

Land grabs are no development opportunity

With „land grabbing“ by foreign investors on the increase there are attempts by some governments and international institutions like the World Bank to negotiate a Code of Conduct (CoC) with a set of principles, which would turn the land deals from a threat into an opportunity for rural development and poverty reduction.

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There are some problematic aspects of this proposed win-win formula as a response to the global land rush which should create doubts and concerns. First, proposals for a CoC for land deals necessarily operate within and seek to sustain or extend the existing global industrial agro-food and energy complex.

Second, the CoC is being promoted in tandem with the notion of the existence of „reserve agricultural land,“ combined with images of agri-industrial systems playing a beneficial role in restoring degraded land to health, utilizing marginal land more fully, and reinvigorating idle land. This assumption is fundamentally flawed because it includes all lands that are not within the fold of agri-industrial complex.

Third, advocates of a CoC argue that without clear land property rights, the „risk“ of dispossession is high. Such a view converges with years of mainstream advocacy for the privatization of the remaining commons and formalization of land rights, targeting public lands worldwide.

Fourth, the assumption that land transactions among „stakeholders“ that are formal and transparent are the solution to current land-grabbing problems to avoid negative consequences of mega land deals is only partly correct. Transparency is not the same as accountability, and transparent transactions do not necessarily guarantee accountability, especially to poor „stakeholders“.

Fifth, inherent in a CoC is the *voluntary* nature of agreements. Violations are difficult to pin down; violators are impossible to make accountable. Even where there is formal adherence by the parties concerned to the principles of free, prior, and informed consent (FPIC), these principles are rarely observed and enforced in practice, and it would take much political power, time, and resources to ensure that they were.

Sixth, „partnership“ is also a key concept in a CoC. But such a notion of partnership is usually based on a depoliticized and unrealistic vision of engagement between various actors that strips them of possibly conflicting interests and attempts to place them on equal footing. Imagining equal footing and complementary interests where none exist is more likely than not to lead to the poor losing out.

In short, part and parcel of CoC proposals is an uncritical belief in the basic beneficence of formalistic and legalistic measures such as clearer contracts, clearer and more secure property rights, transparent contracting, FPIC, and state-civil society partnership. Each of these, in itself, is not necessarily bad; each could have merit depending on a particular context. But none is inherently good in that none can guarantee truly pro-poor outcomes.

The proposed CoC-framed response to the global land grab veers away from questioning the fundamental roots of land-grabbing, i.e., the existing industrial pattern of food and energy production and consumption controlled by TNCs, while engaging in the problematic notion of win-win scenarios. In our view, a CoC-framed response to land-grabbing is likely to facilitate, not block, further land-grabbing and thus should not be considered, even as a second-best approach. We contend that land grabbing is not inevitable, that it can be prevented, and that concerted efforts should be undertaken to stop it.

Prioritizing truly pro-poor outcomes would require adopting a human rights-based approach, including taking seriously the right to food and the right to land. Two key features are protection or transfer of land-based wealth in favor of the poor and transfer of land-based political power. A human rights-based framework necessarily calls into question the broader pattern of food-energy production and consumption that drives the current global land grab, embeds an analysis of it within the dynamics of multi-class and group power relations in affected communities, and opposes displacement/dispossession as well as adverse incorporation of poor people into the emerging agri-industrial food-energy enclaves in the Global South. A comprehensive human rights-based framework has fundamental differences with the more corporate-controlled and profit-driven CoC frameworks and sets a high bar for evaluating processes and their outcomes. If human rights are taken seriously, such a position could serve as a basis for a radical critique of the CoC position and for a more powerful and truly pro-poor response to the global land grab. (750 words)

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See also the article „**From Threat to Opportunity? Problems with the Idea of a „Code of Conduct“ for Land-Grabbing**, a Comment by Saturnino Borrás Jr. and Jennifer Franco, in: Yale Human Rights & Development Law Journal, Vol 13, 2010, pp 507-523