their brands on consumer markets. De Man (2013) identified four investor types as being particularly vulnerable to such pressure they include development finance institutions; agri-food companies with high visibility and strong brands; Pension funds and other funds with high public visibility; and bio-fuel companies delivering to regulated markets.

In contrast, they found that large international raw material traders / processors, sovereign wealth funds, private equity funds and listed land Aggregators, individual investors and speculators had less motivation for transparency and would be less vulnerable to pressure tactics. In such cases, other forms of leverage must be employed.

#### **4.6. Trans-national mobilization against land grabbing: alliances and frictions**

Interactions between actors in assemblages of resistance create power relations and asymmetries within movements as well as contrasting and sometimes opposing framings. While activists around land grabbing often share common aims, they may deploy different logics and different narratives. For example, we have seen how international activists often explicitly focus on environmental conservation, a position that is sometimes at odds with the perspective of local communities. Despite this it is clear that linking with actors across locations also grants considerable leverage to local struggles. Groups in Madagascar claimed that working with activists in Europe was a way to defend themselves against repression for local activism<sup>12</sup>. Activism in the land grabbers’ domestic country was key in at least six of the cases (7, 12, 13, 14, 15, 16).

<sup>12</sup> Stefan Christoff, Madagascar: Community resistance to corporate land theft. *Farmlandgrab*, April 6,



Until recently there has been an absence in terms of transnational alliances between activists in the middle to low income countries with high population densities such as India, Brazil and Egypt and the BRICS that are acting as purchasers of land and groups resisting projects in the target countries. In the five cases surveyed involving Asian investors (3, 5, 6, 8, 10), two of the cases were only stopped following mass protests on the ground and deaths (in Uganda and Madagascar).

The others (5, 6, 10) entailed legal challenges in the host country that stopped the project. Expanding such alliances is necessary and could be a fruitful engagement, particularly as these countries already have strong agrarian movements (Rowden, 2011). A first step towards this was a conference organized by the Oakland Institute and the Indian Social Action Forum, Kalpavriksh, and PEACE in Feb 2013 that brought together Ethiopian activists with 60 activist groups working on land rights within India to discuss land grabbing and how the actions of Indian land investors in Ethiopia resonate with the undemocratic land acquisitions within the country itself<sup>13</sup>.

In defence of the Tana Delta, as we have seen, Nature Kenya has been able to form an alliance with pastoralist activists and residents who oppose the TISP by combining ecological concerns with social issues. This coalition resulted in several legal actions and two lawsuits brought against TARDA–Mumias. Here we see an example of how conservationist groups, whose stated primary priority is biodiversity and wildlife conservation, are adopting a more human-rights based discourse to defend territory against landgrabs. In the fight against the sugar companies in the Tana Delta, environmentalists and pastoralists have entered into a temporary marriage of convenience: two streams of environmentalism aligning to mutual benefit, the cult of wilderness and the environmentalism of the poor (Guha and Martinez-Alier 1997).

This convergence of conservationists and pastoralists was also evident in the ProCana case, when the Limpopo National Park and local residents became “unlikely bedfellows” (Milgroom, 2012: 14). Initial ambivalence about the overlapping land claims soon turned to discussions whereby LNP staff helped prepare leaders and host villages to confront ProCana and set up commissions to spearhead actions against the company. This alliance was further strengthened when the activity began and the impacts became evident.

Pastoralists are particularly vulnerable to the landgrab due to their mobility over large areas, and their occupation of common lands and government lands. They also occupy both the marginal and so-called ‘waste lands’ that are being targeted by crops such as *Jatropha* (assumed to grow with little water), as well as the irrigable dry season grazing areas favoured for sugarcane plantations. An

Here we see an example of how conservationist groups, whose stated primary priority is biodiversity and wildlife conservation, are adopting a more human-rights based discourse to defend territory against landgrabs

2011(<http://farmlandgrab.org/post/view/18406>).

<sup>13</sup> Janhavi Mittal, Report from the Indian-Ethiopian Civil Society Summit on Land Investments New Delhi, The Oakland Institute, February 5-7, 2013 (<http://www.oaklandinstitute.org/report-indian-ethiopian-civil-society-summit-land-investments-new-delhi-february-5-7-2013>).



increase in land pressures for agriculture might also lead to a strengthening of such 'uneasy alliances' between pastoralists and conservationists. As a FAO paper points out (Aveling, Barron, Bergin, Infield 1997), 'it could be said that pastoralism and wildlife both have first-order conflicts (fundamental incompatibility) with intensive agriculture, whereas they only have second-order conflicts (some constraints to compatibility) with each other.' This could lead a softening of the historical antagonism between pastoralists and conservationists as they strategize towards restricting the conversion of lands from pastoral to agricultural uses, in the process hopefully moving away from coercive conservation policies (Peluso, 1993) towards more of an environmental justice and human rights framing.

#### 4.7 Understanding successful resistance

As the social metabolism of the world economy increases, so do the number of resource extraction and waste disposal conflicts. Databases such as the Land Matrix and GRAIN have made valuable contributions by documenting land-deals (Scoones et al., 2013).

This chapter has selected 17 successful cases of resistance to land grabbing, and it has tried to contribute to a preliminary understanding of the forces and also the conditions (opportunity spaces) for resistance, and the different types of alliances that can be made at different scales. Some of the indicators that may be revealing when looking at the response to land grabbing includes class affiliation, social heterogeneity, the role of women, the display of nationalism and/or indigeneity, the attribution of sacredness to some spaces, the ecological values and biodiversity richness of the spaces sacrificed, the land tenure and labour relations, population density, governance structure, the degree of democracy or transparency in host and home countries.

At the local level, we present some hypotheses on how successful resistance may be related to the nature of the biomass commodity or commodities in question (sugar cane, jatropha, eucalyptus, etc.) or the characteristics of the social actors and the strength of their languages of valuation. While structural determinants, such as the country's dependency on export-led agriculture, political economic situation at the time, the company size and capacity for mobilizing resources for social development programs, and local political tensions across levels of government are also in need of further analysis (Bebbington et al., 2007), we have no room here to address all these aspects. The following points can be made however.

Many of the successful cases of resistance analyzed here belong into the category of 'glocal' conflicts (Swyngedouw, 1997), with activists across locations plugging into institutional and discursive spaces in different contexts. At the transnational level, networks such as GRAIN and WRM frame issues and bring them into the public eye. They also make visible the globalized nature of the deals and target the international institutional and financial mechanisms that support these processes.



Beyond the physical 'real' economy, the financial and speculative economy also has wide-ranging impacts on the physical world and is an important target for action in the new emerging biomass regime (McMichael, 2012). This highlights the importance of the strategy of targeting investors and trying to impact the financial risk investors are exposed to.

But emphasis on financialization should not obscure the impacts on the ground, and the resistance to them as more projects such as the ones surveyed in this article are stopped through local opposition. Where identity politics (such as claims to indigeneity) and environmental justice intersect with nature conservation, the strongest resistance has been mounted. The alliance between conservation and environmental justice is often difficult to achieve because groups such as the IUCN, Nature Conservancy, the WWF take the view that the poor degrade the environment, and are sometimes financed by transnational companies such as Shell or Rio Tinto. But success is easier when such alliances are achieved and they are perhaps destined to grow more in biomass conflicts (with large areas) than in mining or fossil fuel extraction conflicts.

Activism directed at specific companies tends to be most successful when it impacts upon profit or future profit (often related to reputation with specific audiences, as would be The Body Shop), scaring investment. This has led companies such as CAMEC to decide that land acquisitions are even riskier business than mining.

While we see that European EJOs have been sometimes effective in helping local opposition by domestic financial activism or other similar means, we find nothing (yet?) comparable within the BRICS countries and Asian countries such as South Korea or Gulf land grabbing states or companies. A certain amount of organized activism in India against overseas land grabbing is in contrast (so far) with inaction in other Asian countries.

A final caveat is that the mobility of both capital flows and biomass production (compared to some other extractive projects) should caution us that the cases above should be considered temporal successes. Many deals re-emerge in other configurations. For example, of the cases surveyed, Procana may have new investors, Senenthanol has changed locations, while the Daewoo project in Madagascar has given birth to many new smaller land deals (Ratsialonana et al., 2012).

May be there can be another type of land grabbing, where companies force the exhaustion of the soil and move on to the next fertile land. Agro Business is not a smart business rather a brute force business, demonstrated by pesticide, antibiotics, over watering, all of which have increased the costs and destroyed the soil, not mentioning the ecosystems, land grabbing would only be a new kind of abuse.



## 5

# Land grabbing in Madagascar: a summary

by Vahinala Raharinirina

TANY, the Collective for Land Defence in Madagascar, feared serious consequences of land grabbing for the local communities already weakened by poverty and sometimes without any legal protection

With 92 percent of the population living below the poverty line<sup>14</sup>, Madagascar is one of the world's poorest countries. But it is also rich in natural resources, biodiversity and fertile farmland. Mining and oil industries, investors in tourism and agribusiness sectors have set their eyes on them, but the process of cultivating these riches to the benefit of all is totally derailed. Malagasy civil society wants to alert the public, local and international opinion, to the extent of the land grab in Madagascar and the increasing evidence of many social and environmental injustices that are arising. The political conflict that has persisted in the country since 2009 only reinforced this situation. There's a total lack of transparency on contracts and areas of land actually granted to foreign investors and corruption is everywhere.

In less than ten years, agricultural land granted by the Government of Madagascar, often unilaterally and completely opaque, has run up to hundreds of thousands of hectares<sup>15</sup>. In a country where more than 70 percent of the population is rural and where one farmer has an average of only 0.15 ha of land to cultivate<sup>16</sup>, this poses a serious ethical problem.

The Land Matrix, a global and independent monitoring initiative that promotes transparency and accountability in decisions over land and investment, has currently revealed 12 signed contracts from 2006 to 2013. Other organizations

<sup>14</sup> Groupe Banque Mondiale, Madagascar - Vue d'ensemble, April 2013 (<http://www.banquemondiale.org/fr/country/madagascar/overview>).

<sup>15</sup> The Land Matrix Global Observatory. International Land Coalition (ILC), Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD), Centre for Development and Environment (CDE), German Institute of Global and Area Studies (GIGA) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (<http://www.landmatrix.org/en/get-the-detail/by-target-country/madagascar/>) [03.03.2014].

<sup>16</sup> FAO, INSEE-Eurostat, Statistiques mondiales Madagascar, INSTAT (2010).



such as GTZ, GRAIN or CIRAD suggest several additional contracts. See **Table 5** for the compilation of procurement contracts for land investment in Madagascar.

According to TANY, the Collective for Land Defence in Madagascar<sup>17</sup>, the land issue in Madagascar is very worrying. They feared serious consequences for the local communities already weakened by poverty and sometimes without any legal protection.

Most lands ‘eyed upon’ by investors are public lands, therefore belonging to the state. So, communities that have lived there for ages can be evicted at any time. TANY also points out that on top of land granted to foreign investors, there are many oil and mining projects, land being reserved for tourism and even as ‘carbon sinks’ – all adding to the prevailing land scarcity and threat to food security.

As if that is not enough, local media recently reported about big new projects with Malaysia, for the production of palm oil<sup>18</sup>. The United States and Malaysia are the top two land grabbers in Africa, according to a report of the International Land Coalition<sup>19</sup>. In addition, the oil palm cultivation is very controversial because of social conflicts and dramatic environmental consequences that may result. This is the case for example in Indonesia (Pichler, 2010) and Malaysia itself where there has been massive deforestation, accompanied by a significant decline in biodiversity. It is urgent that discussions about the relevance of these agricultural and energy projects are initiated at the national level, involving civil society, scholars, the private sector and the Malagasy government. Local people should be better informed of the exact content of these contracts and the benefits and potential risks arising.

<sup>17</sup> TANY is very active in lobbying for institutional transparency of land access contracts and the systematic involvement of local people as a negotiating actor.

<sup>18</sup> “La Malaisie s’intéresse à Madagascar”, article du 14 août 2013, La Gazette de la Grande Île.

<sup>19</sup> International Land Coalition, 2013, Annual Report 2012, 44 p.

**Table 5. Land grabbing cases in Madagascar**

Source: Own elaboration based on GTZ (2009), IFPRI (2009), GRAIN (2010), CIRAD (2011), Collectif TANY (2012), Land Matrix (2013), Land Deal Politics Initiative (2013)

Surface (ha)	Investors	Commodity	Duration	Where
1,300,000	DAEWOO Logistics (South-Corea)	Agrofuel (Maize and palm oil)	99 years Suspended	Regions of Melaky and Menabe (maize) Regions of SAVA and Atsinanana (palm oil)
550,000	GEM Biofuels (UK, Ireland)	Forestry Jatropha Cotton, manioc	unknown	Atsimo Andrefana region
550,000	Hunter Resources (UK and Northern Ireland)	Agriculture	Abandoned	Mahajanga
465,000	VARUN Industries (India)	Agriculture (maize, rice, lentils)	50 years Will be abandoned in 2014	Sofia Region
200,000	Madabeef (UK, Madagascar)	Livestock	unknown	Regions of Menabe and Atsimo Andrefana
150,000	Unitech and United Technologies Group (USA)	Sunflower for oil production	unknown	Diana, Sofia, Bieny and Melaky
120,000	Bio Energy Limited (Australia, Madagascar)			Region of Sofia
100,000	TOZZI Holding group (Italy)	Biofuels and agriculture (jatropha, geranium, vetiver)	30 years	Ihorombe
30,000	Fuelstock Madagascar (UK and Northern Ireland)	Agriculture Agrofuels Food crops	unknown	Farihy Amboromalandy
20,000	Indian Ocean Commission (COI) (France/Reunion, Mauritius, Comoros, Seychelles, Madagascar)	Agriculture (Rice and onions)	unknown	Regions of Sofia, Vakinankaratra and Menabe
20,000	Mada Woodland (Norway)	Forestry Biofuels	unknown	Mahajanga Mampikony
15,000	Platinum Madagascar SARL GEXSI (Germany) Futuro Forestal (Panama)	Agriculture Agrofuels		Region of Boeny
15,000 ha	Société Malgache de Collecte et de Transformation de la Résine (SMCTR) – DRT (Madagascar, France)	Forestry	unknown	Moramanga
10,000	COMPLANT Madagascar Sugar Co. Ltd China National Complete Plant Import & Export Corporation (China)	Agriculture Agrofuels	unknown	Region of DIANA
10,000	SUCOCOMA (China)	Sugar	unknown	Regions of Diana and Menabe
6,000	SODHAI (Inde, Madagascar)	Agriculture Food crops	unknown	High Plateau (Analamanga)
5,000	Landmark (India)	Agriculture Food crops	unknown	Ihorombe
4,500	SoaBe (France)	Oil plants, cereals, vegetables	unknown	Atsimo Andrefana Region
3,000	Jatro Solutions GreenIsland Madagascar (Germany, Madagascar)	Agriculture Agrofuels	unknown	Region of Haute Matsiatra
1,000	Domaine du Lemurien (Mauritius)	Vegetables and aquaculture	unknown	Region of Anosy
1,000	Monteverde (Mauritius)	Potatoes and potato seeds	unknown	High plateau (Analamanga)
300	Caille Group (Reunion)	Agriculture Food crops	Abandoned	High Plateau (Tampoketsa)

# 6

## Conclusions: land grabbing and biomass conflicts

In July 2010 it was reported that (former) President Lula da Silva of Brazil, in a visit to Kenya's President Mwai Kibaki, had said that Brazil would help Kenya to produce biodiesel and improve its agricultural sector. Brazil has enormous experience in producing ethanol from sugar cane, and it is also a major producer of soybeans. Kenya was a hub for the East African economy. Kenya was especially keen on exploiting Brazilian advances in agricultural technology. Brazil was a world leader in this field and Kenya stood to gain from this South-South exchange. Moreover, Brazilian construction companies would like to bid to build roads, ports and hydro-electric power plants in Kenya<sup>20</sup>.

There was no evidence in this case that President Lula, who was lobbying for Odebrecht and other public works firms from Brazil, was also lobbying for Brazilian land grabbing interests. At first glance, one might think that Brazil practices so much internal land grabbing of indigenous territories that it is not a big international actor in foreign lands. However, Brazil's approach toward large-scale investments in land has been termed strategic by some, hypocritical by others (Ferrando, 2012). On the one hand, the country has been introducing legislation to prohibit foreign ownership of Brazilian land, while continuing to practice internal colonialism, land concentration and massive industrialization at the frontiers of extraction, both nationally and abroad, with a specific focus on agrofuels.

One interesting feature of contemporary land grabbing is the presence of non-metropolitan, non-colonial countries in this wave... Land grabbing is both a North-South and a South-South phenomenon

<sup>20</sup> Associated Press. Brazil, top ethanol exporter, to help Kenya produce biodiesel and improve agriculture sector, Foxnews , July 6, 2010 (<http://www.foxnews.com/world/2010/07/06/brazil-ethanol-exporter-help-kenya-produce-biodiesel-improve-agriculture-sector/#ixzz2bsp4lrAP>).



## 6.1 North-South and a South-South

One interesting feature of contemporary land grabbing is the presence of non-metropolitan, non-colonial countries in this wave. In the lists we have provided in this report, private firms from Italy, France, and the United Kingdom appear but also firms from China, India and South Korea (BRICS and MICs, Middle Income Countries). Land grabbing is both a North-South and a South-South phenomenon.

Brazil is among the BRICS countries, one that has been the most active, both as regards protecting its own internal land markets from ‘foreignization’, and also in terms of expansion abroad, through what President Dilma Rousseff has termed “the dawn of a new economic era between Africa and Brazil”. This new ‘era’ sometimes takes the form of ‘control grabbing’ rather than straight land grabbing, while waiting for Brazilian business equivalents to Cargill (**Chapter 3** in this report). No need to grab land internally or externally if you can impose by other means a ‘desirable’ pattern of land use (soy or eucalyptus monocultures, for instance) and then control the technology and the commercialization.

Nevertheless, sometimes ‘control grabbing’ is not enough. Therefore there is actual land grabbing. It is reported that Brazil itself together with Japan has engaged in the ProSAVANA programme that will cover an area within 19 districts belonging to 3 provinces of Northern Mozambique- Nampula, Niassa, and Zambézia. Over 4 million people live and farm in this area, which has been dubbed the Nacala Corridor.

While some papers have critiqued GRAIN for exaggerating the numbers of this project arguing that putting that many ha into production would be impossible, reports of dispossession from the ground belie the narrative that the BRICS approach to development is of a softer, gentler variety based upon G77 principles that affirm South-South cooperation, equality, solidarity, mutual development and complementarity (Ferrando, 2013<sup>21</sup>).

As Margulis et al. (2013: 18) argue in a recent paper on Land-Grabbing and global governance that the contemporary wave of land-grabbing can be seen as part of a shift towards a “more polycentric configuration of power” with new players, leading to deterritorialization and commodification of land, and changing patterns of what is grown and for whom. Essentially, they write, we are witnessing a shift in global political power but also in the flows of production and consumption of goods, and the ecological impacts this entails.

Here, the key question here is: how civil society is and will respond to this new Polycentric world? Civil society groups in BRICS countries have historically been focused on domestic issues. Asymmetrical relationships of investment will require new forms of mobilization and monitoring that we have not seen until the present.

<sup>21</sup> BRICS and Land Grabbing: Are South-South Relationships Any Different? Tomaso Ferrando  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2174455](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2174455)



## 6.2 The scramble for biomass: Landgrabbing and HANPP

In this new polycentric world, what is being grown and for whom? Land grabbing is motivated in our view by the increase in the world social metabolism. There is a need for more biomass for food, feed, timber and paper pulp, agrofuels. This is an economic 'need', for profits and not for food security. A question related to land grabbing from the perspective of social metabolism, is "who gets the HANPP (the primary production of biomass appropriated by humans)?"

The world's total net primary production is about  $60 \times 10$  to the power of 9 (Haberl et al. 2007). Of this total, only a fraction is extracted (20-40 percent, depending on the methodology) (Imhoff et al., 2004; Vitousek et al., 1986; Haberl et al., 2007) and only 7 percent of used biomass extraction is traded (ca 200 kg/cap/yr). From 1962 to 2000, global aggregate exports of biomass grew by a factor of 4.7, crops by a factor of 3.9, animal products by a factor of 2.8 and wood and forest products by a factor of 7.8 (FAO, 2005). The rate of increase since 2000 has been even faster. This growing spatial disconnect between the site of production and consumption inevitably leads to a process whereby local land use and local human needs decrease in importance as determinants of land use decisions (Erb et al. 2009).

Moreover, if we want to use HANPP as an indicator of environmental space, similar to the ecological footprint in the context of biomass trade, one must also consider the upstream flows generated by imported products. This concept has been called embodied HANPP or eHANPP. For example, Haberl (2010) estimates that one litre of biodiesel requires the appropriation of 7 tonnes of eHANPP.

Once we consider embodied HANPP (eHANPP), international net transfers become more significant, raising global HANPP from 7 percent to 12 percent (Erb et al., 2009). Part of this does not cross borders, but is due to upstream processes of traded commodities. Of this, 88 percent is supplied by low-density countries with an average population density of 14 inhabitants per km<sup>2</sup>, including both industrialized and developing countries while 75 percent of the international net flow of embodied HANPP is consumed in high-density countries with an average population density of 161 km<sup>2</sup>. Currently, biomass flows are dominated by only a few participant countries, with many economies existing at subsistence and not trading. The transfers are characterized by exports from sparsely populated regions and imports from dense countries. Interestingly, development status does not seem to play a role in this dynamic - India and Bangladesh are biomass importers. Among the top HANPP importing countries including Japan, South Korea, China, Saudi-Arabia, Egypt, we see both high and low-income countries that have been connected with land purchases. The primary exporters remain the Neo-European countries such as the United States, Australia, Canada and Argentina (Erb et al., 2009), and also Brazil, all associated with relatively low population density.

More recent data shows trends of increasing biomass trade, for example in the European Union, total agricultural imports have grown from 107 million t around

More recent data shows trends of increasing biomass trade, for example in the European Union, total agricultural imports have grown from 107 million metric tonnes around the turn of the millenium to more than 132 million metric tonnes in 2008, an increase of 24%.



the turn of the millennium to more than 132 million t in 2008, an increase of 24 percent. This increased tonnage has been translated into area to represent the virtual land that the EU is now importing. A study estimates that In 2007/8 the net import of virtual land accounted for 35 million ha (almost equivalent to the size of Germany), and an increase of 10 million ha since 2000 (Von Witzke and Noleppa, 2013).

At the global level, a soon to be published article by Kastner et al. (2014) traces the flows of almost 450 crop and livestock products. In their compiled dataset they consistently allocate flows to cropland areas in over 200 nations. Their analysis shows the rapidly growing spatial disconnect between production and consumption for the period from 1986 to 2007. Further, they found that at the global level, land for export production grew rapidly (by about 100 million ha), while land supplying crops for direct domestic use remained virtually unchanged.

In this period, regional trends in cropland area under production and areas associated with consumption and import and export flows showed that South America was the fastest growing exporter of crops (cropland area for exports increased from roughly 20 million hectares in 1986 to 50 million hectares in 2007). It is conceivable that similar growth will be taking place in Africa during the current post 2007 "land rush" period. What forms of BIOMASS conflicts this will engender, both among humans and intra-species is another area we believe calls for greater scrutiny.

The higher the HANPP, the less biomass available for other species. But what about the distribution of the HANPP amongst different groups of the human species itself? Thus, as we saw in **Chapter 2**, the Tana Delta in Kenya is home to a large variety of wildlife. The Tsavo national park, Tana River Primate Reserve, protected forests, river and oxbow lakes are habitats for diverse species of animals. Increased human encroachment of wildlife habitats for settlement, grazing and farming have resulted in wildlife – human conflicts occasionally leading to loss of life, livestock and destruction of crops. The wildlife corridors and dispersal areas have been encroached. But there are also conflicts between pastoralists and agriculturalists, and on top of those, there are now conflicts with outside companies planning to divert land and water into plantation crops. Who gets the biomass?

The amount of biomass produced decreases in relative terms with industrialization, as economies use more fossil fuels. Nevertheless, biomass production increases in absolute terms in the world, and the amount traded also increases. Asia, the region where per capita consumption of materials is growing most rapidly, is perhaps the best example of this. For example the share of wood in the total use of materials decreased in the region from 11 percent of total direct material consumption (DMC) in 1970, to 2 percent in 2008. Yet despite an over 80% decrease in wood's share, the total tonnage of wood used still grew slightly. In the case of grazed biomass, which showed the smallest relative decrease of all the biomass sub-categories, its decline from 8 percent to 6 percent of total DMC still equated to a fourfold expansion in total tonnage terms.



Although extraction of fossil fuels or minerals also requires land, the concept of land grabbing is better reserved for the acquisition of land for the production of biomass commodities. In history, well known parallels are the ‘clearances’ in Scotland to grow sheep (displacing the local peasantry), the taking over of land in India or Sri Lanka for tea plantations or tree plantations in colonial times, the establishment of sugar cane plantations and sugar factories in the Caribbean and in North-East Brazil in rather early stages on European colonization of the Americas.

There are many other historical parallels. However, the recent wave has been large-scale, with new actors and new forms of biomass. Old and new biomass commodities come into international markets, beyond the well known plantation crops.

### 6.3 Financialization and following the money

On top of the materiality of biomass production a shaking building of financial speculation has risen, driven by private hedge funds, by pension funds, or other investors. If you have large amounts of money to spare why not invest in buying or acquiring land by any means foul or fair? You might even arrange to produce and sell commodities from such holdings (after you have displaced to local users). Even if the land is not used, you have placed your money and you have an asset. Similar to junior mining companies trying to sell shares on potential mining developments, land-grabbers can speculate on future profits.

As the disconnect between sites of production and consumption grow, further ‘distancing’ in the global agricultural regime takes place through increased financialization. Jennifer Clapp, in a recent paper, defines distance, as both increasing the “geographical expanse from farm to plate along global commodity chains, as well as knowledge gaps about the social and environmental impacts of food production” that are created through the abstract nature of agricultural financial derivatives.

As Clapp writes, the increased role of complex financial instruments and investment vehicles makes the precise impact of each investment increasingly difficult to pin-point, and also created new challenges for civil society groups seeking to engage in contentious politics to challenge them (Clapp, 2012).

Yet as we show in **Chapter 4**, CSOs in both Europe and the US have launched campaigns targeting banks and governments asking them not to gamble on food and hunger. Some successes have been achieved with some 11 European Banks pulling out of financial investment in agricultural commodities as of 2013. (Deutsche Bank later reversed its stance.)

Until the present, CSOs in Europe have not been as successful with requests for policymakers to impose limits on future positions on commodity derivatives markets as part of financial market reforms under the EU markets in Financial Instruments Directive (MiFID). In fact, talks on the directive collapsed on December the 18th, and will be restarted in January.

In the current wave of land-grabbing, an element of violence is often present, entailing the eviction of local people, and the destruction of forests, agricultural land, and villages with their cemeteries and mosques or other sacred places. The objective is certainly not to ensure local food supplies



Specific demands from groups such as Friends of the Earth Europe include demands for European-wide limits on the amount of shares a speculator can hold on the market, and to the type of financial products that can be traded, as well as increased substantial reporting criteria for financial institutions to monitor food speculation.

#### 6.4 New configurations, new forms of resistance

In the current wave of land-grabbing, an element of violence is often present, entailing the eviction of local people, and the destruction of forests, agricultural land, and villages with their cemeteries and mosques or other sacred places. The objective is certainly not to ensure local food supplies. Against land grabbing, an alternative model is often deployed: that of local agriculture provided food for local markets. This alternative to large scale monocultures is certainly better for local well-being, and also in the global struggles for biodiversity conservation and against climate change.

Because of this, many efforts to grab land on a large scale, even when sponsored by local corrupt governments, have failed. Sometimes (as in one case in Madagascar) the failure came together with the toppling of the country's government. Land grabbing leads then to conflicts at various scales. We have seen in this report successful cases of resistance through interventions from the trans-national activist organizations which are at the vanguard of knowledge and campaigns against land grabbing as well as resistance from below. One could go through the large inventories of land-grabbing cases provided, first, by GRAIN, and now by the Land Matrix project, and classify those which have been implemented and those that have failed ('success' cases, as we wrote above in **Chapter 4**, taking the point of view of the protesters). There are different arguments deployed in such resistance movements. Also, there are possible alliances, as for instance with conservationist organizations in the Tana Delta in Kenya (**Chapter 2**). Outside help is required when questioning faulty EIAs. One good strategy is to convert local conflicts into 'glocal' conflicts.

Future research should undertake further empirical examination of the factors that tend to make resistance successful. For instance, the degree of democracy in the state, the nationality of the land grabbers, the presence of indigenous peoples, the overlapping with other conflicts (such as those born from water scarcity), the nature of the biomass commodity or commodities in question.

Sometimes, land grabbing is resisted by appealing to an economic language: it is for speculation and not for real production, it is not a good investment even from a purely financial point of view, or it shows negative returns when subject to a cost-benefit analysis that takes properly into account the socio-environmental liabilities. Internationally, 'financial activism' is also resorted to mainly against Western firms or pension funds. Money making should be subject to ethical rules.

Sometimes, economics is altogether left aside (as it should). The valuation languages chosen are human rights to survival and livelihood, also indigenous



territorial rights. Or at other times, the sacredness of the land. Appeal to international instruments of environmental conservation (like the Ramsar convention) may also come into play. While institutions like the World Bank tend to blame struggles on land grabbing to so-called 'weak governance' together with 'weak land tenure legislation', in fact strong governance and clearly established land property rights, facilitate rather than hinder the land grabbing of the rich against the poor. Overlapping land rights, and old and messy structures of governance, are sometimes conducive to stop land grabbing.

In the conclusion we have drawn from the report, we comment on three trends that are leading to reconfigurations of power and resistance related to agrarian politics: they include new polycentric investment flows from South-South as well as from North to South, shifting patterns of global social metabolism, and the deepening financialization of the international food regime. These three themes have been discussed here as an invitation to further investigation and further strategizing of how the global movement for environmental justice can adapt to new forms of accumulation through land based investment.

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